



Appendix (A.)

Crawford, 1937.
D^o 1922.

Colonization might co-exist with the present form of government.

There have been no insurrections or disturbances where many Europeans are settled, both in India and Java. The European settlers are as orderly and well-regulated a set of people as can be expected under a system of laws very imperfectly administered, and with comparatively very little protection to property. The worst class is such as have gone there clandestinely; deserters from ships, and convicts from New South Wales.

Ritchie, 1741.
Crawford, 1942.

No license is demanded at Singapore. Very few persons at Singapore had licenses from the Company. No difficulty arises to the Government in consequence of the free access. Government owe a great deal to the settlers. If it had not been for the assistance given by them, it would have been impossible to carry on the administration of the place.

Stewart, 2497.

Europeans are permitted to resort to Ceylon, but very few have settled there. None of them have been men of capital. They have not been in general successful.

Gordon, 785.

In the possessions held by foreigners in India, Europeans are encouraged as much as possible, and those territories are in a much better state than the Company's.

Maclaine, 1807.
D^o 1724.

Europeans are allowed to settle and hold lands in the Philippine Islands.

D^o 1658.

No permission is necessary from the Dutch government for Europeans wishing to go to Java, but a license from the colonial government is necessary for permission to remain. Such licenses would, it is presumed, be revocable in cases of bad conduct. In travelling through the interior, a passport is necessary for all persons; it is obtained without difficulty, and at a charge of a few pence. Europeans are permitted to buy and sell lands in the western part of Java, and also to have leaseholds in the northern provinces. The principal conditions are, the payment of a tax of one per cent. on the estimated value of the property; that no more than one-fifth of the yearly produce shall be taken by the proprietor from the native occupant, or, on lands brought into cultivation by the proprietor, one-third, more or less, according to the productiveness of the land; and that the roads and bridges shall be kept in repair at the expense of the proprietor. The tax used to be only one-half per cent., and the increase has been complained of as a breach of faith. The free cultivation of every article of produce is allowed, with the exception of the poppy. All proprietors of estates are obliged to take their produce to Batavia, and ship it there. The extent of the estates held in property is about 5,000 square miles; there are about 20 or 30 European proprietors, and 7 or 10 Chinese; British-born subjects are permitted to hold lands on the above tenure. There are about eight who hold 1,800 out of the 5,000 square miles. The British proprietors are treated with the same justice and fairness as the Dutch. Within the last four years the Dutch government has been just and impartial. Both the British and Dutch settlers suffered much from the conduct of the government, but there was nothing pointed against the British. The native occupants who held the lands prior to the leave being granted, may be considered as a kind of copyholders paying a quit-rent, and they cannot be removed as long as they pay the stipulated sum. The European proprietor collects his rents in kind. Some land is held by the Chinese on the same terms as Europeans. The Chinese hold, perhaps, one-fourth of the 5,000.

D^o 1819.

D^o 1818.

D^o 1661.

D^o 1825.

D^o 1670.

D^o 1671.

The lands thus held are in the least populous and cultivated parts. A very considerable capital has been invested in such estates; machinery from Europe has been introduced; sugar-mills, and mills for husking and cleansing rice and pressing it, have been erected under British engineers. By means of machinery, a quantity of rice which, under the usual Java method occupied 300 labourers a day, can be prepared in the same time with the aid of 15; the machinery is moved by water, of which there is an abundant supply. Watercourses have been cut, and lands have been irrigated, which were thought by the natives incapable of irrigation. The population on those lands has increased very rapidly, attributable to the partiality of the natives to place themselves under Europeans, and to the good conduct of those Europeans generally. The condition of the inhabitants has improved; they adapt themselves easily to the wants of Europeans. Europeans also hold lands on lease from natives. About a third of the island belongs to native princes. There are 10 or 12 leaseholders, and the extent of the land so held is about 500 square miles: the conditions are generally the payment of rent and some feudal service required by the princes; and the duration of the lease is about 20 years: the feudal services are not considered grievous on the part of the natives. The leaseholders are in that part of the island which belongs to native princes. The Dutch colonial government have cancelled some of the leases, which has excited great discontent. Compensation was subsequently given to the British as well as to the Dutch. The European proprietors and their tenantry live in a state of harmony with each other. Theft and robberies are seldom heard of on estates held by Europeans; elsewhere they are very common. There are no instances of personal violence to Europeans. The introduction of European residents and capitalists has decidedly improved the condition of the natives, and it is in a state of progressive improvement. The Europeans have no difficulty in procuring labourers, owing to the security the natives feel under Europeans, and their exemption from feudal services and extortion. The Chinese are generally thought to be severer masters, but there are many instances to the contrary. The natives place more reliance on the justice and kindness of Europeans than on that of the native proprietors. Europeans do not act as magistrates, and are not allowed to interfere in the police; the Government keep the police in their own hands. In the districts where Europeans are, labourers have 4*d.* a day; in the native provinces, 2*d.* to 2½*d.*; they find themselves in provisions, and bring their agricultural implements with them.

D^o 1823.

D^o 1689.

D^o 1822.

D^o 1693.

D^o 1832.

D^o 1705.

D^o 1718.

See also the head of "Indigo," in "Evidence given in the Commons' Reports on Commercial Subjects."



(8).—EVIDENCE respecting the SETTLEMENT OF EUROPEANS, abstracted from the Financial Evidence given before the COMMONS' COMMITTEE, 1832.

Appendix A.)

It is in strictness requisite that European traders proceeding ten miles from Calcutta should have licenses, but the regulation is not much regarded. So long, however, as it exists, the Government has the means of remedying any inconvenience which may arise from its being infringed. The dread of such authority being exercised may possibly deter persons from embarking their capital in steam-boats or other permanent establishments; but the practical effect of the regulation is to coerce the most disorderly persons. Peacock, 1621.

Every European who settles in any part of India must add something to the revenue, for he will consume articles capable of taxation. He will greatly improve the means of production, thereby adding largely to the general wealth of the country. His example will introduce among many of the natives some European habits, which are habits of greater comfort and expense than native habits; and without any change of habit in the people, the miscellaneous taxes must increase with the increase of wealth and the more abundant production of the objects of internal and external commerce. In the districts not permanently settled, every improvement in agriculture must add to the land rent of government. To introduce irrigation where it is not now practised, is to render highly productive land which is now comparatively unproductive; and since the rent of all waste land not specially assigned belongs to the government, there would be immediately, or at no distant time, an accession of revenue in all cases in which such land might be brought under tillage. Intercourse with Europeans leads to indulgence in the use of wine and spirits, which, though it may be lamented on the score of morals, must be beneficial to the revenue; their servants are generally better clothed, and as the articles of clothing are subject to taxation that would increase the revenue; and they would be better housed. In Calcutta there has been a marked tendency among the natives to indulge in English luxuries; they have well furnished houses; many wear watches; they are fond of carriages, and are understood to drink wines. There is much demoralization in Calcutta. A great capital and sea-port is not favourable to morals; but those servants of Europeans who have fixed situations are improved rather than injured in morals by their intercourse with Europeans. The general opinion is, that wherever indigo planters have settled, the people are better off by obtaining better employment. As pecuniary transactions extended, the use of stamps would extend, and there might probably be in India all the sources of taxation that exist in England. The first effect of an increased resort of Europeans might possibly be some increase of charge on the revenue, because every new European settler would be likely to occasion some increase of business and correspondence with the government officers. But the increase of expense would be trifling, even if no consideration is had to the effects of increasing wealth and commerce, which would of course more than yield an equivalent for any increase of establishment they might render necessary. Mackenzie, 89.

Do 147.

Do 146.

Do 99.

Do 186.

Europeans would probably improve the cultivation of sugar, indigo, cotton, and tobacco. The husbandry of Bengal has been greatly misunderstood by Europeans out of India. Although in many respects extremely simple, it is not in so low a state as people generally imagine. The common Bengal plough has been found preferable to the English iron plough. There is little likelihood of there being any improvement in the cultivation of rice or of indigo, as distinguished from the manufacture. The introduction of Europeans has improved the indigo districts; they would be of great service in bringing the valuable timber of India into more extensive use. If they were numerous, economy in the supply of the army would be the result. Gunpowder was long comparatively dear; it is now made at the rate of 14 rupees for 100 lbs. cheaper probably than it is made in England; it once cost 40 rupees. Good faith in commercial dealings would be extended. It is only as superintendants that Europeans would succeed, not as labourers. But their superintendence would render the native labour much more productive; for although it is at present nominally cheap, it is exceedingly unproductive. Mr. Kyd, the Company's ship-builder, considered one European as equal, for his work, to six natives; it is a general complaint that the habits of the native workmen are lazy and irregular. But at the European establishment of Fort Gloster, in the neighbourhood of Calcutta, of which the proprietors hold an adjoining estate, they get labourers who remain with them, and who acquire superior habits of industry. By having a number of Europeans similarly settled, the habits and condition of the native labourer would be much improved, though physically he must always be inferior to the European. The common labourers in Calcutta are decidedly superior to the common labourers in the interior. As India is an agricultural country, the refusal to permit Europeans to hold land is a great bar to the extension of their enterprise there. Leases for 20 years can only be held avowedly under a resolution of government, which imposes restrictions that have practically operated to prevent them from being taken to any considerable extent. When those restrictions were removed, advantage was taken of the facility only to a small extent, but the freedom lasted too short a time (about a year) for the arrangement to have any effect. Mackenzie, 91. Wallich, 2341, 2332.

Do 2356.

Do 185. 240.

Mackenzie, 108.

Do 113.

Do 145.

Do 116.

Do 117.

Do 266.

Among the advantages of opening India more completely to British settlers would be a dissolution of what may be called the monopoly, which, to a certain extent, the great mercantile houses at Calcutta enjoy. It is one of the evils of the system which has been pursued, that the trade is so largely in the hands of a few; and one of the advantages, with respect to trade, to be expected from opening the country to Europeans, is the establishment of many new houses. Already, in consequence of the greater freedom given by the present charter, many new establishments have risen in Calcutta.



Mackenzie, 278.

D^o 94. 130. 138.D^o 140.D^o 126. 129. 137.D^o 94.D^o 98.D^o 104.D^o 123.D^o 114.D^o 109.

& Bracken, 1874.

Among the advantages of encouraging British settlers, one would be the lessening of the amount of the tribute, as it were, which India pays to England.

The lowest rate of interest paid by the cultivators in Bengal is two per cent. per month; in general the agriculturist pays much more, being under an agreement to give his crop, at a price below that of the market, to the money lender, who is ordinarily an inhabitant of the village, combining the business of money lending with that of being the first purchaser of sugar or grain. Twelve per cent. is the legal interest; but if the law was enforced, the effect would probably be, that many places would be left desert. Three-fourths of the people are cultivating with borrowed capital. Europeans would be able to raise the necessary fund at a much lower rate. Natives of good credit do not charge more than six per cent. per annum in their accounts current; many are willing to take five per cent. from the Government. If Europeans were allowed to become purchasers of land, there would be no difficulty in their raising money on mortgage; and their ability to purchase lands would of course enable them to lend on mortgage to natives. In places where the land is liable to an annual varying and uncertain demand, which demand being the government rent, is paid before all other debts, it would be hopeless to offer the land as a security for money; but a twenty years' lease will enable owners of fields to raise money on their property. All depends on the limitation of the government demand. A good many of the zemindars are men of capital, but many more are not; excepting the rich men residing in Calcutta, the majority will be found to be spendthrifts, with no knowledge whatever of agriculture, and no care about it, thinking of nothing but extorting the utmost they can from the labouring tenantry.

The classes, in addition to those already established, whose settlement in India is contemplated, are men of good education and steady habits, with little or no capital beyond that which would enable them to go to India; chiefly those who have friends or connections there. It is doubtful whether capital would be sent directly to India, though it may be done to a certain extent by commercial speculators employing agents, but the freedom of settlement would have a most favourable effect on existing establishments. In the indigo factories, the persons employed are often inferior in character to those who would have been employed if the system had been more liberal. It has become more liberal; but still there are frequent occasions in which the gentlemen who advance the funds for the manufacture, are obliged to employ men whom they would not employ, if they could, without restriction, send home for any one they desired to employ. There must be many that in such circumstances would have found their way to India; young men who have been in the West Indies, or who have been educated as farmers, merchants, or manufacturers at home, superior to the majority of those who are employed in the lower provinces; possessing practical knowledge of a kind to make them useful in India, and prepared, by general education, speedily to acquire the language of the country; whereas of those who now manage indigo factories, many are men who went out to India in very inferior situations, and some born there, without good character or sufficient qualifications. What is wanted is superintendence and direction, with trustworthiness, in the conduct of agricultural and commercial concerns, and for this purpose there seems to be great scope for men of education, good character, and industry. Every European of suitable qualifications, character and industry, if befriended and supported for a short time, would become a capitalist by force of that character and industry; and at the same time speculators from home might also send out capital. At present the permission to go to India is made a matter of favour. Gentlemen in Bengal do not understand that they can with any certainty write home to have persons sent out to them, and although licenses have been very much more liberally granted of late, no man at home feels himself entitled to claim permission to go to India, on showing that he is able to pay for his passage, and has the means of living there. Instead of its being a favour to allow an Englishman of education and character to go to India, his doing so should be regarded and encouraged as an advantage to the country. The utmost liberality, on the part of any government, will not entirely remove the objection to the restrictions existing, although it may very greatly diminish them. In Bengal, Englishmen should be allowed to settle indiscriminately. Some might go, unhappily for themselves, and perish; but the length and expense of the voyage would prevent many from doing so, and it is no part of the duty of a government to keep men from running such a risk, if they think it is for their benefit. In other parts of India there may be particular reasons for a contrary course: the new conquests on the Bombay side, for instance, stand in a different position; the Mahrattas are a conquered people, and are still comparatively strange to us. There are many chiefs whose characters have been formed under preceding governments. In Bengal we did not conquer the people; we merely set aside a government as strange as ourselves. The Bengalese have been under our dominion for nearly 70 years, and every body having been bred up under our government, the people are comparatively familiar with our ways. There, generally speaking, there is no risk of preponderating evil; but before Parliament opens the whole of India, or of any presidency or province, it would be wise to ascertain from the local governments whether there are not particular tracts in which the settlement of Europeans should be restricted or prevented on political grounds. It would probably be exceedingly difficult, by any scheme, to get a sufficient number of Europeans to settle in India; but just in proportion as it seems difficult to get them in the desired number, it appears unreasonable to oppose any restriction to their going.

D^o 116D^o 93.

Instead of danger, there would be additional security from any number of Europeans likely to visit India. They would most probably be very useful agents of police. They would be centres of information now wanted, and would have great influence over those connected with them. They would be bound to the Government by a common feeling, except at a very distant

distant period, if such a period ever should arrive, which is doubtful, when they would be sufficiently strong to be independent of this country.

There is no apprehension that the greater resort of Europeans would, if justice be done to all parties, lead to collision between them and natives to an extent to require increased protection on the part of the Government. Mackenzie, 192.

There is no other establishment than the King's Courts of Justice, and the police immediately under them, arising out of the relation between European and native. The appointment of tribunals, distinct from the general judiciary establishments of the country, is not indispensable as a consequence of that relation. Native courts might take cognizance of disputes between natives and Europeans or between two Europeans. Do 190.

The law which permits the Government to deport a man from the country is an obstacle in England to persons proceeding to India ; but in India, most Europeans have practically learnt that it is not a very serious obstacle. Upon those who have not had the experience of the general feeling of Government against enforcing the law, it may operate powerfully. Do 195.

Do 122.

Appendix, (B.)

Appendix (B.)

(1.)—A TABLE, exhibiting an Analysis of the PROPRIETORS of the EAST INDIA COMPANY, qualified to Vote at the General Election on the 23d of December 1831.

(1.) Analysis of East India Proprietors.

DESCRIPTION OF PROPRIETORS.		NUMBER.	
		Votes.	Votes.
Minors and Infants - - - - -	- - - - -	1	
Aliens and Denizens - - - - -	Cannot be correctly stated.		
Widows and Spinsters - - - - -	- - - - -	343	
Directors of the East India Company, including those out by rotation - - }	- - - - -	50	
Retired Civil, Military, Naval and Marine Officers of the East India Company's Service - }	Cannot be correctly stated.		
All other persons holding office, place, or pension under the East India Company - - }	Cannot be correctly stated.		
East India Agents - - - - -	Cannot be correctly stated.		
Tea Merchants, Tea Brokers and other Brokers employed by the East India Company - }	Cannot be correctly stated.		
Owners or part owners of ships chartered by the East India Company, Ships' Husbands, Ship Chandlers, &c. - - - - }	Cannot be correctly stated.		
Proprietors of East India Stock, having a fixed domicile in London - - - - -	{ Such as are, in the Company's Ledgers, described as residing within four miles of the General Post-office }	- - -	1,519
All other Proprietors not above specified - - - - -	- - - - -	- - -	1,084
TOTAL, in which are included the Widows, Spinsters and Directors, which appear in the first column - - - - -		- - -	2,603

Explanation.—The designations of East India Proprietors appear only in the Company's stock Ledger, and from that no satisfactory or correct information can be returned with reference to many of the above questions.

Transfer Office, East India House, }

23 February 1832.

J. H. Kennedy,

Transfer Acct.

(2.)—A TABLE, exhibiting the Number of GENERAL and SPECIAL COURTS of PROPRIETORS, held from the 10th day of April 1814, specifying the Questions on which a Division took place, the Majority and Minority in each Division by Show of Hands, Division by Tellers or Ballot.

YEAR.	COURTS.	DIVISIONS.																	
		SHOW OF HANDS.						TELLERS.						BALLOT. (c)					
		Election of Directors.		Declaration of Dividends.		Return of Civil Officers.		Votes of Thanks.		All other Questions.		Total of Divisions by Show of Hands.		Election of Directors.		Declaration of Dividends.		Return of Civil Officers.	
		Majority.	Minority.	Majority.	Minority.	Majority.	Minority.	Majority.	Minority.	Majority.	Minority.	Majority.	Minority.	Majority.	Minority.	Majority.	Minority.	Majority.	Minority.
1814-15	13	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	455	280
1815-16	17	-	-	-	-	-	-	-	-	-	-	-	-	-	-	146	5	461	321
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	145	4	415	101
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	502	4	295	191
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	79	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	75	-
1816-17	18	-	-	-	-	-	-	-	-	-	-	-	-	-	-	369	12	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1817-18	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1818-19	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1819-20	15	-	-	-	-	-	-	-	-	-	-	-	-	-	-	156	3	482	269
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	414	191
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1820-21	9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1821-22	9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	125	4	358	86
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	107	4	-	-
1822-23	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	479	189
1823-24	18	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	400	272
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1824-25	19	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	167	60
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	575	306
1825-26	15	-	-	-	-	-	-	-	-	-	-	-	-	-	-	152	1	129	1
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	436	157
1826-27	15	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50	-
1827-28	7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1828-29	9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	408	40
1829-30	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1830-31	7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		(a)	(b)	(a)	(b)	(c)		(d)	(d)	(d)	(d)			(f)	(d)		(d)		

(a) The questions specified in the first and third of these Columns, viz. Election of Directors, and Return of Civil Officers, must invariably under Act of Parliament be decided by *Ballot*.

(b) The Resolutions on the subjects noticed under the second and fourth Heads, viz. Declaration of Dividends, and Votes of Thanks, have, in every instance with one exception since 1813, been *unanimous*.

(c) There are no means of furnishing any Return under the fifth Head, viz. All other Questions, no Record being preserved of the strength of Majorities or Minorities on Questions put by Show of Hands, except in cases where Tellers have been appointed.

(d) The Notes under the Head of Show of Hands, marked thus (a) (b) equally apply to the four Columns under the Head of Tellers, viz. Election of Directors, Declaration of Dividends, Return of Civil Officers, and Votes of Thanks, and to the second and fourth Columns under the Head of Ballot.

(e) The Figures under the Head of Ballot denote not the Number of Proprietors voting, but the amount of their Votes, 1,000*l.* stock entitling the Proprietor to one Vote by Ballot, 3,000*l.* to two Votes, 6,000*l.* to three, and 10,000*l.* to four Votes.

(f) The mode of conducting Elections does not admit of the Return of a Majority or Minority according to the form prescribed in the first Column, viz. Election of Directors. Nineteen contested Elections of Directors have taken place since the 10th April 1814, for the particulars of which see Paper annexed, p. 325.



CONTESTED ELECTIONS OF DIRECTORS.

Appendix (B.)

DATE.	Number of Vacancies.	Number of Candidates.	Number of Votes for each Candidate.	DATE.	Number of Vacancies.	Number of Candidates.	Number of Votes for each Candidate.
11 April - 1814	6	9	1,444 1,419 1,356 1,350 1,336 1,313 1,229 1,226 597	26 March - 1823 23 February 1824 8 March - 1826	1 1 1	2 3 3	1,151 459 752 684 398 892 463 401
12 April - 1815	6	7	1,579 1,563 1,537 1,551 1,521 1,203	12 April - —	6	9	1,736 1,646 1,442 1,379 1,306 1,075 1,054
16 August - 1815	1	2	681 712 282				697 618
29 January - 1817	1	3	890 585 139	25 April - 1827	1	2	794 698
26 March - —	1	2	996 620	21 March - 1829	1	2	1,020 681
23 July - —	1	3	793 352 297	6 April - 1830	1	2	1,009 554
30 December 1818	1	3	627 554 524	7 April - —	1	2	1,056 408
9 June - 1820	1	3	935 880 119				1,375 1,358 1,262
16 August - —	1	2	1,059 320	14 April - —	6	9	1,236 1,234 886 637 550 426
11 April - 1821	6	9	1,709 1,667 1,646 1,639 1,486 1,121 618 587 386				

(2.) Number of
Courts of Pro-
priators:(3.)—ANALYSIS of the COURT of DIRECTORS of the EAST INDIA COMPANY,
as it stood on 31 December 1831, including Directors out by Rotation.

DIRECTORS.

	DESCRIPTION.	Number.
Profession	London Merchants or Bankers	8
	Retired Civil and Law Officers of the Company	9
	Retired Military Officers - - - ditto	4
	Retired Commanders of East Indiamen	5
	Other Persons	4
Service	Under 10 Years standing as Directors from first Election	15
	From 10 to 20 - - - ditto - - - ditto	11
	" 20 to 30 - - - ditto - - - ditto	2
	" 30 upwards - - - ditto - - - ditto	2
	Members of the House of Commons	7

P. Auber, Sec



Appendix (B.)
Patronage.

(4.)—STATEMENT, showing the Number of APPOINTMENTS to *India*, made on Nomination of the Court of Directors and Board of Commissioners for the Affairs of India, on the average of the Five Years, ending with 1830-31; with the Value of the same as far as can be estimated.

DESCRIPTION	Average Number per Annum.	VALUE. (a)		PATRONAGE.			
				VALUE. (a)			
				Chair and Deputy Chair.	Board of Commissioners.	East India Directors other than the Chairs.	Court of Directors.
		Each.	Total.	Each.		Each.	
Writers for China	1.	-	-	-	-	Appointed by Directors, they relinquishing all other nominations of the year.	
Ditto for India	39.2	-	-	2.8	2.8	1.4	
Ditto for Prince of Wales Island.	.6	-	-				
Cadetships, Engineers, and Artillery (Seminary).	67.2	-	-	4.8	4.8	2.4	
Ditto - Cavalry	15.2	-	-	1.6	1.6	.47	
Ditto - Infantry	124.8	-	-	8.4	8.4	4.52	
Assistant Surgeons	56.	-	-	4.	4.	2.	
Chaplains	5.8	-	-	Chair 2.8 Deputy 3.			
Indian Navy	12.	-	-			1.25 to each of 8 Directors.	
Pilot Service	4.	-	-	-	-	-	4.
Free Merchants	24.	-	-	1.	-	1.	
Free Mariners	15.	-	-	2.5	-	1. to each of 8 Directors.	
Law Officers	1.2	-	-	-	-	-	1.2
Master Attendants, and other Marine Appointments.	1.2	-	-	-	-	-	1.2
Military and Marine Surveyors General.	1. in 5 years.	-	-	-	-	-	1. in 5 years.
Members of Council	2.2	-	-	-	-	-	2.2
Surgeon to China	1. } in 5 years.	-	-	-	-	-	1. } in 5 years.
Chaplain to China	1. }	-	-	-	-	-	1. }
Inspectors of Teas to China	2. }	-	-	-	-	-	2. }

(a) The sale of all offices in the Company's service being prohibited by law, (49 Geo. 3, c. 126.), no estimate can be formed of the value of them.

(Errors excepted)

East India House, }
23 February 1832. }

James C. Melvill,
Audr India Acco^{rs}.



Appendix (C.)

Botanical Gardens.

(1.)—EXTRACT LETTER from the Civil Finance Committee, to the Governor-general in Council, dated 1 October 1829.

Para. 26. In considering the establishment of the Botanical Garden at Calcutta, we have had to regret the absence of the superintendant, who could doubtless have afforded us much information not to be found on the public records or otherwise procured; we have, however, examined the nursery-man attached to the institution, and have endeavoured to ascertain from other sources the advantages which have practically resulted from it.

27. The labors of Dr. Wallich and his predecessors appear to have been eminently successful in extending botanical knowledge; and although the institution has not, as far as we can learn, tended in any great degree to the general introduction of the culture of rare and valuable articles of produce, or otherwise materially promoted the agricultural and commercial interests of the country, the circumstance is rather attributable to the condition of society and the state of the country, than to any inherent defect or inefficiency.

28. The expense, however, which has been incurred, seems to us to exceed what the object will justify. The wages of the establishment, exclusive of the salary of the superintendant, (1,500 rupees,) amount to R^s 1,623 per mensem; and the monthly contingent charges during the past year, amounted to R^s 205, making the annual aggregate charge on account of the institution, R^s 39,936.

29. Detached from the main body of the garden, plantations of teak have been formed, extending along the bank of the river. These, whether from the soil being unsuitable or other cause, have entirely failed, and it is useless to continue them; it seems advisable that they should be abandoned. The laborers specially employed for the purpose of clearing and keeping this part in order, may then be dispensed with; and we would suggest that the ground thus occupied, which from its situation is probably valuable, be either let or sold as may be found to be the most advantageous arrangement. The experimental farm, occupying the eastern portion of the garden, is also stated not to have succeeded in such a manner as to render it desirable that it should be persevered in, and we think it likewise should be given up. The limits of the garden may thus be considerably reduced, and yet sufficient space be left for all necessary purposes; and by confining it to its legitimate objects, the utility of the institution will not at all be impaired, while a smaller number of hands will be competent to keep it in order.

30. We cannot undertake to enter upon minute details, which will be best adjusted by those who have the daily opportunity of seeing the application of the labor of the different classes employed, but we beg permission generally to state our opinion, that if the limits of the garden be reduced as above suggested, an establishment, not exceeding in expense that which was attached to it in the year 1813, will be found sufficient; and we recommend that the expense be restricted to that standard, viz. R^s 1,100 per mensem. In remodelling the establishment, care will of course be taken to adopt it to the present state of the garden. The contingent charges, we think, should be limited to the sum of R^s 150 a month. We observe that these charges, which have sometimes been very heavy, are in part incidental to supplying collections of plants to individuals; it appears to us that the liberality of Government is sufficiently displayed by permitting the plants to be furnished free from charge, and that all expenses attending the packing and removal of them should be defrayed by the individuals to whom they are furnished. Indeed we are disposed to think it would be expedient, that a small sum should be demanded for all plants, &c. supplied to private individuals; such a moderate price might be fixed as would tend to prevent frivolous applications by persons who are not likely to pay much attention to the plants after they have received them, and at the same time would not be more than would willingly be paid by those who are desirous of obtaining them for useful purposes; the funds thus derivable might with propriety be appropriated towards defraying the expenses of the institution; but the charge should be so regulated as not to operate as a check to the diffusion of its benefits.

31. The salary assigned to the superintendant, is, in our opinion, far more liberal than is necessary or desirable. The duties he has to perform are by no means irksome or laborious; nay, affording as the appointment does, the means of prosecuting a favourite pursuit, it will generally be regarded by the individual selected to fill the situation of superintendant, as particularly attractive and agreeable. With the advantage of a good house, we are of opinion that the salary might unobjectionably be reduced to R^s 500 per mensem, and the situation might conveniently be held by a medical or other officer filling some other situation at the Presidency.

32. By the adoption of the above suggestions, the monthly expense of the garden would be reduced to R^s 1,750, yielding a saving of R^s 18,936 per annum.

33. We observe that pensions have been granted in several instances to the families of individuals formerly employed in the garden. The services performed by persons attached to this institution, however long and meritorious they may be, not being of such a nature as to merit being thus especially distinguished, we recommend that the practice of granting pensions in such cases be discontinued.

(1.) Letter from Civil Finance Committee, 1 October 1829.

Salary of the Superintendent	- 1,500
Expense of Establishment	- 1,623
Contingencies	- 205
Total per mensem	3,328
or per annum	- 39,936

	Per Mensem
Salary of Superintendent	- 500
Expense of Establishment	- 1,100
Contingencies	- 150
Total	- 1,750
Present Annual Charge	- 39,936
Proposed do	- 21,000
Saving	- 18,936



PUBLIC.

(2.) Resolution of Bengal Government, 22 Dec. 1829.

(2).—RESOLUTION of the Bengal Government, December 22d, 1829.

THAT the salary of the superintendant of the botanical garden be reduced to S^a R^s 500 per mensem, whenever the present incumbent shall vacate the situation.

That the limits of the botanical garden be reduced to the extent suggested in the 29th paragraph of the Committee's Report, and that instructions be issued to the officer in charge of the garden, to secure the boundary of the garden on the side on which it is to be reduced, and, that being effected, to deliver over possession of the land to be excluded from the garden, to the revenue officers of the district, to whom the necessary instructions for its disposal will be issued.

That so soon as the garden may be reduced within the prescribed limits, a careful revision of the establishment attached to it be entered upon, and the amount thereof reduced, so as not to exceed R^s 1,100 per mensem.

That the contingent charges for the garden be limited to R^s 150 per mensem; that the expenses attendant on supplying collections of plants, seeds, &c. to individuals be excluded from such charges, and be defrayed by the persons to whom they are supplied.

That the practice of assigning pensions to the families of individuals employed in the botanical garden be discontinued.

(3.) Letter to the Bengal Government, 29 Sept. 1830.

(3).—EXTRACT LETTER from the Court of Directors to the Governor-General in Council, dated September 29th, 1830.

1. WE shall now reply to your letter, dated 23d February 1830.

2. In this letter, you bring to our notice certain reductions which you have effected on the recommendation of the Civil Finance Committee, viz.

Saving by immediately diminishing the establishment of the botanic garden, R^s 6,936; to which, at a future period, will be added by the reduction of the salary of the superintendant of the garden, a saving of R^s 12,000.

6. With respect to the botanical garden, the Committee endeavoured to ascertain the advantage which had practically resulted from the establishment of that institution. They are of opinion that "the labors of Dr. Wallich and his predecessors have been eminently successful in extending botanical knowledge, and if they have not tended in a great degree to the general introduction of the culture of rare and valuable articles of produce, or otherwise materially promoted the agricultural and commercial interests of the country, the circumstance is rather attributable to the condition of society and to the state of the country, than to any inherent defect or inefficiency."

7. We are induced to think that the chief cause of the ill success of the institution in the points last noticed, is, that Europe has nothing to give to India in the form of a new article of culture, which is at once suited to its climate and worthy of its reception. We wish you would direct your attention to this question, and inform us what have been the actual practical benefits of this institution.

(4.) Letter from the Madras Government, 8 February 1828.

(4).—EXTRACT of PUBLIC LETTER from Madras, dated February 8th, 1828.

8. CONCURRING, as we entirely do, in the view taken by the Committee of Reform, in their letter of the 23d of January, that the office of botanist and naturalist should either be abolished or put upon a more efficient scale, we feel that we have no choice at this moment, but to do it altogether away, and have therefore resolved that all expenses on this account shall cease at the end of the present month. By this means we are able to effect a saving of R^s 15,000, which we doubt not will be highly satisfactory to your honourable Court.

(5.) Letter to the Madras Government, 17 December 1828.

(5).—EXTRACT of PUBLIC LETTER to Madras, dated 17th December 1828.

53. WE have no doubt that in the present state of the Company's finances, you acted properly in abolishing the office of botanist and naturalist, with the expenses attendant upon it.

(6.) Letter from the Bombay Government, 13 August 1828.

(6).—EXTRACT of PUBLIC LETTER from Bombay, dated August 13, 1828, with Enclosures.

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|---------------------------------------------------------------------------------|---|---|---|--------|
| 1. Extract of Minute by Sir John Malcolm, 19 January 1828 | - | - | - | p. 329 |
| 2. Minute by Mr. Warden | - | - | - | ibid. |
| 3. "Mr. Goodwin | - | - | - | ibid. |
| 4. "Sir J. Malcolm | - | - | - | ibid. |
| 5. "Sir J. Malcolm | - | - | - | p. 330 |
| 6. Extract of a Letter from Mr. Williamson, to Sir J. Malcolm, January 14, 1828 | - | - | - | ibid. |

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|-----------------------------------------------------------|---|---|--------|
| 7. Extract of Minute by Mr. Warden | - | - | p. 330 |
| 8. Minute by Sir John Malcolm | - | - | ibid. |
| 9. Extract of a Letter from Dr. Wallich to Sir J. Malcolm | - | - | p. 331 |
| 10. Minute by Mr. Warden | - | - | p. 332 |
| 11. "Mr. Goodwin, Feb. 19, 1828 | - | - | ibid. |
| 12. "Sir J. Malcolm | - | - | p. 333 |

12 March.
N^o 21 & 26.

27. THE honourable the Governor submitted a report of Assistant Surgeon Williamson, whom he had entrusted with the superintendence of the botanical garden at Dapooree, of what had been done towards its formation, and an estimate of the expense of keeping it upon a moderate



a moderate scale till honoured with your honourable Court's pleasure, and recommended at the same time the grant of a salary to Assistant Surgeon Williamson of rupees (250) two hundred and fifty per month in addition to his medical pay and allowances.

28. This measure was strongly objected to by Mr. Warden and Mr. Goodwin on the ground of expense, who urged that it should not be incurred previously to obtaining your honourable Court's sanction. 12 March. N^o 27, 28.

29. The honourable the Governor submitted a further letter from Assistant Surgeon Williamson, stating the expense actually incurred on account of the garden, and that required up to the 1st of March last, and recommended that the future expense of the garden might be limited to (300) three hundred rupees per month, in addition to the salary proposed to Mr. Williamson, till favoured with your honourable Court's sentiments on the subject. 12 March, N^o 29 & 34.

30. Mr. Warden and Mr. Goodwin continued of their former opinion, but his Excellency the Commander-in-Chief having concurred with the honourable the Governor, the measure was carried into effect according to the sense of the majority, and in reporting our proceedings on the subject, we beg to be favoured with your honourable Court's sentiments with regard to the footing upon which you would desire that this useful and much required establishment should be continued, and to refer to the opinion expressed by the honourable the Governor, that no extension of this establishment should be recommended to your honourable Court beyond sending from England a scientific gardener, granting a small increase of salary to the superintendant, and building houses for him and the gardener at a cost not exceeding three or four thousand rupees. 12 March. N^o 35, 36.

31. We are concerned to report the death of Doctor Williamson, who had charge of the botanical garden. The zeal and talent of this excellent and scientific man are fully shown in what he has done during the short period he had charge of the garden. 12 March. N^o 37 & 38.

32. We have appointed Assistant Surgeon Lush to succeed Dr. Williamson in the charge of the botanical garden, and beg to refer your honourable Court to the documents recorded in our consultations quoted in the margin, which will prove perfectly satisfactory as to his competency for this charge. 12 March. N^o 29.

General Consultations. 1828. 30 July. N^o 15 & 20. N^o 2.

1. EXTRACT of MINUTE by Sir John Malcolm, 19th January 1828.

THERE are altogether seventy acres of ground belonging to the Dapoorree estate; a large and beautiful garden well stocked, not only with common Indian and English fruit trees, flowers, and vegetable productions of all kinds, but many rare plants. This garden is excellent soil and amply supplied with water by aqueducts, which, at very little cost, can be put in complete repair. As any quantity of the adjoining ground can be added to this garden and watered with equal facility, I have no doubt the Board will concur with me in the expediency of forming a botanical garden at this place, subject to the approbation of the Court of Directors. This garden I propose to be on a limited scale, and though put and kept in order, it is my desire to incur as little expense as possible until the Court's pleasure is known. 1. Minute by Sir John Malcolm.

2. MINUTE by Mr. Warden.

I AM of opinion that no expense should be incurred on account of the botanical garden without the previous and express sanction of the honourable Court, and that an estimate of what that expense is likely to be should be framed and submitted to their consideration. Very little inconvenience can arise from the delay in a case by no means of an urgent character, which would alone justify an incurrence of the expense without that previous sanction. 2. Minute by Mr. Warden.

(signed) F. Warden.

3. MINUTE by Mr. Goodwin.

I COINCIDE in opinion with Mr. Warden.

(signed) R. T. Goodwin.

3. Minute by Mr. Goodwin.

4. MINUTE by Sir John Malcolm.

I SHALL defer any further remarks until I can give in the papers connected with this proposition; but I must think that my colleagues, when they see the moderate plan I propose, will agree in my opinion, that it is better to sanction a small monthly disbursement, than to lose time and incur hereafter a heavier disbursement in an establishment to which I must confidently anticipate the honourable Court's sanction. 4. Minute by Sir John Malcolm.

(signed) J. Malcolm.



5. MINUTE by Sir John Malcolm.

5. Minute by
Sir John Malcolm.

I BEFORE stated that I had purchased the house, garden, and grounds of the late Lieutenant Colonel Forde at Dapooree; I now submit a letter from Mr. Assistant-Surgeon Williamson, which will show what has already been done in conformity with my directions, and what will be necessary to do to the garden and grounds to put them in that state of order which is indispensable, if they are only meant to be kept up as connected with the residence of the Governor in the Deccan.

The monthly expense of the garden after it is put in order, will be nearly 150 rupees. Mr. Williamson estimates the monthly expense, if converted into a botanical garden, at 500, which is only a difference of 350 rupees per mensem. If this trifling expense is incurred, I should propose that this gentleman be directed to continue his superintendence of the establishment, on a salary of 250 rupees per mensem, in addition to his medical pay and allowances. This temporary arrangement would be an expense of 600 rupees per mensem, which could only continue till the pleasure of the Court of Directors was known with regard to the footing upon which they desire that this useful and much required establishment should be continued, and I cannot have a hesitation in stating my conviction that the measure upon the limited scale it is proposed to recommend, will receive their unequivocal approbation.

In anticipation of the consent of my colleagues to the keeping of the garden and grounds at Dapooree in a state of preparation for a botanical garden, till the pleasure of the Court of Directors was known, I instructed Mr. Williamson to correspond with Dr. Wallich at Calcutta, as well as with the superintendants of the gardens at Madras and at Ceylon, and I should recommend that, independently of introducing any plants they may send, he may be authorized to make experiments upon the cultivation of coffee and other plants, with the strictest attention, however, in point of expense, which must upon no account (until the orders of the Court of Directors are received) exceed the estimates he has made, as I quite concur in the necessity of guarding against the growth of every extra expenditure; but a too rigid attention to that principle must not altogether arrest our progress in objects of obvious and useful improvement.

6. EXTRACT of a LETTER from James Williamson, Esq. to Sir John Malcolm,
dated 14th January 1828.6. Letter from
J. Williamson, Esq.
to Sir J. Malcolm.

YOU will perceive that the whole property at Dapooree contains $71\frac{1}{2}$ acres, of which $11\frac{1}{2}$ are not arable, but are to be formed into the lawn and approach, and the present buildings and garden occupy $12\frac{1}{2}$ acres, so that 48 acres of good land, all under irrigation, are left to be formed into a botanical garden.

The probable first expense of converting this into a botanical garden, will be about 2,000 rupees, and keeping it up 500 rupees per month, exclusive of the allowance and establishment for the superintendant; but this can only be considered an approximation to the truth. As it appears to me from the experience I have had in the culture of coffee, that it might be introduced into the Deccan with every probability of success, I mean, with your approval, to appropriate about two acres for the purpose of experiment on some of the more valuable medicinal plants, which have not yet been cultivated in India; and in the estimates for February and March two additional gardeners are introduced for the purpose; on a calculation of the returns from grain in this part of the Deccan, and the price of the necessary labour, I find that coffee, on a very moderate computation, will pay six fold after three years.

7. EXTRACT of MINUTE by Mr. Warden.

7. Minute by
Mr. Warden.

THE principle on which I found my opinion is this, that at the time when we have been called upon in most impressive terms to arrest the Company's affairs from a state of bankruptcy, mainly arising out of the great excess of the charges of this Presidency beyond its receipts, "objects of obvious and useful improvement," as the formation of a botanical garden, should be suspended, and not commenced upon, without the honourable Court's previous sanction. I have no doubt of the reasonableness of the estimated charge, but that is no argument with me, as I have had too many proofs of the fallacy of all such statements. It is very easy to obtain from Madras and Bengal information of the annual charge of the botanical gardens at those Presidencies, which can alone be a safe guide for us. Rupees 2,000 a month as a permanent charge will be nearer the mark.

8. MINUTE by Sir John Malcolm.

8. Minute by Sir
J. Malcolm.

IN consequence of the observations made upon the proposed limited botanical establishment at Dapooree, a letter was addressed to Mr. Williamson, calling upon him to state the expenditure he had made or was compelled to make from having commenced repairs up to the end of February, and to transmit a more specific estimate than he had before done, of the current expenses for succeeding months at the lowest scale at which the garden could be kept.

His answer is circulated; all expenses to the 1st of March, including charges, ordinary and extraordinary, for three months, amount to Rs 1,324. 3. 80. Mr. Williamson calculates the future monthly expenditure, including every expense, at 300 rupees per mensem. This is exclusive of his salary, which I propose to be 250 rupees per mensem, making a total of 550 rupees, which, deducting what I have before stated, would be necessary to keep up the grounds and garden, if there is no botanical establishment: there would not be an increase on



on that account of more than 400 rupees per mensem; lower by 200 rupees than I before estimated.

I quite admit the general truth of what Mr. Warden's experience has led him to remark on the usual increase of such charges above the estimate; but I do most specially pledge myself that this shall not be the case in the present instance, and that the expenditure shall be limited to the amount at which it is estimated, until the opinion of the Court of Directors be known, who will not only decide the question with reference to experience in India, but of the value that this object has from its connection with the promotion of the science of botany in England. This they will do with every information, as it will be seen from the enclosed extract of a letter from Dr. Wallich, that he is proceeding to England.

It is my opinion that no extension of this establishment should be recommended to the honourable the Court of Directors, beyond sending from England a scientific gardener, granting a small increase of salary to the superintendant, and building houses for him and the gardener, at a cost not exceeding 3,000 or 4,000 rupees. I am quite satisfied that every useful purpose of this establishment (and my object is utility alone) would be answered by having this garden on the moderate scale proposed.

I should propose that Mr. Williamson, until the final decision of the Court of Directors was known, should continue to draw the pay and allowances of his rank in the same manner as if stationed at Poonah. This is necessary, as he has not only to provide himself with a tent or bungalow, but occasionally to travel and to visit the Presidency.

Enclosed is a short memorandum of the fruit trees now in the garden; much of the fruit and the roses, which were in great abundance, have for several years past been sold to advantage, and considering that the scarcity of water in the cantonment at Poonah, renders it difficult to rear vegetables, I agree with Mr. Williamson that they may be reared at Dapooree and sold with the fruit, as at the Calcutta botanical garden, to profit, and with advantage of the health of the European corps at Poonah.

Independent of the solicitude expressed by Dr. Wallich with regard to this establishment, I am possessed of the sentiments of Mr. Henry Colebrook, who combines a knowledge of the relative value which the pursuits of such objects in India have to the general interests of science in England; and he has expressed his confidence, grounded on full experience, that such an institution as I have proposed is important, and will meet with the approbation of the Court of Directors: but there is another view in which this establishment interests me more than any I have yet stated.

Many of the natives of the Deccan, and particularly the Hindoos, are remarkably fond of gardening, and this appears a very favourite pursuit with some of the principal Mahratta chiefs. Several of these have lately visited the garden at Dapooree, and requested seeds and plants. I was pleased to find in my communication with persons of this class, during my last visit to Poonah, that the culture of potatoes was becoming general, though those were, from want of good seed or correct understanding of the requisite soil, rather small. They were, however, much prized, and Chintamur Ran (Chief of Sangle), speaking to me of his success in rearing them and other European plants, said, with truth, "A new vegetable is a trifle to you Europeans compared to what it is to us Brahmins."

I state these facts to explain the motives that have induced me to propose, and it may be thought to persist in, a proposition to which some of my colleagues are disinclined. I have, and regret it, no knowledge of horticulture, nor do I take that enjoyment which many do in a garden, but I am anxious for the promotion of liberal science, and I am much alive to the expediency and policy of every measure (however trifling it may seem) that can, without unjustifiable expenditure, benefit the country, and add to the peaceable occupation and enjoyment of its inhabitants, of whose habits and character I have sufficient knowledge to be convinced that not only example but every stimulus we can apply, is necessary to rouse them to exertion in the pursuit of objects which are obviously for their own advantage; and I believe the establishment I have proposed, to be quite essential to accelerate their advance in that branch of useful improvement to which it belongs.

If, after what I have stated, my civil colleagues continue to entertain the sentiments which they before expressed, I can have no objection to refer the whole of our proceedings upon this subject to Bengal, from whence an answer will be received in little more than a month; and if the Governor-general in Council disapproves of the measure proposed, every expense can be discontinued till an answer is received from England; but under all the circumstances I must propose that Mr. Williamson should have the allowance I have stated from the date he took charge. That gentleman, of whose industry and service I entertain the highest opinion, has been indefatigable in his labours to carry the instructions I gave him (in full anticipation of the assent of my colleagues) into execution, and has not only restored the former garden to order, but has, within two months, introduced many new plants and seeds, and prepared the ground for the reception of more that are daily expected.

9. EXTRACT of a LETTER from Dr. Wallich to Sir J. Malcolm,
dated January 21, 1828.

It would be very superfluous in me to enter, in this letter, into any detail of the objects which a botanic garden is intended to realize, and the public good which such an establishment may become the means of producing. It is astonishing what public benefit may arise from such an institution. I venture to appeal to all those who have known the labors of the



I.
PUBLIC.
Appendix (C.)
Botanical Gardens.

late Colonel Kyd and Doctor Roxburgh, the founders and the greatest and best benefactors of this institution, if it has not been productive of the most solid and substantial public good ; within my own recollection there was a time when a cabbage or a cocoa nut or betel garden was almost the whole extent of European (not to say native) horticulture in this country : how widely and delightfully different are matters now ! There is an erroneous notion among people that the art of gardening cannot be successfully pursued in India, because there exists no work treating professedly on that subject. But if people would only go straight forward, consulting their five senses, and not troubling themselves about engrafting English modes of cultivation on the plain methods that are dictated to us by the tropical climate, they would succeed much better than they do in general. I am very happy to learn that you propose sending for an experienced gardener from home ; such a man, if he has a good stock of common sense, a gift of nature not always bestowed upon gardeners and botanists, provided he is otherwise of steady and sober habits, will be an invaluable aid to the superintendant placed over the establishment. I am on my way to England ; should you be of opinion that my services could be of the smallest use in the selection of the sort of person you require as a gardener, I shall feel proud and happy to exert myself in the best manner I can in recommending one. I am taking home two of my country-born young men ; one of them an apprentice at the garden, the other has served his time as an apprentice, and is attached to the garden as plant collector, in which capacity he has been with me in the Burmese dominions. My chief object in obtaining leave of Government to take them along with me is, that they may have an opportunity of becoming acquainted with English practical gardening, and thus become of service to the institution on their return with me in 1830, provided my life is spared.

10. MINUTE by Mr. Warden.

10. Minute by
Mr. Warden.

THE honourable the Governor cannot attach more value than I do to an encouragement of the formation of establishments in India, having for object the widest extension of liberal science in all its branches. But when we are told, in impressive terms that national bankruptcy awaits us, unless we *economize*, and that our credit in the Supreme Government shall be limited to a sum which falls short of our charges by half a crore of rupees, I strongly feel the necessity of not opening new sources of expenditure, especially in a case where a delay of a few months cannot be attended with the slightest inconvenience.

I beg to assure the Governor, that even under these impressions, had I been commencing instead of terminating my responsibility as a member of this government, I should not, after a perusal of his Minute of the 16th instant, so pertinaciously adhere to the opinions I originally offered on this subject, but would cordially have yielded to a wish so strongly and anxiously reiterated.

The fondness for gardening entertained by the Hindoos, the principal Mahratta chiefs in the Deccan, we have the readiest measure of most effectually gratifying, and thus enlarging the cultivation of horticultural products, by directing our agents in Turkish Arabia, Persia, and at the Cape, to send on the public account to Bombay annually, whence they are procurable in the first perfection, supplies of vegetable seeds, to be distributed among the natives ; we have only to compare the supplies of fruits and vegetables which the Bombay market now affords, as drawn from the gardens in this and the adjacent island of Salsette, and from the Deccan, with the extent and nature of the supply a few years back, to be satisfied that the natives are most anxious and equally competent individually to promote what the honourable the Governor is desirous of attaining by a public establishment, which, do what we may, must ever prove comparatively most costly, for the one, like the gentleman-farmer in the Spectator, must have silver pitchforks with which to scatter about the manure, whilst the others are satisfied with ruder and less expensive instruments of labor.

11. MINUTE by Mr. Goodwin, dated February 19, 1828.

11. Minute by
Mr. Goodwin.

I LOOK upon a botanical garden as precisely such an establishment as we are prohibited by the honourable Court's orders, from forming according to views entertained here, and upon our own responsibility. In the present lamentable condition of the Indian finances, there is no superfluous charge, the relinquishment of which, however trifling, we can reasonably take upon ourselves to say will not accord with the sentiments of the honourable Court. On all such questions, if the Court look not to the disbursements of this Presidency alone, but to those of the empire at large, they may still see cause to prefer delay ; and that any disadvantage can proceed from a suspension of operations during twelve or eighteen months, I am far from thinking. In the event of the honourable Court's disapproving of the project at this time, and directing it to be abandoned after it shall have been commenced upon, the intermediate outlay will hardly have been incurred to any good end. It will have the bad effect of furnishing, perhaps, a motive for a further suspension pending a renewed effort to obtain the sanction of the home authorities. Upon a deliberate view of the matter, in connection even with the considerations now adverted to, I am therefore still of opinion, that the scheme should go before the honourable Court in the most unembarrassing shape, that they may be free to act as to them may seem fit.

(signed) R. T. Goodwin.

12. Further MINUTE by Sir *John Malcolm*, subscribed to by the Board.

I CAN offer no further observation upon the measure, which will be decided according to the majority.

(signed) *J. Malcolm.*

Appendix (C)

12. Further Minute
by Sir *J. Malcolm.*(7.) EXTRACT of PUBLIC LETTER from *Bombay*, dated 18 October 1828.

2. WITH reference to our letter of the 13th August last, bringing to the notice of your honourable Court, the formation of a botanical garden at Dapooree, in the Deccan, we have now the honour of forwarding to your honourable Court a Report from the officer superintending the garden, with a sketch of its objects and future prospects, and to express to your honourable Court our entire approbation of Dr. Lush's excellent and satisfactory Reports.

(7.) Letter from
the *Bombay*
Government,
18 October 1828.(8.) REPORT from Dr. *Lush* to *T. G. Gardiner*, Esq. Acting Secretary to Government, dated *Dapooree*, October 1, 1828.

Sir,

ALTHOUGH the season of the year and the shortness of the period of my charge will not permit me to make a full and satisfactory report of the new botanic garden at Dapooree, yet I feel it my duty to lay before Government a few observations respecting the original and present state of the establishment, together with a short sketch of its objects and its future prospects.

(8.) Report of
Dr. *Lush*,
1 October, 1828.

It would not become me perhaps to offer any general remarks on the advantages of establishing a botanic garden under the Bombay Government, or to urge that such an institution has long been expected from our part of India by men of science in Europe. The spot is chosen, and the foundation is laid; permit me, therefore, to state briefly the capabilities of Dapooree for the purposes assigned.

The general qualities of the climate of the Deccan are too well known to need description here. To its variability, however, the range of temperature, and the moderate monsoons, we may ascribe the great extent of vegetable productions of other countries, tropical and temperate, which have succeeded at various times and places wherever the least attention has been paid to horticultural pursuits.

The principal local peculiarities of Dapooree may be considered to be a command of soil and a never failing supply of water, circumstances not always met with in the Deccan. The depth of the soil in most parts is considerable, a great portion of it being the common black soil of the country, which in several places is freely mixed with river sand. This depth of soil is particularly adapted for the growth of large trees, while the immediate vicinity of beds of grey limestone in the trap rocks around, the fine red earth formed from the decomposition of the trap rock itself, together with the fine and coarse sand in the rivers which partly surround the garden, leave nothing to be wished for the correction and improvement of that part of the land, which is formed of the poorer black earth.

The land, including the portion on which the bungalows are built, is in extent about 70 English acres, of which about one-third is now under irrigation. In addition to this a large portion will be brought under cultivation during the cold weather, besides a field which is let for the season. Whether the whole land can be brought under irrigation with the present allowance from Government, will remain to be proved; but at any rate, the quantity now under cultivation of various descriptions is as much as can conveniently be controlled in this early stage of the establishment.

I should be unwilling to give an opinion how far it will be advisable hereafter to extend or circumscribe the pecuniary means now allowed by Government; but I cannot avoid remarking that the expenses of an institution of this kind in this country may be, and indeed ought to be, comparatively very moderate. To those who are acquainted with the amount of capital per acre laid out on the most ordinary garden ground in England, the very idea of a botanic garden of 70 acres may appear frightful; but a moment's consideration of the difference between guarding against the effects of a scorching and a freezing climate will cause all apprehension of that sort to vanish. Here will be, for instance, no hot-houses, no hand-glasses, no frames, no steamed walls, or other beautiful modern improvements. A common thatch, tent-walls, and a few kuskus mats irrigated will be the very acme of luxury desired in those few instances where vegetable productions may require any shelter from the peculiar inconveniences of the climate.

As it appears that a portion of the produce of the botanical garden at Calcutta is sold to aid in paying the expenses, the same plan is proposed to be adopted here, inasmuch as it does not seem reasonable that so much land should render no return.

It is not recommended to lay out this garden at first according to any general picturesque or costly plan, for several reasons besides those of a pecuniary nature. The soil, although so well adapted for large trees, will require a considerable alteration of its surface before it is brought into a proper state for botanical purposes. This must be effected both by mixture and by manuring, at the same time that the country weed must be thoroughly eradicated; now during this necessary process, a number of crops of useful vegetables may be raised, particularly those of European origin, which are admirably adapted for clearing the land. This plan is also recommended as a measure of economy, in accordance with the modern but unanswerable doctrine of the succession of crops.

Appendix (C.)

Botanical Gardens.

When my late lamented predecessor commenced his labours, although the garden was to appearance a neglected jungle, yet it contained a number of useful, ornamental, and curious trees. The orchard is by no means deficient in peaches, guavas of several varieties, loquats, mangoes, apples, quinces, and apricots. There are also the remains of a vineyard once celebrated, which will very easily be restored. While specimens occur of the *Eugenia jambos*, the *laurus Persica* or alligator pear, the *terminalia* or Indian almond, and several varieties of the genus *citrus*.

There is a considerable quantity of timber in different parts of the estate, which contributes to shelter the land from the hot winds. The trees, shrubs, and plants originally in the garden, and interesting as botanical specimens, I shall have better opportunities hereafter of reporting and describing; suffice it to say, that they form a capital ground-work, and will alone provide much employment in the botanical department, while seeds of many of them will be acceptable for distribution at home. A number of most useful seeds, as well as a few trees, have been received from the honourable Company's botanic garden at Calcutta; most of them promise well, but it is too early yet to say much on that subject. Some excellent supplies of seed have also been received from the Cape of Good Hope, particularly a large packet from Constantia. I have to acknowledge the kindness of several friends at the Presidency, &c., who have taken an interest in the garden, and have supplied me with seeds from various countries. Means have been taken to insure a good supply of materials from England as well as from China, the Isle of France, Persia, &c.

A correspondence was commenced by the late Mr. Williamson with Dr. Wallich, the learned superintendent of the botanic garden at Calcutta, also with the Horticultural Society of London, through the Secretary, Mr. Sabine.

I intend shortly to recommence botanical correspondence with my friend Dr. Graham, professor of botany in the University of Edinburgh; communications will also be made in due time to the Literary Society of Bombay, to the Linnean Society of London, the Royal Asiatic Society, &c.

The experiments which have hitherto been tried in this part of the Deccan, in the cultivation of European vegetables, and more especially at Sircar by Major-General Sir Lionel Smith, are extremely satisfactory. I believe at this present time it may be said that we can raise every thing which the colonists of Australasia have been able to produce, although perhaps not in the same perfection. Now it is scarcely to be expected, considering how easily the defects of soil and climate may be counteracted in the Deccan, and how little has hitherto been done for that purpose, that we may not be able to make considerable advances in this department. A detail of these matters I hope to include in a future Report.

The introduction, in a public establishment, of a modified system of European gardening, adapted to the circumstances of this country, cannot fail to prove of great importance to the native cultivators. A wish has already been expressed by a much respected native chief, to receive some instructions as to the English mode of cultivating the potatoe, and accordingly a mode of procuring large tubers having succeeded in the Dapooree garden, a description of it has been translated into the Mahratta language, by desire of the honourable the Governor, who is kind enough to circulate it, with an invitation to the native gentlemen to send gardeners to Dapooree, for the purpose of learning our method of cultivation in general. This will be succeeded by other directions of the same nature, as soon as the arrangements and experiments are completed.

Although botany and horticulture come more closely to our immediate objects, yet the extent of land will enable us at the same time to pay some attention to agricultural pursuits. The great success which has attended the introduction of lucerne into this country, gives promise that much may be done in improvement of the vegetable food of man and beast. It may be hinted at the same time that a more general introduction of irrigated crops, (lucerne for instance), where the cultivation can be proved to compensate for the outlay of additional capital, and the increased rate of taxation, may materially increase the land revenue of the country. Having witnessed the success that has attended the experiment of introducing the growth of silk at the Poonah jail, I have already commenced planting mulberry trees, and breeding silk-worms, and I confess I feel considerable confidence in the result as far as I can judge from the inquiries I have been able to make. In this idea I am confirmed by the opinion of Major Sykes, statistical reporter, who is a warm advocate for the introduction of silk. I believe it will be found that there are several distinct species of mulberry in this country, and it has been alleged that the Bengal silk-worm is not fed upon the best species, and that for that reason the silk of India is inferior to that of Italy. This question I hope to determine by experiment.

One of the principal objects of this establishment will be the introduction of various kinds of timber into the Deccan. For this purpose I have already obtained some contributions from Major Sykes. The teak, the saul, and other valuable trees will be planted as soon as possible on the banks of our rivers, and other eligible spots. This subject is of great interest, and in addition to its practical utility, I shall be enabled, by following up inquiries, to reply to some of the queries lately circulated by the Royal Asiatic Society.

Attention will be paid to the cultivation of medicinal plants, both native and foreign, and measures are in progress for making preparations of such as may succeed in the garden. It having been stated on good authority that our soil and climate are well adapted for the growth of coffee, no time will be lost in procuring plants from various quarters. Experiments on the different plants cultivated for oil, and also for cattle fodder, (the grasses, &c.) in this and other countries will come within the scope of our means, and any suggestions on this and other points will be most thankfully received.

Perhaps



Perhaps I may be excused going more fully into details at present for the reasons above stated; however, in the mean time I trust I shall receive and enjoy the support and confidence of Government in bringing to maturity this infant institution.

I have the honour to be, &c. &c.

(signed) *Charles Lush*, M.D.

Assistant Surgeon and Superintendant of the
Honourable Company's Botanic Garden.

Appendix (C.)

(8.) Report of
Dr. Lush,
1 October 1828.

(9.)—EXTRACT of a LETTER from the Court of Directors to the Governor in Council at *Bombay*, dated August 19, 1829.

20. We disapprove your having formed a botanical garden at *Dapoores* without our sanction. Some of the objects proposed in the intelligent and interesting Report of *Dr. Lush*, who seems well qualified for the office of superintendant, certainly deserve encouragement, and the great attention to economy which that report indicates, is also so far satisfactory. We authorize the continuance of this establishment as an experiment, and shall give our final decision on further experience of its comparative expense and utility. We desire, however, that the experiment may be carried on without any increase of the actual charge.

(9.) Letter to the
Bombay Govern-
ment, 19 August,
1829.

Appendix (D.)

Appendix (D.)

EMPLOYMENT of SURPLUS REVENUE in measures of Public Improvement, &c.

(1.)—Territorial Finance DESPATCH to *Bengal*, dated 24th February 1824.

Para 1. OUR last letter to you in this department was dated the 4th instant.

2. We lately received your despatch in this department, dated the 19th June last, communicating your observations on the results of a sketch estimate of the revenues and charges of India in the year 1823-24.

(1.) Letter to the
Bengal Govern-
ment, 24 February
1824.

3. Although the period has not arrived at which, in the ordinary course of correspondence, we should reply to that despatch, yet it contains intimations of so extraordinary a character that we cannot permit any avoidable delay to occur in conveying to you our sentiments and directions.

4. We observe, that having been encouraged to expect that in the year 1823-24 there will be a surplus revenue of considerable amount in India, after defraying all charges payable there, you propose to sanction arrangements in the revenue and judicial branches of our affairs in particular, and generally in all other departments of the service, from which, under other circumstances, you would be restrained by considerations of economy which no longer (in your opinion) apply with the same force. You doubted not that we should cordially feel the obligation which the very possession of a large surplus appears to you to imply, of employing a part of our resources in measures calculated to raise the moral condition of the people, to add to the comforts of the community, to enlarge the sources of wealth, to facilitate commercial intercourse, and to correct the physical disadvantages of the country; and you add, that it will be your highest pleasure to follow up the design (suggested by the humane provisions of the legislature, and in full accordance with what you consider to be our benevolent purposes) of devoting a portion of the revenue to the amelioration of the condition of the people, to the extension of useful knowledge, and to the general improvement of the country.

5. You have not stated distinctly whether it be in your contemplation that either of these objects should be obtained by the appropriation of surplus revenue properly so called. It ought not to be necessary for us to remind you that the existence of a surplus can only be ascertained in England by a combination of the foreign and home accounts, and that when so ascertained, the mode of its application is by law vested in the authorities in this country.

6. Referring, however, to the 12th paragraph of your despatch, in which you state that a certain prospective increase of charge may be expected, and to the 39th paragraph of your Accountant-general's report, in which several instances of expected increase of charge are specified, we presume that you mean to pursue without delay the objects which you have in view, by augmenting the current expenses of India, and thus to diminish, as much as possible if not absorb, the fund which, by the 13th paragraph of your letter, you appear to consider applicable to purposes which we may deem conducive to the public interests.

7. We are indeed at a loss to reconcile this construction of your intentions with the declaration that your design has been "suggested by the humane provisions of the legislature, and in full accordance with our benevolent purposes."

8. It would have been satisfactory to us if you had explained the meaning of these expressions. Knowledge of the intentions of the legislature can only be derived from recorded acts. From that source we learn that, excepting the promotion of literary objects provided for in the Act of the 53d George 3, cap. 155, sect. 43, the only purpose specifically named by Parliament for the appropriation of surplus means, is the liquidation of debt. To the provisions of the law it is our duty to pay strict obedience, and we are not yet convinced that the reduction of debt is not calculated to advance the permanent interests of the territory under our rule.



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9. It would appear from your despatch that you entertain a different opinion, and that you think that the first objects to which surplus means should be applied are the augmentation of existing establishments and works of public utility.

10. These objects, we are ready to admit, may be fit subjects for discussion with us at a proper season, but we cannot withhold from you the expression of our surprise at your intimation of an intention to act upon your own opinions without awaiting the result of a reference to us.

11. From the tenor of your recent despatches, it would seem as if you had reversed the order of things, and considered as a general rule a course of government independent of our authority, subject to very few exceptions; but it surely cannot be necessary to remind you that the government of India must be administered under our immediate orders and directions, and that the adoption of any measures of importance, without our previous sanction, is an exception from a general rule, and can only be justified in cases where the public interests would not admit of the lapse of time which a reference to England would occasion.

12. Judging from the intentions you express of carrying into effect augmentations of expenditure in every department, and from the measures of which you have advised us for the increase of the Bengal army, as well as those to which we have alluded in a former paragraph, we are apprehensive that some of the plans, at least, which you had in contemplation at the date of your despatch, are already in operation. We observe, indeed, with concern, that the civil charges of your Presidency, after excluding interest on debt and the charge on account of Malwah opium, are estimated for 1823-24 at more than 23 lacs of rupees beyond their amount in 1821-22, and if to this is added the amount of the town duties of Calcutta, which you state to be applied to purposes of local improvement, viz. 5 or 6 lacs, or say, S^r R^s 5,50,000, the increase will amount to the large sum of nearly 29 lacs of rupees, or 336,000% in comparison with the last actual accounts that we have received.

13. We now give you our positive instructions to suspend the execution of all the plans to which we have referred as soon as this despatch shall have reached you, and to abstain from carrying into effect, without our previous concurrence, except under circumstances of clear and urgent necessity, any important measures tending either to diminish our resources or to augment our expenditure, and we must also add, that any failure in future of compliance with our reiterated injunctions of previous reference to us will call forth our severe displeasure.

14. We are far from being prepared to agree with you in opinion that our financial prospects are such as you represented them to be.

15. Our estimate of the surplus, after defraying all charges in England as well as in India, is very materially different from yours. But we purposely abstain from entering, in this despatch, into any details upon this subject, and from making the observations which are suggested by the perusal of your letter and of the Accountant-general's report, both of which exhibit many instances of misconception. We thus abstain, because we are anxious that you should understand that the serious displeasure with which we have read your despatches is quite independent of any question of account. Whatever may be the amount of the surplus revenue, it is no part of your duty to appropriate it; indeed, it is not possible that you should be aware of its existence. You cannot be informed, by anticipation, of the measures which may have been adopted by us, under the sanction required by law (which sanction, by a premature expenditure in India, is absolutely evaded), for the disposal of any surplus which may arise. In illustration of this remark we remind you, that long before this letter reaches you, you will have received instructions for remitting two crores of rupees to England, and we now inform you that the demand upon our Indian revenues for the repayment of territorial charges, which have been or will be defrayed by us during this current year, is estimated at 1,950,000%.

(2.)—EXTRACT Territorial Finance LETTER from Bengal, dated 19th October 1826.

(Answer to Letter, dated 24th February 1824.)

(2.) Letter from the
Bengal Govern-
ment, 19 Oct. 1826.

18. PREVIOUSLY to the receipt of the letter now referred to, we had (as explained in our despatch of the 31st December 1824) caused all public works likely to occasion any considerable disbursement, and which were not of indispensable necessity, or such as that the discontinuance of them would be seriously detrimental, to be suspended, in consequence of the probability of prolonged hostilities and the great expense of the war; and having no immediate prospect of a surplus revenue, the discussion of the subject would have had reference rather to the state of things to which we might return at a future period, than to arrangements actually in progress or immediately contemplated.

19. It appeared consequently to be unnecessary to trouble your honourable Court with any immediate reply, and the pressure of the actual exigency left your Government little leisure for speculative reasonings of distant application. Under existing circumstances, however, it seems to be proper to submit to your honourable Court, such remarks as have occurred to us, and to solicit for our future guidance a communication of your directions on the points which still appear to be doubtful. But first, we beg leave to explain the course of proceeding adopted by the Government on the receipt of your honourable Court's letter.

20. The Governor-general in Council understood it to be the intention of your honourable Court, by the instructions contained in the despatch now under acknowledgment, to require only that the further prosecution of the plans contemplated by the late Government should be suspended, not that what had been done should be undone, nor that works in progress should be discontinued, and he consequently resolved, in regard to all arrangements of the latter description, to await the receipt of the orders which your honourable Court might see fit



fit to communicate in each case, on a consideration of the proceedings, as submitted to you from the proper department.

21. Reflecting how little has been done for this country in the way of public works, how sure the advantage, even in an immediate pecuniary view, of applying a portion of the public resources to the purpose of facilitating commercial intercourse by means of roads, canals, and the like; how necessary to the health of our cities, and consequently to the increase of their population and wealth, the various improvements are, to which your late Government had destined the town duties; and thoroughly convinced as we have always been, that until the habits and sentiments of the whole population are completely changed it would be vain to expect the community to undertake such works, or to look to individual enterprise for their completion, it was not without much pain that the Governor-general in Council came to the resolution of curtailing this branch of expenditure.

22. And we still indulge a confident persuasion that at no distant period your honourable Court will see reason to direct (in the event of a surplus revenue being realized) the prosecution of those plans, which the late Governor-general in Council contemplated for the more extended application of the public funds to public works, with such modifications and subject to such restrictions as in your wisdom may seem to be expedient.

23. As to the increase of the army, any discussion here would be out of place; and in regard to the establishment of new officers in the judicial and revenue lines, we shall remark only, that the measures which were adopted of that nature, were adopted on distinct grounds of expediency. These would have been equally strong, though no surplus revenue had existed. Indeed, the increase of European officers employed in the collections is perhaps one of the surest means of insuring an increase of revenue without oppression to the people. And in the judicial department the fundamental question of course was, whether the proposed officers were requisite for the due administration of affairs. The existence of a surplus revenue operated merely to remove the financial objection against what was otherwise most desirable; but the matter discussed was not, as your honourable Court would appear to have inferred, the disposal of a surplus under the provisions of the Act.

24. In all the cases, indeed, we should properly consider the expenditure to come under the head of civil establishments; and though your Government would of course justly incur censure if it entertained any establishments, the advantage of having which may not decidedly preponderate over any disposal of the money necessary to maintain them, in the shape of surplus revenue; yet in applying any part of the public resources to the support of establishments, it cannot, we should conceive, be justly charged with a violation of the enactment contained in the 55th section of the 53d of the late King, cap. 155.

25. The question whether revenue shall be levied, or establishments, civil or military, maintained, appears to be quite distinct from that which touches the disposal of a surplus revenue, though, of course, if your Government should causelessly abandon any source of income, should wastefully maintain useless establishments, or improvidently neglect to entertain what are requisite for the security and good government of the country, they would speedily cause the surplus revenue of India to disappear, and otherwise incur the gravest responsibility.

26. We have on more than one occasion had reason to solicit your particular consideration of the legislative provision above quoted, and your present despatch makes us more than ever anxious to have the doubts that occur to us on the subject settled.

27. Had it been possible absolutely to fix your Indian establishments as they stood at the time the Act was passed, and had it been the intention of the legislature to prevent your Indian Governments from making any addition to them, and to regard as surplus revenue all that remained, after providing for the objects specified in the rule above quoted, and for the repayment of the home advances (the scale of establishments being so fixed), we can scarcely doubt that the principle would have been declared; and then, undoubtedly, the arrangements to which we now refer would have fallen within the scope of the rule relative to the appropriation of a surplus. But the case not being so, we should have conceived ourselves to be quite unshackled by any legislative provision in deciding on the matters under discussion; though bound, of course, to satisfy you that any measures tending either to diminish the resources, or to augment the expenditure of your government were of clear expediency, and to justify by special and urgent considerations any departure from the line of conduct your honourable Court might have prescribed.

28. Under the orders conveyed in your honourable Court's present despatch, we shall of course, even though the return of peace should again restore the Indian surplus, carefully avoid commencing, without your previous sanction, any public work involving considerable expense, or authorizing, except under circumstances of necessity, any large addition to the public establishments, or the remission of any permanent duties or taxes.

29. So far your injunctions being precise, it remains only for us to carry them into effect, however much we may regret that in practice they must debar your governments from adopting many measures of clear expediency, and compel them to suggest arrangements, under the conviction that, if executed at all, their execution will generally belong to others.

30. In the 11th paragraph of your honourable Court's letter, you remark as follows:—

“From the tenor of your recent despatches, it would seem as if you had reversed the order of things, and considered as a general rule, a course of government independent of our authority, subject to very few exceptions; but it surely cannot be necessary to remind you, that the government of India must be administered under our immediate orders and directions, and that the adoption of any measures of importance, without our previous sanction, is an exception from the general rule, and can only be justified in cases where the public interests would not admit of the lapse of time which a reference to England would occasion.”

31. We are not immediately aware of the despatches to which your honourable Court



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refer in these observations; and as at all events they must have been addressed to you by a former Government, it might be sufficient for us respectfully to disclaim every notion of pursuing a course of government independent of your authority. It is not indeed a mere submission to the rules constituted for our guidance, when we express our persuasion that the well being of India essentially depends on an enlightened, vigorous, and (we would almost venture to add) jealous supervision on the part of your honourable Court.

32. But we confess that our conception of the constitution of your government had led us to conclusions scarcely consistent with the principle that the adoption of any measure of importance without your previous sanction, is an exception from the general rule, whether we refer to the past proceedings of the government in all departments, proceedings frequently honoured with your approbation, or to the enactments of the legislature, which, by specially defining the matters requiring a previous reference to England, must, by implication, be understood to regard other acts as legitimately belonging to the Indian government, we must infer that, in all the ordinary though important functions of civil government, the Governor-general in Council was expected and required to adopt, under the solemn responsibility which attaches to the possession of extensive powers, and subject to the control and direction of your honourable Court such measures as might appear to be required for the public good.

33. In regard to arrangements involving any large augmentation of expense or diminution of revenue, we have already explained our sentiments. But as to other measures, we beg respectfully to solicit your honourable Court to reconsider the application of the rule conveyed in the above paragraph, and to favour us with a distinct communication of your views and wishes, with reference to the several departments of the government, that we may be free from the risk of misapprehending the sentiments and purposes of your honourable Court in regard to the principles on which the administration of this country is to be conducted.

34. It may be proper to observe, that notwithstanding the pressure on the finances consequent upon the late war, the allowances assigned by the late Governor-general in Council for purposes of public education were not discontinued. The detail of the appropriation of that fund has been fully submitted to you from the proper department; and we trust your honourable Court will see reason to approve the resolution of Government still to continue our support to the institutions in question. The cessation of it would indeed essentially interrupt the progress of arrangements from which we anticipate many and important advantages. And when we reflect how seriously the public service suffers from the defective education of the people, we can scarcely conceive any appropriation of the public revenues more urgently called for than that which is destined to remedy so great an evil. To this point your late Government would appear chiefly to have adverted, in speaking of the humane provisions of the legislature, though at the same time reference might perhaps be had to the solemn declaration contained in the 33d section of the Act; since nothing could probably tend more to promote the interests and happiness of the native inhabitants of the British dominions in India, or be better calculated to introduce among them useful knowledge in an unexceptionable shape, than works and institutions such as were contemplated.

35. The utmost expense likely to attend the construction of roads, canals, and other public works of utility (if indeed an increased income had not been insured) would not have gone to such an extent as materially to reduce the amount of surplus revenue. The fund appropriated for the purposes of education was distinctly defined. The application of the town duties could readily be recalled, on the receipt of instructions from your honourable Court to that effect. In like manner the new offices constituted, if found unproductive of commensurate advantage, could at once be discontinued; and all would, on the calculations then made, have left a large disposable surplus to be appropriated as you might direct.

36. The increase of military charges was sanctioned as a measure of necessity, to which, therefore, the general objection of your honourable Court would not apply. And it is with no ordinary feelings of regret that, in consequence of the amount of those charges, we have hitherto been called upon to discuss, not how a surplus revenue ought to be appropriated, but how the indispensable exigencies of the public service are to be met.

(3).—EXTRACT LETTER from the Court of Directors to the Governor-general in Council at Bengal (Financial Department), dated 24th September 1828.

(3.) Letter to the
Bengal Govern-
ment, 24 Sept. 1828.

PREVIOUSLY to the review of your accounts, we will reply to that part of your letter in this department dated 19th October 1826, in which you request to be furnished with a distinct communication of our sentiments and directions regarding the principles upon which the local administration of India is to be conducted.

This request arises out of our despatch to you of the 24th February 1824, in which whilst animadverting upon your having carried into effect several important and expensive arrangements without reference to us, we reminded you, "that the government of India must be administered under our immediate orders and directions, and that the adoption of any measure of importance without our previous sanction is an exception from the general rule, and can only be justified in cases where the public interests would not admit of the lapse of time which a reference to England would occasion."

The principle which we thus asserted appears to us to be so strictly in accordance with the provisions of the legislature, and so obviously expedient in itself, that we are surprised at your having deemed it necessary to solicit a further exposition of our views upon the subject.

Those views we proceed to explain, and we shall do so in terms not to be misunderstood being,



being solicitous upon a point of such vital consequence to the efficiency of our superintendence and to the character of your government as subordinate to us, that the bare possibility of mistake or misconception should be avoided.

You seem to consider, that because the legislature has in certain cases prescribed a reference to the home authorities, it must be presumed to have committed all other cases to the local governments.

Our opinion is precisely the converse of that with which you appear to be impressed. The whole superintendence of the administration of India is by law vested in the Court of Directors, subject to the control of the Board of Commissioners for the affairs of India; and, excepting the few instances in which the power is specifically given to you, you have no authority to originate any measures, but that which you derive under our orders, and from the discretion which must necessarily vest in you to act according to the pressure of circumstances.

The difference between the measures to which you refer as requiring a reference to England, agreeably to law, and other measures, is simply this, that the avoidance of such a reference would in the one case be a breach of an Act of Parliament, and in the other case a violation of our orders, which you are bound by law to obey.

We are perfectly aware of the extent of the discretion with which you are invested, to act without previous communication with us. The length of time occupied in the passage from and to India, and in the preparation in this country of replies to your despatches, is so great as obviously to require that the discretionary power to act upon your own authority should be wide and liberal; and we have not the slightest disposition or intention to interfere with a judicious exercise of it.

But, on the other hand, we can never admit that you are justified in using such a discretion in cases like those which called for the animadversions in our despatch, dated the 24th February 1824.

Large augmentations of the revenue and judicial establishments, and of the army during peace, undertakings of public works of magnitude, and alterations of vast extent in the nature and constitution of the registered debt, were obviously all measures, which, as they did not press for immediate adoption, ought not to have been commenced without our previous consent; the more especially as most of such measures, those we mean for increasing the establishments, could not be rendered practically efficient without the supply from us of the required number of additional functionaries.

We now explicitly inform you, that reference to England upon all matters of importance involving change of principle or increase of establishment and expense of large amount, is to be the general rule by which you are to be guided, and from which you are not to depart, except in cases in which the public service obviously and urgently calls for greater promptitude of action than would consist with the delay of such a reference. This is the criterion by which your responsibility will be judged of by us, and by which alone you would be justified in acting without our previous sanction.

Appendix (E.)

EXTRACTS from Sir John Malcolm's General Minute of November 30, 1830, on his administration of the Bombay Government.

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Buildings and Public Roads.

253. No measures tend more to promote the prosperity of a government, and often to further the ends of true economy, than public works if judiciously made. None had received more attention at Bombay, and I found that settlement more forward in these improvements than any in India. Among the many buildings that had been erected, the Town Hall and Mint, which were in a progress of completion, are alike conspicuous for the elegance and convenience of their construction. Admirable roads had been formed throughout the island of Bombay; the street of the native town widened; and a communication by a causeway with Salsette much increased in breadth, which it required. A great military road, with several bridges had been constructed from Panwell to Poona, a distance of seventy miles, over a high range of mountains, and another surmounting the same range was in progress from opposite Tannah to Nassick; and along those roads, as in the other parts of the country, bungalows were erected and placed upon a footing that gave excellent accommodation for travellers.

254. These were the principal works that had been made before my arrival, and notwithstanding the pressure and the reduction to be effected off finance, I have not hesitated to recommend such further improvements as were in my opinion calculated to be productive of real use to the country, as well as a benefit to Government.

255. In Bombay an excellent road has been made to Malabar point; the temporary bungalows at which (that formerly cost considerable sums in repairs and annual erection) have been made permanent, so as to afford excellent accommodation for the Governor. By this arrangement he has been able to make over the large and valuable house in the fort, appropriated, but not used for many years, as his residence, to the purposes of an office for the secretary's department, for which it has proved to be remarkably well adapted, and it serves also, till the Town Hall is finished, for the council room. Almost all the military officers are in the house formerly occupied by the secretaries; and the allotment of the lower rooms of the Town Hall to the remaining public officers, will, besides the great convenience arising

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from these being concentrated, be attended with a very great saving to government, the amount of which cannot be estimated at less than rupees, while the Governor is actually better accommodated than he was before, at a cost of little more than the rent for one year of the permanent annual saving this arrangement has enabled him to make.

256. The roads on Salsette have been improved within the last three years; and that leading from Colsett to the top of the Tull Ghaut has been finished, and the Ghaut which carries on the road to Malligaum and Dhoolia, made quite practicable for wheeled carriages. The great military road to Poona was at the same season almost impracticable from a morass that extended six miles between Karlee and Wargam; this has been made sound, and the other parts of the road kept in complete repair. But the obstacles to loaded wheel carriages proceeding by the road still remained, while the Bhore Ghaut continued impracticable for them. A full consideration of the subject, and personal examination of the levels which had been taken some years ago by an engineer officer, and the opinion of Captain Hughes, who had been much employed on this road, satisfied me that this work might be effected at one-half the expense at which it was estimated; and I was further convinced it would prove not only a saving, but a source of revenue to government; my colleagues coinciding in the view I took of this work, a contract was given to Captain Hughes, who engaged to complete the Ghaut for one lac of rupees. I cannot better illustrate what has been done, than by quoting my last minute on the subject.

257. On the 10th November, I opened the Bhore Ghaut,* which though not quite completed, was sufficiently advanced to enable us to drive down with a party of gentlemen in several carriages. It is impossible for me to give a correct idea of this splendid work, which may be said to break down the wall between the Concan and the Deccan. It will give facility to commerce, be the greatest convenience to troops and travellers, and lessen the expense of European and other articles to all who reside in the Deccan. This Ghaut will positively prove a creation of revenue, for I am satisfied from a decrease of Hanvillage, and the offers already made to farm the duties, that the first year will produce twenty thousand rupees, and that the ordinary revenue will hereafter rise to more than thirty thousand; while on any military operation occurring in a quarter which required the troops in the Deccan to move, the outlay would be paid by the cheap transmission of stores, in a twelvemonth.

258. A very excellent bridge has been built over the river at Poona, which is a great convenience to the inhabitants and to the troops; to complete, however, this great line of military and commercial communication, another bridge over the river at Daporee is required, and a road from Panwell to Malwa, a distance of between five and six miles. This being over a swamp would be attended with some cost,† but none that would not soon be repaid by light duties on it. There would be none of those delays for tides, which as long as the Panwell River is used must take place; and there being ten feet water at ebb tide at Malwa, would render it practicable for a steamer of light draft at all times; and the passage from the continent to Bombay, which during four months of the year often takes twelve and sometimes twenty-four hours, would be made in two or three. This is of more consequence, as it delays the post. The attention of my successor will, I trust, be early called to this improvement, as well as to that of deepening the channel near Tannah, or forming a short canal to enable country craft from the northward to make passages quicker and safer to Bombay. This work which would be of the greatest benefit to Bombay, would I am quite satisfied richly repay any outlay. It was with me an object to have induced the wealthier among the inhabitants of Bombay, to engage in them, and it would be politic in Government to give them the most liberal encouragement.

259. In consequence of the Bhore Ghaut being rendered practicable, a contract has been made by an enterprising East Indian to convey the dawk by a light wheeled carriage to Poona, which will make several hours difference in its arrival; and this is of more consequence, as Poona is the station through which the line of post runs from Calcutta, Madras, and Hyderabad. Adverting to this central position in the Deccan; I desired to establish a communication by a semaphore telegraph to this city. This was disapproved by the Governor-general in Council, who, probably alarmed at the expense of the telegraph that had been established at Bengal, concluded it would be attended with considerable outlay at Bombay: but the fact was exactly the reverse. From the favorable stations, the original expense of telegraphs and post would not have been three thousand rupees, and the monthly expense within three hundred: and had private communication been admitted, that would have been reduced to little or nothing. I state these facts, because I wish them to meet the attention of the Court of Directors, who will see on the perusal of my minutes on this subject, the many important advantages as well as saving of expenditure that might have resulted from the adoption of this measure of conveying rapid intelligence in a country so favourably situated for it as Bombay. Telegraphs are used on the island of Bombay, and for communication with vessels in the harbour. They save money and labour, and are attended with no expense whatever, for from their simple construction and the excellent dictionary which an officer‡ of the establishment has written, the invalids and Lascars of the signal post, the boatmen of the harbour, and the peons of the government house, and the officers are capable of working them, and doing so interferes but little with their other duties.

260. The Deccan is particularly favourable for roads, and the collector of Poona has made them in many directions at a cost not exceeding 300 rupees per mile. When a bridge is to be

* The height of the mountain is nearly 2,000 feet; the length of the road is three miles and three-quarters, and its breadth in no place less than twenty feet.

† Captain Hughes gave an estimate and offered to contract for its completion for 44,000 rupees.

‡ Captain Jacob of the Artillery.



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be built or a morass passed, he as well as the principal collector at Ahmednugger will be aided by the engineer corps stationed at Seroor, a great proportion of which, under scientific direction, will by recent arrangements be constantly employed during peace on useful public works.

261. In the Southern Mahratta country, the communication with the sea has been greatly facilitated by the military road made from Vingorla to Belgaum; another between the latter place and Darwar will be finished in two months. I have dwelt much in a letter to the Governor-general, under date the 27th November 1830, upon the importance of gradually making roads along our principal lines of military stations throughout India. It tends more than all other measures to establish and preserve public peace. It civilizes and wins to order predatory classes of men. The power of rapidly combining our military resources adds in an incalculable manner to our strength. The value of the produce of the land is increased when the means of conveying it to distant markets are provided, and commerce in all its branches improved.

262. I have not proposed to the Governor-general any immediate outlay unsuited to the actual condition of our finances, but that when the lines are fixed, the roads between our stations should be gradually made. This plan, in fact, is now in progress in the Deccan, and its advantages will every day become more apparent.

263. An excellent ghaut was made seven years ago, from the Southern Concan to the territories of the Southern Mahratta chiefs and the Rajah of Sattara. This line of communication has proved most beneficial to the commerce of both countries, but is seldom used for military purposes.

264. The Rajah of Sattara has made many excellent roads; the principal is that to the mountain of Mahabuleshwar, by which a direct communication is established with Mahar, a small commercial town on the river Savitree, which is navigable from it to the town of Bancote for boats of considerable size.

265. Since my arrival at Bombay the Rajah has been induced to carry this road over the table land of the Mahabuleshwar, and down the first range of mountains, making what is termed the Rotinda Ghaut. The still more difficult pass of Par, which descends to the Concan, has been made by Government, and the road carried to Mahar, from which to Nagota (a distance of forty miles) a road is now constructing which will in many respects be of the greatest use, and in none more than in facilitating at all seasons the communications with Malcolm Peyt, the convalescent station recently formed on the Mahabuleshwar hills. This station has more than realized every expectation. Elevated above 4,700 feet above the level of the sea (from which it is distant 40 miles) it possesses a climate whose mean annual temperature is $65\frac{1}{2}$, with an average daily range of only 8, and is further recommended by its great accessibility and its proximity to Bombay: the journey may be accomplished in 30 hours, and from Poona in twelve.

Convalescent
station at Malcolm
Peyt.

266. In my minutes quoted in the margin I have fully entered upon this subject. The extraordinary salubrity of Malcolm Peyt, and the beneficial effects in the preservation and restoration of health have been fully attested by an experience of two years, and should a permanent military station be formed at this place, or in its immediate vicinity, where the monsoon is less severe, I feel confident that it will be the means of saving the health and lives of hundreds of Europeans.

267. Government, in forming this station, built a number of houses, all of which have been rented for more than twelve per cent. of the outlay. Now that the place is fully established they are sold to individuals, and when disposed of, there will not be public property beyond the value of 4 or 5,000 rupees. A medical officer with a subaltern officer, in charge of a detachment of sepoy, is all the establishment that has been found necessary for the station, which is every day becoming a place of more resort.

Improvement on Salsette.

180. Among the measures which I have adopted, there are none to which I have looked with more interest, nor are there any which give better prospects of success than those recently adopted regarding lands on Salsette. There had been before some grants to Europeans and opulent natives which had partial success, but there is now a spirit of improvement in that island, which cannot fail of rendering it very early the resort of the most wealthy inhabitants of Bombay who will be gradually tempted to agricultural pursuits: acting upon this principle, when the Povey estate* was to be leased, it became an object to induce a man of character and enterprize to embark capital in its improvement, and a preference was on these grounds given to the offer of Framjee Cawasjee, one of the principal and most wealthy of the Parsee merchants, who had on several occasions evinced great public spirit, and was a leading man in his tribe: a grant was given him of this fine estate in perpetuity, at a moderate quit rent, on an understanding that certain improvements were to be made. My minute of the 30th November 1830 fully explains how far that good and able man has realized these expectations. I shall, therefore, quote it as the best illustration of the consequences that have already resulted from the measures adopted to promote the prosperity of Salsette.

*This was formerly
the estate of Dr.
Helinus Scott.

181. "I lately paid a visit to the estate of Framjee Cawasjee at Povey, and never was more gratified: this highly respectable native has laid out much money in a variety of useful improvements: he has sunk a number of wells, has built houses, made an excellent road, planted a great quantity of sugar-cane, indigo, and mulberries for silk-worms: he has erected an excellent sugar-mill which I saw at work, and all the necessary buildings of an indigo manufacture: but what I was most delighted with was the passionate fondness Framjee appeared to have for his estates. His projected improvements of a tank, a garden full of fruit-trees of every country, the erection of a bungalow for English travellers, and a lerac and stables at the point where the road to his estate leaves the Tannah great road, will be most useful to the public, as it is exactly half way between Bombay and Tannah, and marks the liberal spirit in which he

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has determined to fulfil the obligations of his lease. He evidently thinks less of profits than of being the first native improver of the soil, on a scale that will match the science and enterprize of an European settler. His ambition is directed by the possession of this fine estate to the object of being a country gentleman, and whatever be the pecuniary result to him of this speculation, he will gain much in health, reputation, and enjoyment : while Government will eventually have a return of a hundred fold for any petty, immediate, or prospective sacrifices it may have made in the mere value of the land or of its produce.

182. I was so gratified by what Framjee showed me of his actual improvements and the plan he had in contemplation, that I regretted not having provided myself with an appropriate token of my marked approbation of his public spirit and of the benefits that might be derived from his example. To remedy this forgetfulness, I presented him on the spot with my own valuable watch and chain, expressing at the same time, before the gentlemen who accompanied me and a crowd of natives employed or settled on his estate, my delight with what I had witnessed, and the gratification I should have in conveying to the Board, and to my superiors in England, information of all I had seen, and of the value of such improvements as he had made and projected, both to the government and to the country. Framjee Cawasjee was delighted with the approbation I gave him. He would persevere, he said, whatever discouragement he might at first meet with in his plans. My watch, he added, should be preserved in his family : and he deemed the gift, bestowed on the spot and in the manner it was, rendering stronger than ever the pledge he had given to government to improve in every way the lands they had granted him."

183. I have stated in the same Minute, that there are several considerations of a very forcible nature, which dispose me to grant every possible encouragement to the respectable and opulent natives of Bombay settling on Salsette.

184. The change of our system of administration has dissolved many of those ties of mutual interest and dependence which formerly existed between the Government of Bombay and the principal inhabitants of that island. They are no longer employed, or have that influence they once possessed. Their concerns being commercial, their disputes relating to them are settled by the Supreme Court, to which they naturally look more than to the civil government. The consequences of this are evil in many ways, but in none more than as they daily weaken, and may ultimately destroy, that zeal and attachment to the Government by which this class of its subjects have been for a century distinguished. Besides this, there is no body of natives in India so remarkable for their intelligence and enterprize as the Parsees. Bombay has owed its advancement in a great degree to this class, and in the actual condition of this presidency it appears to me a political consideration of much importance to restore and strengthen their attachment to the civil government by new ties, which are of a nature calculated to combine the promotion of their interests with those of the state.

185. Salsette is recommended to them by its vicinity to Bombay, its excellent roads, and its security. It may not yield the profit they anticipate, but they will render it a garden, and free us from trouble and expense in its management, and above all it will give to wealthy and public-spirited men that interest in the soil, and that knowledge of the benefits of works like roads, canals, and bridges, which may be of the greatest use, both as it disposes them to embark in works that will advance the interests of government, and the general prosperity of this presidency. The feelings which will be inspired, and the knowledge attained by men of this class being landholders in Salsette will gradually lead them to the Concan and Decan, where such persons are much required to promote plans of improvement, without which those countries will never pay the expenses of their occupation and management.

Colony of East Indians at Phoolshair.

The last Minute on
this subject is dated
14 Jan. 1830.

186. There is another establishment to which I look with great hope for much eventual improvement in the Provinces : viz. that formed at Phoolshair : the minutes, noted in the margin fully state the progress of this colony of East Indians ; they are happily planted, and they will by blending the frugal habits of natives with the minds of Englishmen, early take a place in the community, which will tend to the elevation of their class upon solid grounds, and while they promote improvements, they will hereafter become most useful aids to Government in the branches of its revenue, and magisterial administration.

187. When the East Indians of Bombay formed themselves into an association for the purpose of aiding respectable persons of their class in agricultural and other pursuits, a grant was made to them of a palace built by Badgerow, at Phoolshair, on the banks of the Beemer, with forty-two acres of land, including a large and productive fruit garden. This place was recommended by its salubrity, and by its vicinity to Poona, and to the great road from Bombay to Ahmednuggur. The colony now settled there, consists of a head person who has the power of a village magistrate, a school-master, a school-mistress, a doctor, and ten or twelve apprentices. The settlement has not been made above a twelvemonth, but much has already been done, and much more is in progress. The palace through means of the association, and a small donation from Government, has been put into excellent order : many new trees have been introduced into the garden, and the fruits, which meet a ready sale at the Poonah and other markets, are improved by grafting. Some of the fields are allotted to Virginia* tobacco : in the remainder, a new species of cotton and other plants are raised. More ground will be easily obtained by the association, when required : but what they possess furnishes enough at present for the occupation and instruction of the youth in horticulture and agriculture.

188. This establishment has a small library of useful works, including an Encyclopedia : it has also a turning machine, and a lithographic press. The boys are well clothed and fed : their expense is not above eight rupees each ; they rise at daylight, and work in the garden till half past seven, when they return to breakfast, before which a short prayer is read by the senior boys. After breakfast, they attend school till dinner time, and learn reading, writing,

and

* This appears to
thrive remarkably
well.



and arithmetic; after dinner some of the best instructed aid at the lithographic press, whilst others turn articles of furniture, which they learn to make up. In this and other occupations they pass the week-days. Sunday is carefully observed, the schoolmaster reading the service. Great attention is paid to the morals of their youth. Through the arrangements of the collector, under whose supervision the establishment is placed, no liquor is sold within several miles of the place, and drunkenness is consequently unknown.

189. There is no part of the arrangements regarding this colony, by which its success has been more promoted than by making some rooms of the palace the office of the Deputy Surveyor General, whose draughtsmen are East Indians of much respectability, and have in consequence of this measure settled at that place, where they have brought their families, and repaired houses, for which they pay a ground-rent to the association. Maps and papers are copied and lithographed, under the immediate superintendence of the Deputy Surveyor General, which tends to advance the general improvement of this important settlement; while the expenditure of the salaries and pensions of those belonging to the survey and the colony, render it of the greatest benefit to the village of Phoolshair, which is daily increasing in inhabitants, and I was pleased to see some of their children benefiting by the instruction which the institution gives freely to all who desire to receive it.

190. Much of that rapid advance which this colony has made is owing to the extraordinary ingenuity and utility of Mr. Sundt, who is its head, and to the aid he receives from others, particularly Mr. Webb, the principal draughtsman of the Deputy Surveyor General's office, who is himself remarkable for virtue and talent, as well as for long and faithful services as a surveyor throughout India and Persia. The association at Bombay, sensible of the value of those persons, shews a respect for their opinions, and a confidence in their character, which, if continued, will tend greatly to the future welfare of this colony, which has derived and will derive further advantages from the published reports of the Annual Committee of East Indians of high consideration in their class, by whom it is united.

Appendix (E.)

Extracts from
Sir J. Malcolm's
Minute of
Nov. 30, 1830.

Appendix (F.)

(1.)—LETTER in the General Department from the Court of Directors to the Bengal Government, dated the 30th June 1830.

Appendix (F.)

No. 24, of 1830.

Public Department, 30th June 1830.

Our Governor-General in Council at *Fort William* in *Bengal*.

Para. 1. PETITIONS have recently been presented to both Houses of Parliament from certain persons styling themselves East Indians, and stating that they are descended in most instances, on the father's side, from the European subjects of the Crown of Great Britain, and on the mother's side, from natives of India, and that in other instances they are the children of intermarriages between the offsprings of such connections.

(1.) Letter to the
Bengal Govern-
ment, 30 June
1830.

2. We enclose a copy of these petitions, and it is our desire that you will take them into consideration, and afford us the benefit of any suggestions which may occur to you on the subject.

3. In considering the various disabilities of which the petitioners complain, you will understand it to be our wish to alleviate, as far as is not forbidden by higher duties, the misfortunes inseparable from the circumstances of their birth, and to place them in possession of all such rights as are consistent with the interests of the native population; but if we were to treat those interests as secondary to the interests of Europeans, or of the descendants of Europeans, we should forget the first duty of a government, and prove ourselves unworthy to retain the possession of power.

4. The principal complaints of the petitioners are these: 1st. That it is not clear by what civil law their rights are determined, unless they reside within the jurisdiction of the Supreme Court; and in particular that the legality of their marriages, their power of bequeathing by will, and the rule of succession to their property, in cases of intestacy, are not fixed by specific laws. 2dly. That they are amenable, when in the interior, to the Mahomedan criminal law. 3dly. That they are excluded from the covenanted service of the East India Company, from holding commissions in the Indian army, and from all sworn offices in the Company's marine. 4thly. That they are excluded from numerous subordinate offices to which natives of pure descent are eligible.

5. With respect to the first point, although we are inclined to believe that no practical grievance has been experienced by the petitioners, and that under Regulation III. of 1793, the law has been accommodated to their circumstances, it would be more satisfactory if all uncertainty were moved by a specific enactment.

6. The general principle which should be kept in view, with respect to this class of persons, is broad and obvious. Except where special reasons exist for a different rule, they should be on exactly the same footing, both in respect of rights and obligations, as the other natives of India: in so far as the general law of the country is inapplicable to them on account of their religious creed, they should be on the footing of other native Christians.



5. At Bombay no disabilities are created by Regulation on account of religious belief; and native Christians are consequently eligible by law to fill any office, civil or military, which is open to natives of other persuasions.

6. It is almost unnecessary to say that no abatement has taken place in our conviction of the inexpediency of making the powers of government instrumental, either directly or indirectly, in the conversion of the natives of India to the Christian religion; but the neutrality which we think it our duty to observe on this subject, does not require that converts to Christianity should be placed by law in a less advantageous situation than other persons. It would certainly be more consonant to the principles on which we have always professed to act, that of perfect religious equality, that no disabilities should exist by Regulation on account of religious belief; and we are confirmed in our wish by the fact that none such exist at Bombay, and that no inconvenience, so far as we are informed, has been the result.

7. From the situation of Hindoo or Mahomedan law officer to the courts of justice, native Christians will continue *de facto* excluded by the very nature of those offices, which must of course be always held, the former by Hindoos, the latter by Mahomedans; but there seems no reason why a native Christian, if otherwise qualified, should not be a moonsiff or a vakeel, and the matter may at least be left to the discretion of the functionaries in whom the nomination to those offices is vested.

8. With respect to military rank, we are sensible that there are strong reasons against raising any person to command over native troops, whom natives would feel degradation in obeying. To what degree this may constitute an objection to the employment of Christians as native non-commissioned officers, we are less able to judge than yourselves. But as they can only be promoted by the act of their commanding officer, the ordinary securities against the appointment of improper persons might, we should conceive, suffice without any legal exclusion.

9. You will therefore direct your attention to the subject; and if, on consideration, the disabilities should appear to you unnecessary, you will, without further reference to us, abrogate such articles of the Regulations as operate to the exclusion of native Christians from offices, civil or military, to which other natives are admissible. You will also communicate this despatch to the Madras government, who are to consider these instructions as equally addressed to them. We refrain from sending a copy directly to that presidency, in order that you may have an opportunity of communicating your own observations to the Madras Government along with our's.

10. We place full reliance in your judgment, and that of our other Governments, for not appointing native Christians to any office from which there may be good reason for practically excluding them. But to whatever extent this may be the case, it constitutes a further motive for admitting them the more freely to such offices as they can with propriety be permitted to hold, in order that their situation on the whole may not be inferior to that of other natives, as the principle of perfect religious equality requires.

11. We have not the means of accurately knowing to what extent converts to Christianity are practically exposed to the loss of any civil rights, in consequence of their change of religion.

12. Sir Edward Hyde East, in a paper which he recently submitted to the Select Committee of the House of Lords, appointed to inquire into the present state of the Affairs of the East India Company, made the following suggestion:—"To make provision that no native of India shall forfeit any rights of property or personal benefit on account of his profession of any particular faith or doctrine which he would be entitled to, and claimed by any law of title, grant, inheritance or succession established in India, which was binding on the person or persons last seised or possessed, or on those from or through whom they claimed; and recognising the marriages of all descriptions of persons in the several forms acknowledged and practised according to each faith, and giving probate of the wills and administration of the effects of all Christians within the jurisdiction of the Supreme Court."

13. Knowing as we do, that what relates to marriages and successions is the most sacred part, both of the law and the religion of the natives, and that there are none of their customs and institutions to which they are so much attached, we feel that it is impossible for us to prescribe to you the adoption of Sir E. Hyde East's suggestion, or of any other which has the same object in view, without being more completely informed than we are at present, how far it is necessary or would be advisable. But we desire that you will inquire and report to us in what manner and to what extent conversion to Christianity exposes the convert or his descendants to the loss of property or other civil rights, and what means, in your opinion, can be taken with propriety to relieve them from such disadvantage.

14. There is one more point to which we must draw your attention. We are not aware that native Christians within our territory are subject in any case to compulsory attendance on the religious ceremonies of the natives; but if that obligation in any case exists, you will see the propriety of relieving them from it.

We are your affectionate friends,

(signed)	W. Astell.	G. Raikes.
	R. Campbell.	J. S. Lushington.
	W. S. Clarke.	N. B. Edmonstone.
	C. E. Prescott.	J. Baillie.
	G. Lyall.	W. Young.
	J. P. Muspratt.	J. R. Carnac.
	J. Masterman.	

London, 2d February 1831.

(2.) Letter to the
Bengal Govern-
ment, 2 February
1831.

(3.) Letter from the
Bengal Govern-
ment, 3 January
1832.

Civil Consulta-
tions, 27 Decem-
ber 1831, No. 1 to
14.

Civil Consulta-
tions, 27 Decem-
ber 1831, No. 6 to 9
— 10.

(3).— COPY of a LETTER in the Judicial Department, from the Vice-President in Council to the Court of Directors, dated the 3d of January 1832; with Draft of proposed REGULATION therein referred to.

Fort William, 3d January 1832.

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

Judicial Department, Lower Provinces.

Honourable Sirs,

YOUR despatches (No. 24, of 1830), dated June 30th, 1830, and (No. 8, of 1831), dated February 2d, 1831, in the General Department, have been transferred to the Judicial Department for consideration, in connection with other arrangements then contemplated in that branch of the administration. We proceed to lay before you the proceedings which have consequently been adopted.

2. In our separate minutes, dated July 27th and August 8th last, we have recorded our opinions on the several points noticed in those despatches. The sentiments of the right honourable the Governor-general have been communicated in a letter from the Secretary, Mr. Macnaghten, under date October 25th last; and the draft of a Regulation has been prepared for remedying some of the hardships complained of.

3. The former of the above despatches relates to a petition presented to Parliament by East Indians resident at this Presidency.

4. Their first complaint is, that "it is not clear by what civil law their rights are determined, unless they reside within the jurisdiction of the Supreme Court; and in particular, that the legality of their marriages, their power of bequeathing by will, and the rule of succession to their property, in cases of intestacy, are not fixed by specific laws."

5. We are not aware that, practically, the East Indians have hitherto suffered any injury from the defects described; but if they exist, we think that they ought undoubtedly to be remedied.

6. The first 43 sections of the proposed Regulation are calculated to meet the evil. With regard to marriages, the Governor-general was not aware that doubts of their legality ever existed; and on that point the enactment is silent. The provisions of the existing code did not appear to render it necessary that testamentary dispositions by East Indians should be legalised by any express enactment. To remove all doubts, however, it was considered expedient to introduce clauses to that effect, and they will accordingly be found in the draft. The principle prescribed for observance in the case of the property of intestates is the English Statute of Distributions, which, for obvious reasons, was preferred to either the Hindoo or the Mahomedan system.

7. Their second ground of complaint is, "that they are amenable when in the interior to the Mahomedan criminal law." The Vice-President considers this complaint to be just, and the state of the law in this respect to be a grievance which ought to be removed. The Governor-general concurs with Mr. Blunt in thinking the ground of complaint more specious than real, but is fully prepared to admit with the Vice-President that respectable individuals of the class alluded to would be disgusted at and consider a hardship the being subjected to the verdict of a Mahomedan law officer. For the removal of the hardship, sections 44 to 46 of the proposed Regulation prescribe that in criminal trials of East Indians or European foreigners the Mahomedan law should not regulate the sentences; and declare that the provisions of Regulation I. 1810, are especially applicable to such trials.

8. They complain, thirdly, "that they are excluded, from the covenanted service of the East India Company, from holding commissions in the Indian army, and from all sworn offices in the Company's marine." The Vice-President observes, that these exclusions are now only applicable to such of the East Indians as are the children of a parent wholly native, and that others are eligible equally with Europeans. He would be glad to see all distinctions, disabilities and exclusions as far as possible abolished; but although these may for the present be unavoidable as to natives, he views as impolitic the system which avowedly would separate the descendants of Europeans from their connection with Europeans, and alienate them, by fixing on them the disabilities which it may not be practicable at once to remove from natives. He is accordingly for abrogating the remaining disabilities that affect the East Indians. The Governor-general has expressed his opinion in concurrence with Mr. Blunt, that it would not be advisable at present to abolish the existing distinctions.

9. The fourth grievance is, "that they are excluded from numerous subordinate offices to which natives of pure descent are eligible." This appears to be well founded as regards the state of things in this presidency, and his Lordship fully concurs with us in thinking that all subordinate civil offices should be declared open to natives of India, whatever may be their religious persuasions, excepting the appointments of Hindoo and Mahomedan law officers. The only offices of this nature which were closed to them by express enactment, were those of moonsiff and vakeel, and you will observe that these have been thrown open by sections 3 and 30, Regulation V. 1831.

10. The Madras government have already proposed an enactment for enabling East Indians to hold lands on the same terms with other natives. The draft is at present under the consideration of the Governor-general.

11. We proceed now to notice the subjects adverted to in your despatch of February 2d.

12. We have already observed that the exclusion of native Christians from civil offices has been abrogated by provisions introduced into Regulation V. 1831.

13. With



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(3.) Letter from the
Bengal Govern-
ment, 3 January
1832.

13. With regard to the employment of native Christians in subordinate commands over native troops, as a native soldier can only be promoted by the act of his commanding officer, his Lordship is of opinion that there is little reason to apprehend the exercise of partiality on the score of religious faith, and that the ordinary securities against the appointment of improper persons are sufficient, without any legal exclusion.

14. The remaining question is the important one, as to what extent converts to Christianity are practically exposed to the loss of any civil rights in consequence of their change of religion.

15. His Lordship is not aware that any practical injury has been sustained by native converts in consequence of the existing laws. He is of opinion, however, that the possibility of such an occurrence should be guarded against by an express enactment.

16. Sections 47 and 48 of the proposed Regulation are framed with a view to the promotion of this object.

17. We are not aware that native Christians are subject in any case to compulsory attendance on the religious ceremonies of other natives.

18. In conformity with the instructions contained in the 9th paragraph of your despatch of February 2d, 1831, we have forwarded a copy of it to the Madras government, with the view to concert measures for the abolition of the disabilities which may be found to exist there, in opposition to the usage of this and the Bombay presidency.

19. We have forwarded a copy of the proposed Regulation to the Advocate-general, in order that he may communicate to us any observation which the consideration of its several clauses may suggest.

20. It remains to notice the two concluding sections of the Regulation proposed by the Governor-general, the 49th and 50th.

21. You will observe that the provisions in question were introduced by his Lordship after communication with the Bombay Government, and that they are verbatim the same as those which are numbered section 24, Regulation IV. and section 38, Regulation VIII. of the Bombay Code of 1827.

22. The subject is one which has for some time engaged our attention. The opinions of the judges of the Sudder Dewanny and Nizamut Adawlut, will be found in the documents noted in the margin. At their instance a reference was made to the Bombay Government, to know how far resort had been had to the provisions of that code. The reply to this reference did not show that it had been very extensively used, but exhibited no discouraging circumstances to deter from the experiment at this presidency.

Crim. Cons.	17 Jan. 1828, No. 9 & 10
—	24 Nov. 1829, 40 to 43
—	8 Jan. 1830, 1 & 2
—	14 Dec. 1830, 1 & 2
—	29 Mar. 1831, 1 & 2
Civil Cons.	27 Dec. 1831, 15 to 18

23. Mr. Blunt, in a separate Minute, dated December 10th last, objects to the introduction of the two concluding sections in the proposed enactment, which, as they involve an important change of system in the administration of justice, and are not connected with the subject matter of the preceding sections of the Regulation, he is of opinion ought to be separately discussed; he considers that the proposed rules, as they now stand, are materially defective, and that if it be expedient to introduce experimentally the trial by jury, the provisions necessary for that purpose ought to form a distinct enactment, which he is of opinion, previously to being passed into a law, should be referred to the Court of Sudder Dewanny and Nizamut Adawlut, for their consideration and opinion as regards the details of the enactment. The Vice-President concurs in the expediency of the propositions proposed by the Governor-general; and as their object is distinct from that of the other clauses of the Regulation, he thinks that they might be taken separately into consideration, and disposed of without the delay which must necessarily attend the deliberations on other parts of the enactment.

Civil Consulta-
tions, 27 Decem-
ber 1831.
No. 11.

We have the honour to be, honourable Sirs,

Your most faithful humble servants,

(signed) C. T. Metcalfe.

W. Blunt.

Fort William, 3d January 1832.

A.D. 1831. REGULATION.

A REGULATION for prescribing Rules of Succession in cases of Intestacy to Property left by individuals belonging to the class ordinarily termed East Indians. For declaring the validity of Wills and Testamentary Dispositions executed by such persons, and defining the rules of conduct and forms to be observed by Executors and Administrators. For the adjustment of civil controversies between persons of this class, and for the trial of offences with which they, or European foreigners, may be charged. For the modification of the rules which prescribed the observance of the Hindoo and Mahomedan laws in certain cases, and for facilitating the trial of civil and criminal suits by the aid of a Panchayet or Jury. Passed by the Vice-President in Council on the

Preamble. It is well known that almost from the first period of the acquisition of this country by the British Government, there has existed in various parts of the territories a class of persons not professing either the Hindoo or Mahomedan religions. These persons have been designated *Dounslee*, in the native language, and in the English language they have been distinguished by the term East Indian, Anglo-Indian, or by different appellations, signifying that they do not belong to the pure European or native classes of the community. The class referred to are either immediately descended from European

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fathers and native mothers, or they are the offspring by intermarriages of such descendants. Hitherto no rules have been promulgated by which the descent of property left by such persons in cases of intestacy may be regulated; and it is obvious that the laws of inheritance which prevail among Hindoos and Mahomedans are not applicable to persons who profess the Christian faith. But the class referred to have now become an important part of the population of this country, and it has been deemed necessary, therefore, to prescribe distinct rules of inheritance to be applied to property left by any individual of such class who may have died intestate. It is further requisite to declare the validity of wills or testamentary dispositions executed by those persons, and to prescribe the rules of conduct and forms to be observed by the executors named in their wills in taking out probate, and in the performance of other duties, or by administrators, to whom the collection and distribution of property belonging to deceased persons of this class may be entrusted. It is further deemed requisite to lay down distinct rules for the adjustment of civil controversies regarding other matters which may arise between two or more individuals of this class, and for the trial of offences with which they or European foreigners may be charged. There appears also reason to believe, that the rules prescribing the observance of the Hindoo and Mahomedan laws in certain cases require modification. It further seems desirable, with a view to facilitate the trial of civil and criminal suits, that the aid of a punchayet or jury should occasionally be resorted to. The following rules have been enacted to be in force from the date of their promulgation throughout the provinces immediately subject to the Presidency of Fort William.

II. In all cases of an individual belonging to the class termed East Indian, who may be subject to the jurisdiction of the zillah and city courts, having at his death left a will and appointed an executor or executors to carry the same into effect, and in which the heir to the deceased may not be a disqualified landholder, subject to the superintendence of the Court of Wards under Regulation X. of 1793, or any other Regulation relative to the jurisdiction of the Court of Wards, or in which that court may not deem it necessary or proper to exercise such jurisdiction, the executor or executors so appointed are to take charge of the estate of the deceased (provided the judge sees no sufficient reason to object to the appointment), and to proceed to the execution of the trust in the manner hereinafter provided.

III. Whenever any individual belonging to the class above referred to shall die without a will, and leaving property movable or immovable as aforesaid, it shall be the duty of the judge within whose district the property may be situated to depute the nearest and most lawful friend of the deceased, that is to say, the next of blood, who is under no legal disabilities, to administer to his property, or he may at his discretion, commit the administration either to the widow or the next of kin, or to both of them.

IV. In the event of the deceased having left no widow or near relative, or in the event of such persons refusing to accept the administration, it shall be competent to the judge to appoint any discreet person whom he may approve of, to collect the goods and chattels of the deceased, and to keep them in his safe custody, the preference being in such cases given to a creditor of the deceased. This rule shall not, however, be construed to extend to the appointment by the judge of an administrator to take charge of lands paying revenue to Government.

V. It shall likewise be the duty of the judge to appoint an administrator (with the restriction contained in the preceding section) when any individual of this class not born in lawful wedlock shall die intestate, leaving neither wife nor child.

VI. First, Whenever an East Indian shall die intestate, the surplusage of the intestate's estates (excepting that of a married woman, which, unless otherwise by deed specially provided, shall go to the husband) shall, after the expiration of one year from the death of the intestate, be distributed in the following manner, subject however to the provisions contained in the 24th and following sections of this Regulation, the due observance of which must precede any distribution of the estate; namely, one-third shall go to the widow of the intestate, and the residue in equal proportions to his children, or if dead, to their representatives, that is, their lineal descendants. If there are no children, or other legal representatives subsisting, then a moiety shall go to the widow, and a moiety to the next of kindred in equal degree, and their representatives. If no widow the whole shall go to the children. If neither widow nor children, the whole shall be distributed among the next of kin in equal degree, and their representatives.

Second. It is to be understood, however, that no representatives shall be admitted among collaterals further than the children of the intestate's brother and sister.

Third. If the father be dead and any of the children die intestate without wife or issue in the life-time of the mother, she and each of the remaining children and their representatives shall divide the property in equal portions.

Fourth. If an East Indian die, leaving a wife and a mother and brother and sisters, the wife shall have only a moiety, the remainder going to his mother, brothers and sisters equally.

Fifth. Provided, however, that no child of the intestate on whom he settled in his life-time any estate in land or pecuniary portion equal to the distributive share of the other children, shall have any part of the surplusage with their brothers and sisters; but if the estate so given to them by way of advancement be not quite equivalent to the other shares, the children so advanced shall have so much only as will make them equal.

VII. All



VII. All persons will be deemed capable of being executors that are capable of making wills; but if any person should be appointed executor who is under the age of twenty-one years, or absent at a great distance, it shall be competent to the judge to appoint an administrator to act during the minority or absence of such executor.

VIII. In the event of a testator making an incomplete will, without naming any executors, or if he names incapable persons, or if the executors named refuse to act, in any of these cases it shall be competent to the judge to grant written authority to administer to some other person, annexing a copy of the will to such authority; but in this case, as well as in that contemplated in the preceding section, and in sections 4 and 5, the selection of an administrator, as regards landed property paying revenue to Government, shall be left to the collector of the district, as provided for by section 37 of this Regulation.

IX. The testator may appoint two or more persons to be joint executors, and they shall be accounted but as one person.

X. The interest invested in the executor by the will of the deceased may be continued and kept alive by the will of the same executor, so that the executor of the deceased's executor may be to all intents and purposes the executor of the deceased himself.

XI. The executor or administrator must bury the deceased in a manner suitable to the estate which he leaves behind him, the necessary funeral expenses being allowed previously to all other debts and charges.

XII. The executor (or administrator, where one is appointed by the judge, owing to the absence or minority of the executors) must prove the will of the deceased. When the will is so proved, the original must be deposited in the office of the judge, and a copy thereof, on stamped paper, must be made out under the seal of the judge, and delivered to the executor or administrator, together with a certificate of its having been proved before him.

XIII. An executor must take out probate within six months from the date of the death of the testator, on penalty of fine proportioned to the value of the estate, not, however, in any case exceeding 500 rupees.

XIV. The copies to be furnished according to section 12 of this Regulation shall be drawn out on paper bearing a duty proportioned to the value of the estate, calculated according to the rates laid down in Regulation X., 1829, Schedule (A.) No. 7.

XV. If an executor, having proved the will, is out of the district, and cannot after the prescribed notice for the attendance of absentees be found, so that a creditor cannot proceed against him for a debt due from the testator, a special administration may be granted to some one for the purpose of his being made a defendant to a suit for the recovery of the debt; and if the claim be proved, the judge shall cause payment to be made out of the property of the deceased, not being land paying revenue to Government, in like manner as if the decree had been given against the original executors.

XVI. If there are many executors of a will, and one of them only proves the will and takes upon himself the executorship, it is sufficient for all of them; but the rest, unless they have refused, may afterwards join with him; but if they shall all refuse the executorship, none of them will ever afterwards be permitted to prove the will; and it shall in this case be the duty of the judge to grant administration, annexing a copy of the will to the written authority so granted, to such discreet persons he may think proper, with the restriction contained in section 4 of this Regulation.

XVII. It shall be competent to the judge to summon any person who may have been named as executor to a will; and if the person so summoned shall attend and refuse the executorship, or if he shall not appear on the summons, or after the usual proclamation prescribed for the attendance of parties and witnesses in the civil courts, the judge may grant administration to any other person, subject to the restriction contained in section 4 of this Regulation, and the authority so granted shall be good in law till such executor may prove the will.

XVIII. In the event of the judge declining to confirm as executor any person who may have been named as such in the will of the testator, it shall be competent to such person to prefer a summary appeal to the provincial court of the division against the rejection of his appointment; and the judges of that court will be at liberty, should they consider the objections of the judge to be unfounded, to direct him to grant probate of the will and admit the executor.

XIX. In defect of any will, the person entitled to be administrator must also take out an authority to administer, under the seal of the court, in order to enable him to collect, administer and dispose of the goods of the deceased. The authority so granted shall be written on stamped paper, of a value calculated according to the amount of property left, as prescribed for the copies of wills to be granted under section 12 of this Regulation.

XX. The executors or administrators who may be appointed under this Regulation shall enter into a bond, with sureties, to such amount as may be required by the judge, for the faithful execution of their trusts.

XXI. If all the property of the deceased lie within the same jurisdiction, a probate before the judge of the zillah or city, or an authority to administer granted by him, shall be considered sufficient; but if the deceased had property in two distinct jurisdictions, then the will must be proved, or administration taken out before the provincial court of the division; or if the deceased had property in two distinct divisions, then before the Court of Sudder Dewanny Adawlut; and those courts shall be severally bound, in granting probates or appointing executors or administrators, by the rules which have been laid down in this Regulation for the guidance of judges in the performance of those duties.

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XXII. The executor or administrator who may be appointed under this Regulation shall be required to make an inventory of the property, movable or immovable, whether in possession or action of the deceased, which he is to deliver in to the judge, upon oath if required; but no administrator shall be cited into court to render an account of the estate of his intestate, otherwise than by an inventory thereof, unless at the instance of some person in behalf of a minor, or having a demand out of such estate as a creditor or next of kin.

XXIII. If property belonging to a person deceased be kept from the executor or administrator, he may sue for them in the civil court; and whatever property may come to his hands he may convert into ready money to answer the demands that may be made upon him, save and except in the case of lands assessed with the Government revenue, in which case no sale shall take place except by order of the judge in execution of a decree passed in favour of a creditor, or unless the sale shall be ordered for the purpose specified in the 29th section of this Regulation.

XXIV. The executor or administrator shall pay the debts of the deceased, and in payment of the debts he shall observe the rules of priority; first, paying all funeral charges, and the expenses of proving the will, and the like; secondly, debts due to Government; thirdly, debts due in satisfaction of decrees of courts; fourthly, debts due on special contracts, as for rents, or upon bonds, covenants, and the like, under seal; and lastly, debts on simple contracts, as servants' wages, and upon notes unsealed, and verbal promises.

XXV. If a person being executor shall be desirous to pay the assets as far as they will go, and that his payments may not be afterwards questioned, he shall be at liberty to make an application to that effect, in which case the testator's creditors shall be summoned, in order that they may, if they be so inclined, summarily contest each other's debts, with the view of establishing their respective claims to preference in the order of payment. A similar course of proceeding shall be open to an administrator appointed by the court.

XXVI. In all cases, except where otherwise specially ordered by the testator, the personal estate of a person deceased shall be in the first instance liable for the payment of debts and legacies, and if the executor be himself a creditor of the testator he may pay himself first.

XXVII. When the debts are all paid, the legacies shall next be discharged, which are to be paid by the executor or administrator, so far as the assets will extend; but he shall not give himself the preference herein as in the case of debts.

XXVIII. When all the debts and particular legacies shall have been discharged, the surplus or residuum shall be paid to the residuary legatee, if any be appointed by the will, and if there be none, and if there be nothing in the will to imply the intention of the testator that the executor should take the residue, such residue shall be taken by the executor in trust for the next of kin, to be distributed as prescribed in a case of complete intestacy, and the wife being the executrix shall make no difference.

XXIX. In the event of a person dying intestate, and leaving landed property paying revenue to Government as an entire undivided estate, the profits of which are to be distributed among several individuals, agreeably to the rules prescribed by this Regulation, in that case, as well as in the case of a testator bequeathing portions of such property to different individuals, then if these several successors or legatees shall not agree to the appointment of a common manager, or shall not consent to continue in joint-tenancy, subject to a common obligation, it shall be competent to any one of them to apply for a division in the manner prescribed by Regulation XIX. of 1814: provided, however, that nothing contained in this section shall be construed as exempting the whole or any part of such property for sale, in satisfaction of arrears of Government revenue, at any time prior to the division.

XXX. Provided, however, that in the event of any European being constituted executor, who is disabled from interfering with the collections in the provinces by section 4, Regulation XXXVIII. of 1793, extended to Benares by section 4, Regulation XLVIII. of 1795, and to the Ceded and Conquered Provinces by section 4, Regulation XIX. of 1803, it shall be competent to the judge to cause to be associated with such executor, and with his consent, some individual who may not be disqualified to act as administrator for the management of any lands which may have been left by the testator, such individual to be appointed in the mode prescribed by section 37 of this Regulation.

XXXI. Executors may bring actions for trespass done to their testator, as for property carried away in his life-time, and shall recover damages in like manner as he might have done, and the executors of executors shall have actions of debt, account, and of goods taken away of the first testator, and shall answer to others so far as they may recover property of the first testator as the first executors.

XXXII. An executor shall be held subject to every person's claim and action which he had against the testator, except as to personal wrongs done by the testator to the person or goods of another, in which case the executor shall not be considered as representing him.

XXXIII. Against an administrator next of kin and his executor, and for him, an action shall lie as for and against an executor and his executor, and he shall be charged to the value of the property and no further, unless it be by his own false plea, or by wasting the goods of the intestate. But neither an executor nor an administrator shall ever be required to make good any claim against the deceased out of his own property, except where he may have committed some wrong, nor shall costs be given against him personally, except in the case last mentioned.

XXXIV. An executor or administrator next of kin, having once accepted his trust, shall not be considered at liberty to relinquish such trust without the special permission of the court.

XXXV. Nothing



Draft Regulation
referred to in
Letter from the
Bengal Govern-
ment, 3 January
1832.

XXXV. Nothing contained in this Regulation shall be construed to supersede the rules contained in Regulation V. of 1799, or other enactments in force relative to the wills of Hindoos or Mussulmans, or which confer jurisdiction on the Court of Wards; and those rules, so far as they affect the two great classes of the community above specified, and the estates of minors, who under the existing Regulations are subject to the Court of Wards, shall be held to be in full force, anything in this Regulation to the contrary notwithstanding.

XXXVI. Whenever and so often as the judges on whom it may devolve to execute the provisions of this Regulation shall think fit, they shall be at liberty to make a reference through the Sudder Dewanny Adawlut for the opinion of the Advocate-general in any instance in which they may entertain a doubt as to who should be considered the next of kin, either to administer to or to inherit the property of a person deceased, or on any other point connected with the rules contained in this enactment.

XXXVII. Provided moreover, that whenever an individual of the class referred to in this Regulation may die intestate, leaving landed property paying revenue to Government, and the judge in whose jurisdiction the property may be situated shall, in virtue of the powers conferred on him by this Regulation, deem it proper to intrust the administration of such landed property to some person not being of kin to the deceased, he shall issue a precept to the collector of land revenue of the district wherein the estate may be situated, directing him to appoint a person for the due care and management of the estate, under good and adequate security for the faithful discharge of the trust, in a sum proportionate to the extent thereof; provided, however, that if any person holding an interest in the estate shall be dissatisfied with the selection made by the collector, of the individual to perform the duty in question, or with his conduct at any time after his appointment, it shall be competent to such person to represent his objections to the Board of Revenue, and the Board will either confirm the administrator chosen, or order the collector to appoint another person, as on consideration of the circumstances of the case may appear reasonable and proper.

XXXVIII. The Courts of Wards are vested with a discretion generally by section 4, Regulation VI. 1822, to refrain from interfering with the estates of minors or other disqualified proprietors in cases wherein they may deem their interposition unnecessary or inexpedient. It is further provided that no estate, the sole property of a minor, and descended to him by the regular course of inheritance, shall during his minority be sold for arrears of revenue accruing subsequently to his accession to the same, but that the revenue authorities shall, on an arrear so accruing, be authorized to farm the estate for a period not exceeding ten years, and that it shall be competent to the Court of Wards to assume charge of such estates at any time during the minority of the proprietors, notwithstanding they may have originally refrained from interfering. The whole of these rules shall be held applicable to landed property paying revenue to Government, and which may have devolved on a minor under this Regulation, whether the same shall have been placed under the management of an executor or executors appointed by the testator, or under that of an administrator of kin to the intestate appointed by the judge, or under that of an administrator not being of kin, and selected for the charge by the collector of the district.

XXXIX. Provided moreover, that it shall in all instances be competent to the judge of the district, whenever a person of the class referred to in this Regulation may die, whether with or without a will, leaving property movable or immovable, and a child or children in a state of minority, to adopt such measures for the security of the interests of such child or children, either by requiring fresh security from time to time or otherwise, whether the property be under charge of an executor or administrator, whenever he may deem his interference necessary, either in consequence of a representation from some person interested in the welfare of the minor or minors, or for any other reason; this rule, however, shall not be deemed applicable to the case of an administrator appointed by the collector, or to property when under the superintendence of the Court of Wards.

XL. Minority with respect to individuals of the class referred to in this Regulation is limited to the expiration of the twenty-first year.

XLI. In the event of any individual of the class referred to in this Regulation dying intestate and leaving property movable or immovable to which there may be no claimant, the judge shall conform with the rules prescribed in section 7, Regulation V. 1799.

XLII. In all suits and complaints preferred by an individual or individuals of the class referred to in this Regulation against one or more individuals of the same class, respecting the succession or right to real or personal property, lands, rents, revenues, debts, accounts, contracts, partnerships, marriage, claims to damages for injuries, and generally all suits and complaints of a civil nature in which a specific course of proceeding may not have been directed by any Regulations that are now or may be enacted in the form prescribed by Regulation XII., 1793, and the corresponding enactment, the principles and rules of the English law shall govern the decision.

XLIII. Provided, however, that should any point arise regarding which the judge having cognizance of the suit may entertain doubts, either from its not having been definitively settled, or from his inability to ascertain the decision from the best authorities available to him at the time, he shall be at liberty either to refer such point for the opinion of the Advocate-general, by which, in such case, his judgment shall be guided, or at once to pass judgment to the best of his ability according to justice, equity, and good conscience, subject to correction on appeal by a superior court.

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XLIV. In modification of the rules contained in Regulation IX. 1793, or other corresponding enactments, which provide for the delivery of futwas before the Courts of Circuit and the Nizamut Adawlut, and which prescribe that the sentences of those courts shall be regulated by the Mahomedan law, it is hereby declared that whenever an individual or individuals of the class referred to in this Regulation, or an European foreigner, shall be brought to trial for any offence cognizable under the general Regulations, the law officer or officers who may preside at the trial shall merely be required to state whether the offence with which the prisoner or prisoners may have been charged is proved or not, without specifying either the nature or the extent of the punishment to which such prisoner or prisoners may be liable, which shall in each case be awarded by the judge or judges who may have conducted the trial to the extent prescribed by the existing Regulations.

XLV. Provided, however, that in any case where an individual of the class referred to may, in the opinion of the judge of circuit, have been guilty of an offence to which no specific punishment may be attached by the existing Regulations, the judge of circuit shall not pass sentence, but the proceedings on the trial, when completed, shall be transmitted, with the opinion of the judge on the evidence and facts established, for the sentence of the Court of Nizamut Adawlut.

XLVI. It has been provided by section 2, Regulation I. 1810, that whenever there may appear to be sufficient cause for dispensing with the attendance and futwa of the law officers of the Court of Circuit upon a criminal trial or trials to be held before any of those courts, it shall be competent to the Governor-general in Council or the executive government for the time being to order the same. That provision is hereby extended to trials held before the Nizamut Adawlut; and in explanation of what shall be deemed sufficient cause for such dispensation, it is hereby declared that whenever any individual of the class referred to in this Regulation, any European foreigner or generally any other person subject to the jurisdiction of the mofussil courts, may be brought to trial, who may be of such respectability or rank in life as to render it proper, in the opinion of the judge or judges having cognizance of the case, to exempt him from the operation of the futwa of a Mahomedan law officer, those authorities are authorized and required to represent their opinion to that effect for the consideration of the Governor-general in Council; and an official communication of an order complying therewith by the secretary to Government in the judicial department shall be deemed sufficient authority for the trial or trials referred to being held before the Court of Circuit or Nizamut Adawlut without the attendance or futwa of the law officers.

XLVII. Such part of clause 2, section 3, Regulation VIII. 1793, enacted for the province of Benares, which declares that "in cases in which the plaintiff shall be of a different religious persuasion from the defendant, the decision is to be regulated by the law of the religion of the latter, excepting where Europeans or other persons, not being either Mahomedans or Hindoos, shall be defendants, in which case the law of the plaintiff is to be made the rule of decision in all plaints or actions of a civil nature," is hereby rescinded, and the rule contained in section 15, Regulation IV. 1793, and corresponding enactment contained in clause 1, section 16, Regulation III. 1803, shall be the rule of guidance in all suits regarding succession, inheritance, marriage, and caste, and all religious usages and institutions that may arise between persons professing the Hindoo and Mahomedan persuasions respectively.

XLVIII. It is hereby declared, however, that the above rules are intended, and shall be held to apply to such persons only as should be *bona fide* professors of those religions at the time of the application of the law to the case, and were designed for the protection of the right of such persons, not for the deprivation of the rights of others. Whenever, therefore, in any civil suit, the parties to such suit may be of different persuasions, when one party shall be of the Hindoo and the other of the Mahomedan persuasion, or where one or more of the parties to the suit shall not be either of the Mahomedan or Hindoo persuasion, the laws of those religions shall not be permitted to operate to deprive such party or parties of any property to which but for the operation of such laws they would have been entitled. In all such cases the decision shall be governed by the principles of justice, equity, and good conscience; it being clearly understood, however, that this provision shall not be considered as justifying the introduction of the English or any foreign law, or the application to such cases of any rules not sanctioned by those principles.

XLIX. *First.* In the trial of suits, it shall be competent to every court in which an European authority presides, to avail itself of the assistance of respectable natives in either of the three following ways. First, by referring the suit, or any point or points in the same, to a punchayet of such persons, who will carry on their inquiries apart from the court, and report to it the result; the reference to the punchayet, and its answer, shall be in writing, and shall be filed in the suit.

Second. Or second, by constituting two or more such persons assessors or members of the court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses: the opinion of each assessor shall be given separately and discussed; and if any of the assessors, or the authority presiding in the court, should desire it, the opinions of the assessors shall be recorded in writing in the suit.

Third. Or third, by employing them more nearly as a jury: they will then attend during the trial of the suit; will suggest, as it proceeds, such points of inquiry as occur to them, the



the court, if no objection exists, using every endeavour to procure the required information, and after consultation will deliver in their opinion.

Fourth. It is clearly to be understood that under all the modes of procedure described in the three preceding clauses, the decision is vested exclusively in the authority presiding in the court.

L. The provisions of the above section for enabling courts of civil justice in which Europeans preside, to avail themselves of the assistance of respectable natives in the trial of suits, by employing them as members of a punchayet, or as assessors, or more nearly as a jury, the decision, however, being in all cases vested in the authority presiding in the court, are applicable to courts of criminal justice.

Appendix (F.)

Draft Regulation referred to in Letter from the Bengal Government, 3 January 1832.

(4).—A. D. 1832. REGULATION IV. FORT ST. GEORGE.

A REGULATION for enlarging the sphere of selection with regard to the offices of Sudder Ameen, District Moonsiff and Vakeel, as well as to the several subordinate offices in the judicial, revenue, and police departments; and for rescinding those provisions of the existing Regulations which prevent the descendants of Europeans by Native mothers from purchasing lands at public sale, and from farming lands, or becoming security for proprietors or renters of land, or farmers of the public revenue.—Passed by the Right Honourable the Governor in Council of Fort St. George, on the 16th March, 1832; corresponding with 5th of Pungoonnee of 1797, and 12th of Shaval, 1247, Hijere.

(4.) Madras Regulation IV. 1832.

WHEREAS it has been deemed just and proper to rescind those provisions of the existing Regulations which restrict the selection of persons to be appointed to the office of sudder ameen, district moonsiff, and vakeel, to individuals of the Hindoo and Mahomedan persuasions; and to declare that no natives of India shall be ineligible to those offices on account of their religious belief or persuasion; and also to rescind those provisions of the existing Regulations which prevent the descendants of Europeans by Native mothers from purchasing lands at public sale, and from farming lands, or becoming security for renters, farmers, or landholders: the Right Honourable the Governor in Council has been pleased to enact the following Regulation, to be in force from the date of its promulgation.

Preamble.

II. So much of clause first, section 7, Regulation I. 1827, and clause first, section 5, Regulation VII. 1827, as restricts the selection of persons to be appointed to the office of sudder ameen in the Auxiliary Courts and in the Courts of the Native Judges, to individuals of the Hindoo or Mahomedan persuasion, is hereby rescinded; and no native of India shall be considered ineligible to that office on account of his religious belief or persuasion.

Clause first, sect. 7, Regulation I. 1827, and Clause first, section 5, Regulation VII. 1827, modified. No Native of India ineligible to the office of Sudder Ameen on account of religion. Office of District Moonsiff open to all natives of India.

III. So much of section 6, Regulation VI. 1816, as restricts the judges of the several courts in the nomination of persons for the office of district moonsiff, to individuals of the Hindoo or Mahomedan persuasion, is hereby rescinded; and that office shall in future be open to all natives of India, whatever may be their religious belief or persuasion.

IV. So much of section 3, Regulation XIV. 1816, as restricts the several courts in the nomination and appointment of persons to the office of vakeel, to individuals of the Hindoo or Mahomedan persuasion, is hereby rescinded; and that office shall in future be open to all natives of India, whatever may be their religious belief or persuasion.

Office of Vakeel open to all natives of India.

V. It is hereby further declared, that the descendants of Europeans by Native mothers shall not be excluded from holding any subordinate office in the judicial, revenue, and police departments of this Government; but shall be regarded as eligible thereto according to their qualifications and services.

Descendants of Europeans by Native mothers not to be excluded from any subordinate offices in the several departments.

VI. So much of section 19, Regulation XXVI. 1802, or of any other rule in force, as prevents, or can be construed to prevent, the descendants of Europeans by Native mothers from purchasing lands at public sale, is hereby rescinded.

Rules preventing descendants of Europeans by Native mothers from purchasing land at public sale, rescinded.

VII. So much of section 41, Regulation I. 1803, and of section 62, Regulation II. 1803, and of any other rule in force, as prevents, or can be construed to prevent, the descendants of Europeans by native mothers from farming lands, or from becoming security for proprietors or renters of land, or farmers of the public revenue, is hereby rescinded.

Rules preventing them from farming land and becoming security for proprietors and farmers rescinded.

Appendix (G.)

Abolition of Suttee,
&c.

Appendix (G.)

Extract from
Sir J. Malcolm's
Minute, 16 Nov.
1830.

EXTRACT from Sir J. Malcolm's General Minute of November 16, 1830, as to his administration of the Government of *Bombay*.

247. THE abolition of suttee, through gradual means and with the aid of influential natives, occupied my attention from the day of my arrival at Bombay; and I had, as recorded in my minute referred to in the margin, made some progress towards effecting this object in the manner I deemed best calculated to accomplish this end without hazard or alarming the feelings of any attack on the superstitious usages of our native subjects.

248. On a Regulation being published for the abolition of this horrid practice at Bengal, which was followed by a similar measure in the territories of Bombay, not by any enactment which might I thought attract and cause bad feeling, but by repealing a short clause of the Regulations, which decreed assistance at the rites of self-immolation not to subject any one to the penalty of murder. I doubted, and expressed my doubts on this occasion, of the policy of suppressing suttee by an act of legislature, and added, "I earnestly pray I may be in error in the opinion I have formed on this subject, but it is one that has engaged my attention." Wherever I had influence and authority, I laboured to effect the decrease and ultimate abolition of this horrid rite. A very decided measure, from which I confess I have always shrunk, has been adopted by the Governor-general in Council, and many able and experienced persons do not participate in the fears I have entertained. I shall therefore hope these have been exaggerated, and at all events, my utmost efforts shall be given, during my short stay in India, to support the course of proceeding which has been adopted. The obstacles which may present themselves must be overcome. These are not likely, as far as I can judge, to appear in popular tumult, or any violent act of resistance, to our power; but dangerous impressions regarding the mode in which we mean to exercise that power may sink deep into the minds of our Hindoo subjects. These it must be our future care to prevent or remove, and while we defend the measure we have adopted, on the ground of our abhorrence of suttee, its abolition must ever be represented as an extreme act, upon which, independent of such feelings, those of the people of England expressed in numerous petitions to Parliament, have forced the rulers of India.

249. This measure must be quoted to our native subjects as an exception to that rigid rule we had prescribed to ourselves, and meant scrupulously to maintain as a general principle, of not interfering on any point connected with their religious usages. Such sentiments promulgated through the local officers, and proved by acts, may restore confidence where it is impaired or lost; but we must, if we wish to avoid the dangerous agitation of men's minds, refrain more cautiously than ever from every proceeding that superstitious or seditious men could interpret in a manner that may induce them to believe, or make others believe, that our designs are further; and this caution is more necessary, as the zeal and want of knowledge of many may lead them to think there is no danger in further strides to improvement in matters where the prejudices and usages of natives are opposed to our progress, from there being no opposition to the present measure; such persons may not understand what those entrusted with the administration of India must never forget, that our power is so constructed that its very foundation may be sapped and destroyed before the superficial observer can detect the appearance of danger.

Appendix (H.)

CORRESPONDENCE between the Indian Governments and the Court of Directors, relative to the Employment of the Natives in the Civil Departments of the Service, from 1821 to 1832.

BENGAL.		Page	MADRAS.		Page
1.	Extract Judicial Letter from Bengal, 23 April 1821	355	33.	Extract Judicial Letter to Fort St. George, 11 April 1826	381
2.	Ditto - - - ditto, 11 January 1822	356	34.	Extract Judicial Letter from Fort St. George, 29 December 1826	382
3.	Ditto - - - ditto, 8 February 1822	ibid.	35.	Extract Judicial Letter to Fort St. George, 21 March 1827	ibid.
4.	Ditto - - - ditto, 10 April 1823	ibid.	36.	Extract Judicial Letter from Fort St. George, 27 April 1827	383
5.	Extract Judicial Letter to Bengal, 28 April 1824	ibid.	37.	Extract Public Letter to Fort St. George, 16 April 1828	ibid.
6.	Ditto - - - ditto, 29 July 1824	357	38.	Extract Judicial Letter from Fort St. George, 4 July 1828	384
7.	Ditto - - - ditto, 11 April 1826	358	39.	Extract Judicial Letter to Fort St. George, 6 May 1829	385
8.	Extract Letter in the Revenue Department, Lower Provinces, from the Governor-general in Council of Bengal, to the Court of Directors, 29th June 1826	ibid.	40.	Ditto - - - ditto, 8 April 1829	ibid.
9.	Extract Judicial Letter from Bengal, 5 October 1826	359	41.	Extract Judicial Letter from Fort St. George, 26 January 1830	ibid.
10.	Ditto - - - ditto, 7 December 1826	360	42.	Ditto - - - ditto, 25 June 1830	ibid.
11.	Extract Judicial Letter to Bengal, 3 January 1827	361	43.	Extract Public Letter to Fort St. George, 29 September 1830	ibid.
12.	Extract Judicial Letter from Bengal, 22 February 1827	ibid.	44.	Extract Judicial Letter to Fort St. George, 12 October 1831	386
13.	Ditto - - - ditto, 12 July 1827	373	45.	Ditto - - - ditto, 21 December 1831	ibid.
14.	Ditto - - - ditto, 30 August 1827	ibid.	46.	Ditto - - - ditto, 1 February 1832	387
15.	Ditto - - - ditto, 17 April 1828	ibid.			
16.	Extract Judicial Letter to Bengal, 23 July 1828	ibid.		BOMBAY.	
17.	Extract Letter in the Revenue Department, Lower Provinces, from the Court of Directors to the Governor-general in Council of Bengal, 10 December 1828	374	47.	Extract Judicial Letter from Bombay, 15 January 1822	ibid.
18.	Extract Judicial Letter from Bengal, 23 October 1828	ibid.	48.	Ditto - - - ditto, 14 January 1824	ibid.
19.	Extract Public Letter to Bengal, 18 February 1829	ibid.	49.	Ditto - - - ditto, 29 November 1824	388
20.	Extract Judicial Letter from Bengal, 23 April 1829	375	50.	Ditto - - - ditto, 4 May 1825	389
21.	Ditto - - - ditto, 18 August 1829	ibid.	51.	Extract Judicial Letter to Bombay, 12 April 1826	ibid.
22.	Ditto - - - ditto, 9 March 1830	ibid.	52.	Extract Judicial Letter from Bombay, 31 May 1826	ibid.
23.	Ditto - - - ditto, 15 June 1830	376	53.	Extract Judicial Letter to Bombay, 31 January 1827	ibid.
24.	Extract Public Letter to Bengal, 30 June 1830	377	54.	Extract Judicial Letter from Bombay, 31 August 1827	392
25.	Ditto - - - ditto, 29 September 1830	ibid.	55.	Extract Public Letter to Bombay, 5 September 1827	ibid.
26.	Extract Judicial Letter from Bengal, 5 October 1830	378	56.	Extract Public Letter from Bombay, 13 August 1828	ibid.
27.	Ditto - - - ditto, 9 November 1830	ibid.	57.	Extract Public Letter to Bombay, 18 February 1829	ibid.
28.	Extract Judicial Letter to Bengal, 23 February 1831	ibid.	58.	Extract Judicial Letter to Bombay, 29 July 1829	393
29.	Extract Letter in the Revenue and Judicial Departments, from the Governor-general of India, Lord W. C. Bentinck, to the Court of Directors, dated Simla, 15 September 1831	ibid.	59.	Extract Political Letter to Bombay, 26 May 1830	ibid.
30.	Extract Judicial Letter to Bengal, 11 January 1832	379	60.	Extract Public Letter to Bombay, 29 September 1830	ibid.
31.	Ditto - - - ditto, 1 February 1832	ibid.	61.	Extract Judicial Letter from Bombay, 27 July 1831	394
32.	Extract Judicial Letter from Fort St. George, 19 January 1821	381	62.	Extract Judicial Letter to Bombay, 15 February 1832	ibid.
			63.	Extract General Letter from Bombay, 28 December 1831	ibid.

1. EXTRACT JUDICIAL LETTER from *Bengal*, dated 23d April 1821.

26. WE now proceed to advert to Regulations II, III, and IV. of 1821, which have been just promulgated, and of which 20 copies accompany this despatch.

27. The grounds on which those Regulations were framed, and the principal objects to which they are directed, are explained in the chief secretary's memorandum, which forms a separate number in the packet.

28. Referring your honourable Court to that document, and to the Regulations themselves, for more full information, we may observe generally, that they provide for the employment of duly qualified natives in the administration of criminal justice, that they greatly enlarge the powers and jurisdiction of moonsiffs and sudder ameens, that they enable the judges and magistrates to avail themselves more usefully and effectually than hitherto of the services of their registers and assistants, that they furnish considerable facilities to the joint magistrates stationed

1. Extract Judicial
Letter from *Bengal*,
23 April 1821.

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stationed at places not being the sudder stations of the district, in the discharge of their civil duties, and that they provide for the occasional exercise of the powers of a magistrate or joint magistrate by collectors of land revenue, and by other officers employed in the management or superintendence of any branch of the territorial revenue.

29. The provisions in question will, we trust, be found in principle to correspond with the views and wishes of your honourable Court. Independently of considerations of the general expediency of the measure, the abolition of the office of register of the Provincial Courts, and the more extensive employment of native agency, in the administration of civil and criminal justice, had, in fact, become indispensably necessary from the insufficient numbers of European officers employed in the judicial branch of the service.

2. EXTRACT JUDICIAL LETTER from *Bengal*, dated 11th January 1822.

2. Extract Judicial
Letter from *Bengal*,
11 Jan. 1822.
Hon. Court's Letter
par. 155 et seq.
Commissioners'
Report, par. 79.

15. REFERRING to the impression which your honourable Court would appear to entertain of the abuses and exactions of the police, and other native officers of Cuttack, and to the disastrous consequences of such mal-practices, we feel pleasure in drawing the attention of your honourable Court to the sentiments expressed on that subject by Mr. Blunt. He states, that though he had personally visited many of the police divisions, and though Mr. Forrester had also made a tour of the district, yet neither to that gentleman nor to himself, had a single complaint been preferred against any of the public native officers; and that he is of opinion, that as few abuses prevail in Cuttack, as can be expected under any system of administration, in which the instrumentality of natives is employed.

Commissioners'
Report, par. 151 et
seq.

35. The information contained in the Commissioners' Report, and its accompanying documents, relative to the employment of native Ooreahs in the several departments of local administrations, and to the distinction between that class and the neutralized Ooreahs or descendants of foreign settlers, is more full and explicit than had before been received by us, and seems to show that Mr. Ewer rather overrated the extent to which office was enjoyed by native Ooreahs under former governments. Your honourable Court will find that the local authorities are impressed with a just sense of the propriety of selecting Ooreahs for appointment in all cases where they may be found tolerably qualified for the performance of public duties, and that considerable improvement has taken place of late in regard to the class of natives generally employed in the public establishments in Cuttack.

3. EXTRACT JUDICIAL LETTER from *Bengal*, dated 8th February 1822.

3. Extract Judicial
Letter from *Bengal*,
8 Feb. 1822.

20. THE Surdars and Lushkars will take cognizance of all disputes of a civil nature, and also of petty criminal offences occurring within their villages, or the limits of their local divisions; and, with the aid of a punchayet, will settle such disputes, or in criminal cases will adjudge such damages as may have been customary to the injured party.

21. Police darogahs will be appointed at convenient stations in the lowlands with the general powers they already exercise, but restricted to the cognizance of the more heinous classes of crimes that may be committed in the hills, and they will be directed also to observe the general principle of procuring the apprehension of all garrows, suspected of having perpetrated such offences, through the Surdars and Lushkars.

4. EXTRACT JUDICIAL LETTER from *Bengal*, dated 10th April 1823.

4. Extract Judicial
Letter from *Bengal*,
10 April 1823.

80. IN the department of civil justice, the system is very much assimilated with that of the provinces subject to the Regulations, with this difference, that native agency is more largely employed, the jurisdiction of sudder ameens being extended to cases of 1,000 rupees.

5. EXTRACT JUDICIAL LETTER to *Bengal*, dated 28th April 1824.

5. Extract Judicial
Letter to *Bengal*,
28 April 1824.

55. IN holding criminal trials, you directed the commissioner to be aided by his Mahomedan law officer. This provision appears to us defective, inasmuch as it makes no provision for the attendance of a Hindoo law officer during the trial of natives of that persuasion. The attendance of native law officers in court is undoubtedly for several purposes a wise provision; their better acquaintance with the habits and characters of individuals of their own faith qualifies them to be of essential assistance in the suggestion of questions, in the elucidation of circumstances in evidence, and in the deduction frequently of important consequences from the appearance and manners of the prisoners. In the interpretation of the niceties of language, on the right understanding of which much very often depends, and which is very seldom, if ever, attained by our European officers, their services are also most important. But the advantage to be derived from the presence or advice of a Mufti, on the trial of Hindoo prisoners is not very easily discernible. It appears to us highly desirable that the Commissioner be directed to require the attendance of a Hindoo law officer on all trials of prisoners of that persuasion.

6. EXTRACT JUDICIAL LETTER to *Bengal*, dated 23d July 1824.

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6. Extract Judicial
Letter to *Bengal*,
23 July 1824.* See General
Appendix, IV.

9. BUT whatever may be the urgency for increasing your European civil establishment, and to whatever extent it may be found necessary to carry that increase, we cannot let the present opportunity pass without again inculcating that which we have endeavoured to impress upon you, on various occasions, in the course of the last ten years, namely, the advantage and necessity of a more extensive employment of native agency in the judicial department of the service. The Regulations passed by you with this object in the beginning of 1821, have our cordial approbation; and we were greatly pleased with the valuable memorandum* which was then submitted to you by your chief secretary, Mr. Bayley, explanatory of the policy which had influenced the framing of those Regulations. But though, under the provisions then made, the powers of moonsiffs and sudder ameen were increased, and their number may be increased indefinitely, we apprehend, from the large arrear of undecided causes stated in Mr. Adam's* minute to be depending in some of the Zillah Courts, that both the number and powers of those functionaries are still inadequate.

10. We are satisfied that, to secure a prompt administration of justice to the natives of India in civil cases, native functionaries must be multiplied, so as to enable them to dispose, in the first instance, of all suits of that description, and, as appears to us, without regard to the amount at stake, their decisions being of course liable to revision under appeal, where this check may be deemed indispensable, and, what perhaps is of no less importance, their general conduct being subject to a constant and vigilant supervision on the part of the European functionaries in the districts where they are stationed. It should be the duty of the latter, not only to hear appeals, but to inquire into, and to report to Government periodically on the efficiency of the native agents employed more immediately under their eye, and the degree of estimation in which they are held by the community; whilst it should equally be the care of Government to reward the deserving, and to testify in the most marked manner its displeasure against persons of an opposite character.

11. The policy of restricting, as is done by the existing Regulations, the powers of the native judicial functionaries, to hear and decide on causes where the interest at stake is of a limited value, appears to us to be questionable, for this reason, that a suit of 500 rupees may be more difficult to decide, and, with reference to the circumstances of the litigant parties, of more importance, than a suit involving ten times the amount. We are doubtful too whether corruption is not more likely to occur in small causes than in those which, from their magnitude, attract more general attention, and the progress and issue of which are more narrowly watched.

12. The adjudication of appealed civil suits, the general supervision of the native judicial agents, the superintendence of the police, and the administration of the higher departments of criminal justice, with the settlement and collection of the revenue, will afford ample occupation to those of our covenanted European servants, who devote themselves to the internal administration of the country. By aiming at more than we can accomplish, we endanger the attainment of that which is within our reach, and it is justly observed in the memorandum of Mr. Bayley already alluded to, that, in consequence of "minute details, and the most laborious and even inferior duties being imposed on our European judicial servants, there is a want of active control over the conduct of the native officers, without which the latter cannot be safely trusted in matters of importance. Hence also that accumulation of arrears, and those embarrassments of other descriptions which have counteracted the unceasing endeavours of the most able men to infuse into the executive branch of the judicial administration, an adequate degree of general and permanent efficiency."

13. It has frequently been objected to the employment of the natives of India in judicial offices, that they cannot be safely trusted with the administration of justice. To this objection it might perhaps be a sufficient answer to say that they are already so trusted. But our principal reason for noticing the objection is, that we may impart to you our decided conviction that, when we place the natives of India in situations of trust and confidence, we are bound, under every consideration of justice and policy, to grant them adequate allowances. We have no right to calculate on their resisting temptations to which the generality of mankind in the same circumstances would yield; but, if we show a disposition to confide in them, and liberally to reward meritorious service, and to hold out promotion to such as may distinguish themselves by integrity and ability, we do not despair of improving their characters both morally and intellectually, and of rendering them the instruments of much good. It will be gaining a most important point if we can substitute a well-regulated and responsible agency for that unauthorized and pernicious influence, which there is reason to fear that the native officers of the Adawls are in the habit now of too frequently exercising over the proceedings of those Courts.

14. The sentiments above expressed are in perfect conformity with the views which were communicated to you in our despatch from this department of the 9th November 1814, and which had been in like manner imparted to the Madras Government in a despatch dated the 29th of April preceding. On some of the suggestions contained in those despatches, there were, as might have been expected, differences of opinion among our servants in India. The experiment, however, of employing native agency in the administration of justice, has been tried with success on a large scale in the Madras provinces, where it has greatly relieved the Zillah Courts from a pressure of business, to the expeditious despatch of which they had been found unequal, besides having, as we believe, been attended with other important benefits; and we have derived much satisfaction from observing a spreading conviction of its utility. Mr. Secretary Bayley, in the memorandum already quoted, describes this employment of natives subject to vigilant examination and control, as one of the "best adapted to their

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character and circumstances." "The propriety," he adds, "of augmenting the efficiency of the native judicial officers is supported by numerous authorities, both here and at home. The measure has been tried at Madras with acknowledged benefit, and the Governor-general, Mr. Dowdeswell, and Mr. Stuart, in their several minutes, dated the 2d October 1815, the 22d September 1819, and the 21st August 1820, have recorded sentiments favourable to its extension in the provinces under this Presidency. It has been attempted with success in the Delhi territories, as both Mr. Metcalfe and Mr. Fortescue have fully attested in their respective reports. It has been recommended by the court of Sudder Dewanny Adawlut in their detailed reports on the points stated in the letter from the honourable Court of Directors, dated the 9th November 1814, and the views and reasonings contained in that letter itself are entirely consistent with such a measure." You have not, however, made any distinct reply to our letter of 9th November 1814, an omission on your part which we now desire may be supplied. We required you to recur to the practices of native governments, and to make use of the ancient institutions of the country, in the manner we pointed out. It was to the extensive employment of punchayets, heads of villages, and heads of caste, and to the transfer to the collectors of an important portion of the functions, both civil and criminal, hitherto exercised by the judges and magistrates, that we chiefly looked for a substantial improvement in the administration of justice under your presidency.

7. EXTRACT JUDICIAL LETTER to *Bengal*, dated 11th April 1826.7. Extract Judicial
Letter to *Bengal*,
11 April 1826.

23. WE think it desirable to call your attention to the sentiments expressed in our judicial despatches, dated 9th November 1814, and 23d July 1824, in favour of the restoration of the ancient village establishments, the efficiency of which would evidently conduce in an important degree to the operation and success of the measures above directed. The efficacy of such a course of proceeding has been strikingly manifested under the administration of the commissioners in Cuttack.

57. We have derived much satisfaction from observing the desire manifested, both by you and the commissioners in Cuttack, to effect an adjustment of the rights of individuals to renovate the village police establishments, and to encourage respectable natives of Cuttack to qualify themselves for public employments, and we trust that your exertions will not be relaxed until these objects are accomplished.

8. EXTRACT LETTER in the Revenue Department, Lower Provinces, from the Governor-general in Council of *Bengal*, to the Court of Directors, dated 29th June 1826.8. Extract Letter
in the Revenue
Department from
Bengal, 29 June
1826.

Para. 71. ON the whole, however, we see reason to regret that the office of dewan to collectors of revenue was abolished, since it was one which natives of respectability were ambitious of filling, and the paucity of such offices under our government is to be lamented. It appears likely, too, that the means of filling it well, will be greatly facilitated by the improved and extended education which the people of this country, but more especially those of Bengal Proper, have of late years enjoyed, and which is every day enlarging its scope, both with respect to the numbers of those who seek for information, and the extent to which they pursue it. And it must never be forgotten that such improvement in the people, to be productive of much or unmixed good, must be met with corresponding disposition on the part of Government in all departments, to open new prospects of liberal employment.

72. It must otherwise, probably, be a source of disquiet and intrigue among the community, for unless Government shall open some door for the employment of the talents, which their own liberality has, in many instances elicited, and to a certain extent fostered by making natives of education and respectability of character eligible to higher grades of the public service than are at present open to their fair and honourable ambition, the gift of superior knowledge, with whatever other advantages attended, can scarcely fail to aggravate the discontent of the educated classes. Since, excepting the public service, the means of reputable employment for men of education and respectable family are comparatively confined, and in the service, as now constituted, though situations of responsibility held by natives are numerous, it cannot be denied that the emoluments attached to them are altogether disproportionate.

73. On the other hand, the advantages to be derived from a system which shall ensure the natives of superior education and knowledge a preferential claim to employment in the public service with adequate emoluments, are doubtless very great, such a system being indeed apparently indispensable to any decided improvement in the efficiency and economy of the civil administration of the country.

74. But these are considerations too important and comprehensive to be discussed in this place, though they must of course be kept in mind when we are called upon to decide on any proposition such as that now question.

75. We should be happy to receive a communication of the sentiments entertained by your honourable Court in regard to the extent to which you may consider it proper to carry the principle of employing the agency of natives in the territorial branch of the civil administration; supposing the Government to be satisfied as to their moral and intellectual qualifications.



9.—EXTRACT JUDICIAL LETTER from Bengal, dated 5th October 1826.

5. We are gratified to learn, that the rules passed in the beginning of 1821, for the more extensive employment of the natives in the administration of justice, have received the approbation of your honourable Court. Regulation II. of that year, has been found useful in relieving in some degree the files of the Zillah and City Registers, and in disposing of a large number of suits, which would otherwise have accumulated in their Courts; and Regulation III. by which the Hindoo and Mahomedan law officers and sudder ameens were empowered to try petty thefts, and other criminal cases of a trivial nature, has afforded considerable aid to the magistrates in the disposal of such cases, and has doubtless enabled them to devote a greater degree of attention to their more important duties; since that time, with a view to render their services more available, and with reference to the sudder ameens being now paid by a fixed salary instead of fees, we have deemed it advisable to rescind the rules which prohibited sudder ameens from trying suits admitted in *forma pauperis*, but in other respects their powers have not been increased.

6. In conformity to clause 2, section 2, of the Regulation above noticed, for discontinuing Civil Consultations the mode of compensating the sudder ameens by the institution fee or stamp duty substituted for it, a fixed allowance has been granted to them on a scale calculated to ensure a faithful discharge of duty, and to afford them a liberal reward for their services.

7. We have weighed with that attention which they must always demand from us, the reasons recorded by your honourable Court, in favour of vesting the native functionaries with power to dispose, in the first instance, of all civil suits, without regard to the amount at stake, leaving the European servants to try appeals from their decisions, and to exercise a general supervision over their character and conduct; but we must confess we have not been able to satisfy ourselves of the expediency of carrying a measure, which involves so material a change of system, into effect, to the full extent contemplated by your honourable Court.

8. Had the system now in force been framed with a view to such an extensive employment of native agency in the Judicial Department, and had men of education and respectability been originally enlisted in the cause, a class of native judges might have grown up with our institutions, alike qualified by their education and influence in society, to have held situations of high responsibility in the administration of justice throughout the country.

9. The system, however, introduced in 1793, was ill calculated to encourage the formation of such a class; in fact, the employment of the natives in judicial functions, to the extent even to which their services are now brought into action, was probably never contemplated, nor was any apprehension then entertained that a difficulty would arise in providing a sufficient number of European agents for the administration of civil justice, excepting in petty suits and matters of inferior importance.

10. Hence native commissioners in the early introduction of the code, were restricted to trying suits for money or other personal property to the amount of 50 rupees, and it was not until the year 1803, that the office of sudder ameen was established for the trial of suits referred by the judge in which the amount or value of the property sued for should not exceed 100 rupees.

11. It cannot be supposed that the emoluments derived by the moonsiffs and sudder ameens under those limitations, which in fact afforded scarcely a bare subsistence, were likely to induce men of high character or qualifications to become candidates for those offices; although the Regulation at the time enjoined the selection of the commissioners from some of the highest classes of the native population.

12. In 1814, the whole of the rules previously enacted regarding the office of moonsiff and sudder ameen underwent a careful revision. The amount of suits which they were respectively authorized to try, was somewhat increased, and the compensation allowed them was regulated on a more liberal scale than formerly. But it was not till the beginning of 1821, as noticed by your honourable Court, that the powers of moonsiffs and sudder ameens, and consequently their emoluments, were in any material degree augmented.

13. We are of opinion that it will be expedient still further to increase their powers, and that this object can be gradually attained, provided their emoluments are increased in proportion, without subjecting them to too great temptation from the magnitude of the trust reposed in them, and thereby hazarding the purity and impartiality of their decisions; we have called upon the Court of Sudder Dewanny Adawlut to submit their sentiments on the subject, and we propose hereafter to communicate the result of our further deliberations upon it to your honourable Court.

14. We regret that we have not yet prepared a detailed reply to the multifarious questions discussed in your honourable Court's letter of the 9th November 1814; we trust, however, that the several enactments and arrangements that have been subsequently framed will have afforded ample testimony, that this Government has not been inattentive to the wishes and instructions of your honourable Court, as expressed in that despatch, although it has not been deemed practicable or expedient to conform to them in every particular.

15. We have applied to the government of Fort St. George for information on the practical operation of the rules enacted in the year 1816, and subsequently, for the employment of punchayets and heads of villages, and for the general improvement of the administration of civil and criminal justice; on the receipt of which we shall be better prepared to judge how far it may be expedient to adopt any and what parts of the judicial system, as now established at that presidency.

(445.—I.)

Letter to, dated 23rd July 1824, paras. 9 to 13, on the more extensive employment of native agency in the Judicial Department.

Vide Reports on the civil business from the Register to the Sudder Dewanny Adawlut.

Total number of regular suits, original and appeal, pending on the Register's files.

On the 1st Jan. 1821	- 11,793
ditto, 1822	- 11,551
ditto, 1823	- 11,040
ditto, 1824	- 10,112
ditto; 1825	- 10,596

Regulation XIII. 1824.

Paragraphs 14 to 16, requiring a reply to the honourable Court's letter of the 9th November 1814, suggesting employment of punchayets, heads of villages, and heads of castes, and the transfer to collectors of a portion of civil and criminal functions, with objections to the constitution of a separate office of magistrate.



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16. We shall then also discuss the subject of employing collectors of land revenue more generally in the administration of civil and criminal justice, and shall, we trust, be able to satisfy your honourable Court, that your suggestions on that head have not been lost sight of, as well as that we have not had recourse to the appointment of a district magistrate, separate from the office of zillah judge, excepting where that measure was indispensably necessary.

76. The zillah judges have as much as possible availed themselves of the assistance of the sudder ameens and registers, in disposing of such suits as they are empowered to decide.

90. We need scarcely assure your honourable Court, that the improvement of the judicial system will at all times engage our most anxious deliberations. With regard to the native functionaries, some advance has been made of late years to raise the condition of those who now hold the office of sudder ameen and moonsiff, and we trust that circumstances may admit of its being still further improved; at the same time we entertain a confident expectation, that the measures which have been adopted, under the superintendence of the Committee of Public Instruction, for improving the standard of education in the native colleges, will have a most beneficial influence on the moral and intellectual character of those who may hereafter obtain employment in the judicial establishment. We cannot, however, conclude these remarks, which have been called forth by your honourable Court's strictures on the judicial system as it now exists, without expressing our apprehension that little can be effected towards ensuring the speedy and impartial administration of civil justice under this presidency, without the aid of more European functionaries than can be supplied in the present state of the civil service.

190. Your honourable Court will observe, that we were induced by the result of the inquiries into these cases, to pass Regulation VIII. of 1825, "To make further provision for the employment of native officers in the Judicial Department; and to provide for the punishment of false and malicious charges against the European officers of government." By the first part of the Regulation, all judicial officers are prohibited, under severe penalties, from employing their private servants in the discharge of any part of their duties, and by the latter part the controlling authority, in passing final orders on a charge preferred against an European public officer under the provisions of Regulation XVII. 1823, is declared competent, when the charge may be found on investigation to be manifestly unfounded and malicious, to punish the accuser by imprisonment for a period not exceeding six months, with a fine not exceeding 500 rupees, commutable in default of payment to further imprisonment for six months.

191. We trust your honourable Court will approve that Regulation. The employment of persons in judicial offices under no responsibility, and not subject to the penalties for malversation, to which those regularly employed are liable, was obviously open to abuse, and although we are not without some apprehension that a strict enforcement of the rule, by the total exclusion of persons who formerly attended the offices to learn business in the hope of future employment, may eventually render necessary an increase in the number of the inferior native assistants, yet we consider the rule extremely salutary, and well calculated to check the influence and intrigues of natives in the Zillah Courts. We shall not of course allow any increase of the establishments of the courts on the plea of this Regulation, excepting where the urgent necessity of the measure may be clearly shewn.

228. With regard to the employment of the law officers and sudder ameens in the trial of criminal cases, under the provisions of section 3, Regulation III. 1821, your honourable Court will observe that the majority of the authorities consulted by the Sudder Dewanny Adawlut were in favour of so employing them.

229. In concluding the remarks on this subject, the Court observes, "under this variety of sentiments, the Court of Nizamut Adawlut are of opinion that more experience must be had of the operation of the enactment referred to before a satisfactory judgment can be formed upon the expediency of continuing it or otherwise. In the mean time the Court are of opinion that the several local magistrates and joint magistrates should be left in the exercise of a full discretion, either to avail themselves of the power vested in them by section 3, Regulation III. 1821, or not, according to the state of the criminal business depending before them, and the sentiments they may entertain of the necessity, or ability of employing any of the law officers or sudder ameens, at their respective stations in the manner provided for by the Regulation."

230. We felt persuaded, however, that the services of the sudder ameens, in criminal as well as in civil matters, would gradually be fully appreciated; and we recorded our opinion, that it had become indispensable to the due administration of justice, that natives of respectability should be entrusted with as large a share of judicial duties, as could be legally and usefully confided to them.

10. EXTRACT JUDICIAL LETTER from *Bengal*, dated 7th December 1826.

10. Extract Judicial Letter from *Bengal*, 7 Dec. 1826.

40. In our despatch to your honourable Court for the Lower Provinces, under date the 5th October last, paragraph 228 to 230, we adverted to the employment of the law officers and sudder ameens attached to the several Mofussil Courts in the trial of petty criminal cases, under the provisions of section 3, Regulation III. 1821, and we then stated to your honourable Court that "we felt persuaded that the services of the sudder ameens in criminal as well as in civil matters, would gradually be fully appreciated." It is with much satisfaction, therefore, that we notice to your honourable Court the considerable aid which the magistrates in



in the Western Provinces appear to have derived from this class of public officers, as evidenced by the increased number of causes referred by them to their sudder ameens for decision during the years under review, of which an abstract is given in the margin.

No. of cases referred to Sudder Ameens	1821.	1822.	1823.	1824.
	700	1804	3860	3571

41. As connected with the administration of criminal justice by native agency, which we are most anxious to extend where it can be done without the risk of leading to serious abuse the proposition for stationing a limited number of ameens, (of the same class of persons as those now employed at the sudder stations) in the interior of the districts, and investing them with original jurisdiction in criminal cases of a petty nature, which was made by Mr. Ewer, in his Report for 1822, naturally attracted our serious consideration; but, although (as already stated in our despatch to your honourable Court, above adverted to,) we consider indispensable to the due administration of justice, that natives of respectability shall be entrusted with a considerable share of judicial duties; there appeared to us to be many serious objections to the immediate adoption of the measure suggested by Mr. Ewer. For a more full exposition of our sentiments on this point, as well as on the suggestion of the superintendant submitted in the same report, that the provisions of Section 7, Regulation XII. 1818, should be rescinded, we beg to refer your honourable Court to paragraphs 21 to 26, inclusive, of our Resolutions, dated 6th November 1823.

40. With reference to the observations contained in these paragraphs, the Board of Revenue in the Western Provinces were required, on the date noticed in the margin,* to report whether cases of assault and other minor offences, could, with public advantage, be referred to the heads of castes for adjustment, and under what checks. And the Board were at the same time desired to state their sentiments as to the utility of engaging a Hindoo law officer to attend them in court during the trial of Hindoo criminals, for the purpose of putting questions, or declaring his sentiments generally on points connected with the trial.

Letter to, dated 28th April 1824, paras. 53. 55; administration of justice in the territory of Delhi.

*Crim. Cons. 1825. 6 Jan. No. 35.

41. Your honourable Court will observe from their reply, recorded on the date noticed in the margin, that the Board were not aware that any description of persons resident in the Delhi territory can come under the denomination of heads of castes. "The principal assistants," the Board remark, "are in the habit of submitting boundary and other disputes of a similar nature to the arbitration of a certain number of persons usually named by the litigants; but it seldom happens that by such means disputes are permanently adjusted, partly from the want of confidence which one native has in the discernment and just motives of another, and partly because they place generally greater reliance on the justice of the European officers."

Crim. Con. 1825. 15 Sept. No. 6.

11. EXTRACT JUDICIAL LETTER to *Bengal*, dated 3rd January 1827.

13. WITHOUT a proper superintendence over the proceedings of the judicial officers, and an adequate establishment, no exact execution of the laws can reasonably be looked for. It is, therefore, incumbent on your government to be careful in the selection of properly qualified persons for the superior courts, and to supply the inferior officers by such means as are within your reach. The superintendent of police complains that there is a great want of judicial officers in the Western Provinces, the proportion of magistrates and assistants to the number of stations, he says, is not $1\frac{1}{2}$ to each, instead of 3, which he thinks it ought to be; on this point we have only to add, that the difficulty of finding European assistants furnishes an additional argument for the measures recommended in the 161st para. of our letter of the 9th November 1814, the subject of which letter has been since repeatedly brought to your notice; and it is satisfactory to us to remark that in Regulation III. of 1821, the principles we have so long inculcated are adopted.

11. Extract Judicial Letter to *Bengal*, 3 January 1827.

12. EXTRACT JUDICIAL LETTER from *Bengal*, dated 22nd February 1827.

1. In your letter of the 8th December 1824, you have enjoined us to furnish a specific reply to your honourable Court's despatch of the 9th November 1814, reviewing the judicial institutions under the presidency of Fort William, and suggesting various important modifications in the system then in force for the administration of civil and criminal justice, and for the management of the police.

12. Extract Judicial Letter from *Bengal*, 22 Feb. 1827.

2. The separate letters addressed to your honourable Court, under dates the 7th February 1817, and 1st of September 1820, and various incidental notices in other despatches, have apprised your honourable Court of the proceedings adopted by the Supreme Government, either in consequence of, or in immediate connection with the instructions communicated in your despatch above referred to. You have been furnished with the Reports of the Sudder Dewanny Adawlut, and Nizamut Adawlut, the Boards of Revenue, the Superintendants of Police, and the subordinate officers in the judicial and revenue departments, who were required to submit their sentiments on the modifications proposed by your honourable Court; and the sentiments of the Marquis of Hastings, Mr. Dowdeswell and Mr. Stuart, on various points connected with your instructions, are recorded in their minutes dated respectively the 2nd October 1815, the 22nd September 1819, and the 21st October 1820.

3. The circumstances which opposed an unanimous or immediate decision upon the merits of the various measures which you had suggested, are very clearly and forcibly detailed in Mr. Stuart's Minute, and we are persuaded that in consideration of those circumstances, of the subsequent changes in the members of the Supreme Government, and of the pressing demands

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demands on the attention of the Governor-general in Council during the continuance of the war with Ava, your honourable Court will be disposed to view with indulgence the delay which has occurred in replying to your instructions.

4. The information which was furnished to us by the Government of Fort St. George in the year 1818, and more especially the tenor of the reports of the Sudder Adawlut, and Board of Revenue under that presidency, did not justify the inference that the corresponding changes which had been introduced in the year 1816, in the judicial institutions of that presidency, were likely to prove very successful, or to fulfil the expectations under which they had been enjoined and carried into effect; while the Report of the Judicial Commissioners at Madras, dated the 15th October 1818, was equally calculated to induce the Supreme Government not to introduce precipitately in these provinces a system, the real merits and advantages of which could not, in the opinion of the Commissioners themselves, be ascertained until it had been pursued steadily for a period of six or seven years.

5. We now proceed, in conformity with your repeated injunctions, to submit to your honourable Court's consideration, our views and sentiments on the various suggestions contained in your despatch of the 9th November 1814.

6. We shall advert to those suggestions, and to the grounds on which they are recommended in the order in which they are treated in that despatch. Where the modifications in our judicial institutions, which you have suggested, appear to us open to decided objection, we shall candidly state those objections for your further deliberation. We shall explain the extent to which we have already given, or propose to give effect to other parts of your instructions, or to measures directed to the same end which have appeared to our predecessors and to ourselves, calculated to promote the public interests.

7. In reviewing the administration of civil justice under the presidency of Fort William, your honourable Court have first adverted to the heavy arrears of regular civil suits depending before the several judicial tribunals (and which are supposed by your honourable Court to form only a small proportion of the cases of individuals who stand in need of judicial protection), as a proof of the insufficiency of the existing provisions for administering civil justice within the extensive and populous range of territory under this government.

8. You have referred more particularly to those injuries to which the ryots are exposed from excess of collections or undue exactions made from them by the zemindars and their under tenants, and to disputes regarding the right of possession in land, crops, or water courses. You have observed that the great subdivision of zemindarree property from the sales of land, and the extended operation of the Hindoo and Mahomedan laws of inheritance, are likely still further to augment litigation, and that the increasing demand for justice which must in consequence be experienced, will render the present system far more unequal to its proposed purposes than it was when your honourable Court's letter was written; and that as the wants of the system could not be adequately supplied by an augmentation of the European part of the judicial establishment, the remedy must be sought by employing natives in conducting this branch of internal regulation.

9. In the general justness of your honourable Court's remarks under the foregoing heads, we readily avow our concurrence.

10. Other causes, however, besides those which are assigned by your honourable Court, or those which can justly be attributed to the defective system or organization of our civil tribunals, may be adduced, to account for the existing mass of litigation, and for the daily increasing number of applications to our Courts for the redress of real or supposed grievances.

11. Amongst these causes may be reckoned the growing confidence of the people in the general proceedings of our tribunals, and the progressive demands arising from a rapidly increasing population, from extended cultivation, from the rise in the value of landed property, from the progress of internal trade and commerce, and from the general prosperity of the country.

12. It is needless to remark how much the proceedings of all our tribunals are delayed and embarrassed by the notorious disregard for truth so generally displayed by the natives in giving evidence, and from their want of moral principle, evils which cannot be mitigated or remedied by any direct or immediate modification of our judicial institutions; but as having a far more extensive operation than all of the foregoing causes, we are led to ascribe the alleged inadequacy of our civil tribunals in the Lower Provinces to meet the demands upon them, to the precipitation with which the permanent settlement was carried into effect, without previously defining the relative rights and interests of the zemindars and other landholders, and the various classes of the cultivating population, or without providing such means as would have enabled the courts of justice to ascertain those rights and interests by recourse to recorded documents, in those controversies which form directly or indirectly not only the most numerous but often the most embarrassing of all the questions which are brought forward for judicial adjudication.

13. The rules now in force for ascertaining, adjusting, and recording those rights and interests in the districts into which a permanent settlement has not yet been introduced, will, if it is found practicable to carry them into effect, in the spirit and to the extent contemplated by Government, go far to render the future administration of civil justice in those portions of our territory simple and efficient.

14. In very few of the districts so situated are the arrears of civil suits heavy, and where they are so, (in Allahabad, Cawnpore, and Goruckpore, for instance,) the cause of the arrear is clearly traceable to local defects and irregularities in the past system of revenue management.

15. Controversies regarding succession, inheritance, adoption, marriage, dower, gift, and other questions more immediately connected with Hindoo and Mahomedan law, form a comparatively

Paras. 5 to 13.

Do. 13 to 36.

Do. 37 to 42.



paratively minute portion of the number of suits brought into our courts. Claims or disputes relative to debts, simple contracts, mercantile transactions and other dealings of ordinary occurrence, or for personal damages, though necessarily more numerous, admit generally of easy adjustment. The real pressure upon our tribunals arises from the mass of litigation connected with the rights, tenures, and interests of the proprietors and occupiers of land. This pressure could not, we apprehend, be removed by any modification in the nature and description of our tribunals. It is now too late to apply an effectual remedy to an evil, which might have been guarded against when the permanent settlement was formed, but it is and will be our anxious wish to adopt such measures, both in the revenue and judicial departments, as may be feasible, with a view to define the rights and interests of the cultivators, and to secure those rights.

16. In connection with this subject, we beg to refer your honourable Court to the documents noticed in the margin, copies of which accompany this despatch as separate numbers in the packet.

17. In the present stage of the business it is sufficient briefly to notice the principal objects contemplated in the draft of the Regulation proposed by Mr. Harington, for more fully declaring and securing the rights of khood cosht ryots and other permanent tenants of lands.

18. They are as follow :

1st. To explain the intention of the existing Regulations in recognizing the hereditary and transferable rights of zemindars, independent talookdars, and other proprietors of malgoozarry lands, as not meant to abrogate or abridge the prescriptive rights and privileges of dependent talookdars, hereditary or permanent ryots, or any other description of under tenants or cultivators of the soil ; to provide expressly for securing the rights and privileges of under tenants possessing an hereditary and transferable property in their tenures, as well as of those entitled to a permanent right of occupancy on certain conditions ; and to declare the restricted property and interest of the zemindars, independent talookdars, and other sudder malgoozars, with respect to lands occupied by permanent under tenants, such as those above mentioned. Also to declare a similar reservation of rights of property or occupancy belonging to the actual possessors or cultivators of land included in jagheers or other lakheraj grants.

2d. To explain the real and sole objects intended by parts of Regulation V. and XVIII. 1812, which are supposed to have been very generally misconstrued and misapplied, as vesting the zemindars and other superior landholders with a discretion in raising the rents of their under tenants, not before possessed by them under the ancient laws and usage of the country.

3d. To explain the rules passed for enabling sudder malgoozars to realize the rents payable to them, as not meant to limit the actual rights of any description of landholder or tenant ; and to amend the existing rules relative to the pottabs and rents of khood cosht ryots, and other permanent under tenants entitled to hold their tenures at a fixed rent, or a rent determinable by the rates of the pergunnah or other known rule of adjustment, by declaring such under tenants not liable to the payment of an enhanced rent without a written engagement to pay the same ; or if the justness of the demand be contested, without a judicial decision in a regular suit.

4th. To declare the intention of the existing rules of process, which have been prescribed for sudder malgoozars desirous of enhancing the rents of their under tenants, with a further enactment when the sudder malgoozar may proceed by distraint for the recovery of enhanced rent without a specific engagement, and the justness of the demand may be disputed by the under tenant. The demand of enhanced rent not to be recoverable by distraint in such cases, without proof of the claimant's title thereto in a regular suit ; and no khood cosht ryot or other permanent under tenant to be ejected from his tenure on a plea of default and forfeiture, without a regular decree of Court. Dispossession by force or threat in opposition to this rule, to be cognizable by the magistrate under Regulation XV. 1824, and to be punishable, on conviction, by a penalty equal to three times the annual rent of the land.

5th. To provide for a careful investigation and decision of the rights and interests of the parties, in all cases of disputed permanent tenures between superior landholders, farmers, or managers and subordinate tenants of malgoozarry land, as well as in similar cases of dispute between holders or managers of lakheraj land, and the owners, occupants, or cultivators of land in such tenures ; and to make provision for the requisite accounts and information being furnished in such cases by the village putwary and pergunnah canongoes.

6th. and lastly. To establish certain general rules for the guidance of the courts of judicature, collectors, or other public officers, who may be authorised to adjust and determine the rents payable by ryots or other under tenants of land, as well in regular and summary suits as in all other cases whatever, in which the officers of government may be empowered by the Regulations in force, or by the special orders of the Governor-general in Council, to adjust the rents payable by the cultivators and under tenants of land, especially by such as possess a permanent right of occupancy in their tenures, subject to a fixed rent, or a rent determinable by the rate of the pergunnah, or other known rate of adjustment.

19. The detailed provisions of the proposed Regulation will demand the most mature consideration, and we shall avail ourselves of the experience of the Boards of Revenue and the suggestions of other competent officers, before finally enacting the Regulation in question ; and we have brought the subject under your notice, in its present immature state, chiefly with the view of satisfying your honourable Court of our anxiety to meet the wishes you have so frequently expressed on this very difficult and important question.

20. We now proceed to advert to the specific remedies suggested by your honourable Court for the more effectual administration of civil justice.

Appendix (H.)

12. Extract Judicial
Letter from Bengal,
22 Feb. 1827.

Civil Cons.
19 Oct. 1826.
No. 5 to 11.
8 Feb. 1827.
No. 8 to 15.



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21. In the 5th paragraph of the Report of the Sudder Dewanny Adawlut (dated the 9th March 1818) these suggestions are divided into twelve classes, but it appears to us that they may be conveniently arranged under three general heads, viz.

Paras. 43 to 62 and paras. 88 to 90 of the Court's despatch.
Included in the 1st, 2d, 3d, 4th and 12th heads of the Report of the Sudder Dewanny Adawlut.

1st. Such as relate to the more extended employment, in the distribution of civil justice, of native agency, and especially in the form of punchayets, and in the persons of those who are considered to be the permanent and natural village authorities, or to possess influence as the heads of particular classes, professions and tribes of the inhabitants.

Paras. 61 to 67 of the Hon. Court's letter.
Included in the 5th, 6th, 7th and 8th heads, and in the 6th para. of the Report of the Sudder Dewanny Adawlut.

2d. Such as relate to the limitation of appeals, the simplification and abbreviation of the forms, proceedings and processes of our established courts, the improvement of the office of vakeel, the reduction of law expenses, and the suggested institution of a new court of Sudder Dewanny Adawlut.

Paras. 68 to 87 of the Hon. Court's letter.
Included in the 9th, 10th and 11th heads of the Report from the Sudder Dewanny Adawlut.

3d. Such as relate to the transfer from the judicial to the revenue authorities of claims regarding land, rent, distraint, undue exactions and boundaries, and to the improvement of the existing rules on these subjects, as well as regarding the interchange of written engagements between the landholders and the ryots.

22. With regard to the plan of investing the munduls, mocuddums, gomashtas, or other heads of villages, however designated, with judicial powers, we would observe that the number of mouzas or villages, comprised within the provinces to which our Code of Regulations extends, is assumed, according to different calculations, at from 360,000 to 400,000; and that whatever may have been the case in former times, there are not now to be found in a great majority of those villages any persons either actually possessing or supposed to possess the influence, authority, advantages or emoluments appertaining to the class of officers contemplated by your honourable Court as the natural and permanent heads of the village institution.

23. In Bengal especially, the real head of the village, or in other words the person possessing the chief influence and authority, is either the proprietor of the village, or the gomashta, or agent, paid and employed by the zemindar or farmer, to manage and collect his rents, or the under renter of such zemindar or farmer. These are not the natural or permanent village authorities contemplated by your honourable Court, but the very individuals who either directly or indirectly are the oppressors of the cultivating classes, by undue exactions and other injurious acts, which it is the object of your honourable Court to remedy; and it is obvious that to confer judicial powers on such persons would be to deliver the ryots bound hand and foot, into the power of their greatest enemies.

24. We observe, indeed, that such powers have been conferred on renters of villages in some parts of the Madras territories, but that the measure was earnestly deprecated by many of your best informed servants under that presidency; and unless the standard of the native character is much higher in that part of India than it is here, we should anticipate from its adoption results very opposite from those benevolent objects to which your honourable Court's instructions were directed.

25. Excluding, therefore, from those on whom it is proposed to confer judicial powers, as heads of the villages, the resident proprietors and farmers, the subrenters of proprietors and farmers, and their gomashtas, stewards, or agents, the first difficulty which would present itself in constituting the heads of villages to be moonsiffs would be the selection of the individuals best entitled to the designation of mundul or mocuddum, and as such possessing, or supposed to possess, a natural and permanent local authority as head of the village.

26. We are satisfied that in the lower provinces individuals so qualified will very rarely be found to exist; and that where the title of mundul or mocuddum may yet be recognized, the person so designated will still more rarely be found to enjoy any defined rights, privileges, or emoluments annexed to it. We may remark also, that amongst those who are from time to time designated as munduls or heads of villages, the title has been in some instances obtained, not by any greater opulence or rank, not by hereditary claims or any superiority of worth or intelligence, but by a greater turbulency and litigiousness of character, which has given them an ascendancy over their more timid and peaceable neighbours; and that in other cases, a claim to the title is asserted by different individuals, which becomes the source of feuds and animosities between parties in the same village. But supposing that it were found practicable to trace and select individuals of the description contemplated by you, there would naturally arise, a general objection on their part to undertake a novel duty without receiving some pay or emolument, in compensation of their labour, responsibility and loss of time. Nor do we perceive with what justice this objection could be over-ruled, while if they voluntarily consented to undertake the duty without remuneration, we would ascribe their willingness to do so to no other motive than the expectation of deriving illicit advantages from the power they would possess. In almost every instance it would be the interest of these heads of villages to conciliate the favour and good-will of the zemindar or farmer, or their agents; and it is the concurrent opinion of all our best informed public officers, that it would be impossible to place any confidence in the justice or impartiality of such village moonsiffs, in cases in which the interests of the ryots and inferior classes of inhabitants might be opposed to those of the zemindars or farmers, or of their agents.

27. Of functionaries thus characterized there would be, on a general average, between seven and eight thousand in each district, who, under similar rules to those established under the presidency of Fort St. George, would be authorized to hear, try, and determine, of their own authority and without appeal, such suits as might be preferred to them for sums of money or other personal property, not exceeding in value or amount ten rupees; to hear, try, and determine, in their capacity of arbitrators similar suits to the amount of 100 rupees;



to proceed, *ex parte*, if the defendant should refuse or neglect to attend, to take the oral depositions of witnesses without committing them to writing; to fine recusing witnesses as well as parties, vakeels or witnesses for disrespect, or to imprison them for twelve hours if the fine be not paid; and to cause execution of their decrees to be enforced by a sale of the defendant's property, unless charged by the zillah judge with corruption or gross partiality within thirty days from the date of the decree.

28. These powers must, under the principles of the Madras rules, be imposed in each village on some one individual who may be designated the head of the village, however reluctant he may be to exercise them, whatever may be his character or qualifications, or what appears of still more importance, his relation to the zemindar or farmer.

29. The only control which can be exercised over them is that which goes to prevent the execution of their decisions, in cases in which they may appear both to the zillah judge and provincial court to have been guilty of corruption or gross partiality; and the rule which permits either party in a case to prosecute them for damages in the zillah court for any oppressive and unwarranted act of authority. But limited and weak as this control undoubtedly is, we are satisfied that in this part of India the zillah judges and provincial courts would not be able to investigate and decide upon the complaints which would be brought before them with the despatch necessary to render the control practically useful; while if the powers of superintendence to be exercised by the zillah judge were to be extended so as to be really efficient, the labour devolving upon him would preclude him from paying proper attention to his more important duties.

30. In concluding their review of this branch of the subject, the Court of Sudder Dewanny Adawlut have expressed their sentiments in the following terms: "We are decidedly of opinion that every encouragement should be given to the munduls, mocuddums, and other heads of villages, to arbitrate and settle *as heretofore* any trivial disputes between the inhabitants of their respective villages, which may be voluntarily submitted to their adjustment and award. But on a general consideration of the objections which have been stated, we must deliberately repeat the doubt already expressed by us on the expediency of vesting them with any regular individual authority, and a defined civil jurisdiction in the numerous villages which subsist in every zillah under this Presidency."

31. Concurring as we do in the foregoing sentiments, we must add our firm conviction, that no modifications of the system adopted at Madras for the regulation of the office of village moonsiff, which would not be subversive of the principle on which that Regulation is founded, could render the class of officers indicated, generally useful in the regular administration of civil justice in this part of India, but that, on the contrary, the attempt to introduce a similar system in Bengal would be attended with nearly insurmountable difficulties; and that if it were introduced, it would be productive of results in the highest degree injurious to the interests of those very classes for whose benefit it is more particularly designed.

32. In the foregoing remarks on the office of village moonsiff, we have not adverted to that part of your honourable Court's suggestions, in which it is proposed that village punchayets should be assembled under the authority of the village moonsiff, either to aid the latter in the trial of civil claims brought before him in that capacity, or to act as arbitrators in other civil cases voluntarily submitted to the punchayet for award, and it will be convenient to consider this question in connection with the corresponding, though more extensive authority proposed to be vested in district moonsiffs in regard to the assembling of district punchayets for similar objects.

33. According to the best information which we possess, the punchayets under the Hindoo law and practice of former ages, had no jurisdiction or cognizance of causes, except such as were voluntarily submitted to them by the parties for arbitration. The punchayets are expressly declared to be constituted at the request of the parties, and the consent of the members of the punchayet to act in that capacity was to be obtained by solicitation, presents, & other means. Such assemblies are declared not to be established by the operation of the law, nor by the act of the King, though a special reference to punchayets of individual cases, depending before the King or the established judges, is also recognized; but it appears from various writers on Hindoo law, that the awards of punchayets were always open to an appeal, either to a superior assembly, or to the established courts of justice, over which the King was the tribunal of last resort. This mode of adjusting civil controversies by arbitration, differs not in principle from the system generally adopted in other countries; and it is a subject of regret to ourselves, and to our judicial officers, that the natives cannot be prevailed upon to have more frequent recourse to it.

34. Various reasons may be assigned for the reluctance so generally exhibited by the natives of this part of India, to resort to such a mode of adjusting their differences, even when most strongly urged to do so by our public officers, whether in their official or private capacity.

35. We firmly believe, that whatever may be the defects of our judicial tribunals, the natives repose more confidence in them than in the judgment of their neighbours, or of such of their fellow countrymen as could be induced to furnish their unpaid assistance in the adjustment of disputes. The latter are not willing to sacrifice their time without remuneration for the benefit of their neighbours, or for the public good. They know that their award will in all human probability make one of the parties their enemy, and they are too well aware of the character of their countrymen to doubt that the first mark of such enmity would generally be an accusation, whether just or unfounded, that they had given such award under the influence of partiality or corruption.

36. The rules of Regulation XXII. 1816, regarding the establishment of a subsidiary police in the chief cities and towns provided for the appointment of chowkeedars, and the

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assessment of the inhabitants through the agency of punchayets, consisting of the most respectable inhabitants of each mohalla, the negligence of those punchayets, and the abuses practised by them even under the immediate eye of the magistrate, show how little is to be expected from the aid of native society, in conducting the details of the simplest municipal regulation.

37. It seems indeed to us as it has done to many of the civil officers now or formerly belonging to this establishment, who have entered upon a discussion of the punchayet system, that it has been seldom resorted to in any part of India, as a means of terminating civil controversies regarding property, except in times and places where the Government had failed to provide any tolerable system for the equitable administration of justice.

38. Mr. Fullerton has expressed his full persuasion that the real advantage of the punchayet mode of administering justice was, that at the time it prevailed there existed no other, and that if a man had no punchayet to settle his cause, he obtained no settlement at all.

39. Mr. Macsween, the judge and magistrate of Agra, in a Report dated the 5th June last, has described the administration of civil justice, and the operation of the punchayet system in pergunnah Goberdhun, in the following terms :

"As to civil justice, it was not uncommon for a plaintiff to pay money to a fouzdar to induce him to support a claim, which was usually done by sending armed men to enforce payment, without any inquiry ; applications which were favourably received by the rajah were similarly enforced. Many questions of marriage, inheritance, caste, claims to land, &c. &c. were referred to punchayets, which here as elsewhere were corrupt and prejudiced. Questions were referred to them, because each party hoped by some corrupt means to gain the cause, not from any confidence in the honesty of the punchayet, or in the justice of the cause. Armed men were not unfrequently assembled to support each party, and the meeting occasionally terminated in a serious affray, instead of a decision of the disputed rights."

40. Your honourable Court are aware that Goberdhun is a place held in peculiar sanctity by the Hindoos. Its population is almost exclusively composed of Hindoos, and those chiefly Brahmins, Rajpoots, and Jauts, and it has been for a considerable period subject to the administration of the Hindoo government of Bhurtpore.

41. The province of Bundelcund also is one in which the Hindoo usages had been less affected by foreign rule than most other parts of Hindoostan. The system of punchayet as it existed in Bundelcund is thus described by the late Mr. Wauchope :

"With respect to the system alluded to in the 45th paragraph of the Honourable Court's letter, for the settlement of disputes by punchayet, under the superintendence of mocuddums or heads of the villages, I do not find that any established system of that nature ever had existence in this province. It is true that punchayet or arbitration was very generally resorted to, for the settlement of disputes of all kinds, under the former government, but when we come to examine the manner in which those settlements were conducted, and their awards executed, we shall find little to regret from the disuse of the system, or rather from its improved existence (for it still prevails) under our government.

"Under the former government of this district, the superintendence or management of punchayets was never, from the earliest times that I have been able to trace, confined to any particular individuals or body of men whatever, and the consequence was, that they were very often either futile in their results, or terminated in a murderous conflict between the parties and their adherents. The selection of the arbitrators proceeded always from the disputants themselves, and they were chosen generally from the most respectable of the tribe or profession to which the parties belonged. If the subject was rent, the head zemindars or canongoes were generally chosen, but residents of neighbouring villages were commonly preferred to their own townsmen. Boundary disputes were settled in the same way, and a large assemblage of men from all the surrounding villages were often invited by the parties to witness the settlement. This almost invariably led to violent affrays and the loss of many lives, and which again branched out into innumerable feuds, laying the foundations of continued future disorder and bloodshed. The officers of the former government seldom interfered until matters got to such extremes as to endanger the realization of their revenue, which was the primary, I may say, the only object of their care ; they then interposed their influence to bring about a final adjustment of the dispute. But in proportion as the former government was more indifferent to the peace of society and to the security of individual rights, and less capable of maintaining them than the present government is, in the same proportion will the general condition of the people be found to be ameliorated by the effects of our system of management. Numerous as are the evils and inconveniences incidental to our present judicial administration, it is quite fallacious to suppose that the body of the people were happier under their own system of settling their disputes, or that their interests will ever be promoted by any system, which tends to augment the responsibility of native agents, or to separate that responsibility from European superintendence. Until a principle of public virtue, regard to truth, and liberal and enlarged notions take the place of the opposite vices, which now characterize the generality of all natives, we must in vain look for the correct discharge of any trust by native agency not under the immediate and active superintendence of European authority.

"As the disputes connected with land and its produce were generally settled by punchayets composed of zemindars or canongoes, (the putwarry was never admitted to the punch further than to record the proceedings, so were the claims and accounts of bankers settled by arbitrators, consisting of the most respectable of that profession, and the same obtained with other professions ; but the habits of those classes being more peaceable than those of the zemindars, the greatest evil arising from the inefficacy of the system with respect to them lay in the frequent futility of the award, from inability to enforce it. Dhurna was the principal

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to the head man of the village where the parties reside, or to the head of the caste or trade to which they belong, or to the tehsildar, directing him to settle the business according to their own usage; and as such complaints are generally made in a moment of irritation, they are easily and quickly decided by him in a manner which appears to give entire satisfaction.

"The manner in which punchayets are in general appointed is for each party in my presence to name two members, and to agree in the choice of a sirpunje; and if, as sometimes happens, they cannot agree on this last point, the president is named by me; the parties execute in court a written engagement to abide by the decision of the punchayet, who again, I believe, take another similar one previously to commencing their proceedings.

"The manner in which their proceedings are conducted does not differ from that in use in the other parts of this country, and I require from them either that their decision should be unanimous, or that the grounds of dissent should be fully stated, when I form my own opinion, and either confirm the decision of the majority, or order a fresh punchayet, or take the judgment of the case into my own hands, as appears most likely to advance substantial justice."

54. In noticing the advantages and disadvantages of the system, Captain Hardy further remarks, that the disadvantages appear to be the great delay which in general takes place before the punchayets make their award, and the consequent accumulation of suits on the file, the difficulty of quickening the proceedings of courts where the members are not paid, and where the performance of the duty at all is optional with them, the inconvenient frequency of the employment of the few men able and willing to undertake the duty who live at or near the sudder station; and where the duty is for the most part performed by a limited number, the liability of individuals of this number to become subject to the calumnies and enmity of disappointed suitors, of which instances had been brought to his notice equally vexatious to respectable people and difficult to suppress. Captain Hardy proceeds as follows: "I have found the assistance of punchayets of the greatest utility, and should always wish to refer to them a great number of cases, especially those relating to caste or family, and those which require the examination of shop books or mahajunee accounts. In either of these kinds of cases, the members would be from the same class as the parties, and, besides the advantage of previous habits and knowledge, they have leisure for the examination of intricate accounts, which, from the variety of his duties, the assistant can seldom have.

"I think, however, that the employment of punchayets should not be resorted to in ordinary cases, which can be decided equally well or better by the assistant after the examination of evidence, because from their constitution they are necessarily slow; a frequent call on them for the performance of a voluntary and unpaid duty would be found inconvenient to the members, and making it too common would render the character of these courts less respected, and would produce by degrees carelessness and inefficiency."

55. Captain Lowe, the assistant in charge of Baitool, after explaining the form and nature of the proceedings of punchayets, observes, "I must, however, state, that I have not found among any description of people, that confidence in, and partiality for, punchayets, which all my previous information had led me to expect. On the contrary, there is hardly a question of any kind arising among any description of people, which the parties do not generally prefer having decided by myself. Even in cases of expulsion from caste, and breaches of contract of marriage between children in consequence of some alleged falling off from the purity of caste in their parents or relations (questions which it would naturally be supposed punchayets are best able to determine, and to which I always refer them, if the parties are willing) the people seem generally best satisfied when I decide them myself, on hearing the testimony of a few of the most respectable of their own caste.

"The questions which I am chiefly in the habit of referring to the punchayets are those in which there are disputed village and other accounts, in which it is exceedingly difficult to determine the degree of credit due to those produced by each party, and also claims of debt of long standing in which the payment of the whole, with interest, being impossible, there is a hope that some compromise may be effected; but generally all cases in which there appears any chance of my getting at the truth, I reserve for my own decision."

56. From the foregoing quotations your honourable Court will perceive that the punchayet, as it exists in the Saugor and Nerbudda territories, is not a fixed local tribunal, but a system of simple arbitration agreed to by the parties and encouraged by our European officers.

57. In this form it is doubtless productive of advantage, and the disposition to agree to a reference to arbitration should be carefully cherished, though we apprehend it will not be permanent, or long available as an efficient means of adjusting civil controversies regarding real or personal property.

58. Your honourable Court will observe the reluctance generally felt by our European officers to allow any charges of a criminal nature to be referred to punchayets or heads of villages, and we think the reluctance a natural and proper one.

59. In several trials for heinous crimes perpetrated within the Saugor and Nerbudda territories which have been lately submitted for the revision of the Supreme Government we have seen instances in which heads of villages and village assemblies have pronounced sentences of death and have caused them to be carried into effect against individuals, in one case against a whole family, on the charge of witchcraft and sorcery. Village courts of the same description existed formerly in Ramghur. The principal people in the neighbourhood formed a deliberative assembly; tried, condemned to death, and enforced its sentence on those convicted of witchcraft. It is needless to say that immediate measures were in both instances adopted to repress such practices.

60. Sir Henry Strachey gives a similar instance of a case which was tried by him at Allahabad, and states that in most cases of this sort the members of the village courts united



united in their own persons the characters of prosecutor, magistrate, judge, jury and executioner.

61. We have adverted to these facts, and many more might be adduced as tending to show that the punchayet or village assembly, viewed as a fixed tribunal for the administration of civil and criminal justice, is the institution of rude and barbarous tribes, rather than of countries with a dense population, and in which trade, commerce, agriculture and consequent opulence, are already widely diffused and are progressively extending themselves under the protection of a regular and mild government.

62. But whatever opinions may be entertained on the utility of punchayet as a means for facilitating the satisfactory settlement of civil controversies regarding real or personal property, where the institution is found to exist, we apprehend that it was not in the contemplation of your honourable Court that it should be established in those tracts of our dominions where it had not existed, or where, though it may have existed at some distant period, it had been long disused and forgotten.

63. Such, we have no hesitation in saying, is the case throughout almost every part of the territories subject to the ordinary Regulations of this presidency.

64. We would refer your honourable Court to the answers of the respectable civil servants in England to your interrogatories circulated in 1813, who have almost without exception avowed their ignorance of the practical existence of such an institution as a court for the settlement of civil disputes regarding real and personal property. To introduce them now would be to introduce a system unknown to the inhabitants, and very ill calculated to conciliate their regard or their confidence.

65. In the foregoing remarks we have referred to the punchayet, as a court or tribunal for the settlement of claims to real or personal property. As an institution for regulating questions of caste and of religious discipline, of alleged breaches of the conventional rules or bye-laws (if they may be so termed) of trades, professions, societies or classes of people united for civil or religious purposes, we consider the punchayet to be highly useful. Such punchayets, aided by the heads of professions, &c. exercise a species of jurisdiction for which our tribunals are peculiarly ill qualified, and it is highly important that the jurisdiction should remain as long as possible in those hands in which it is placed by the voluntary acquiescence of the parties most deeply interested.

66. The instances in which this kind of jurisdiction has been objected to, or its awards brought into question before our regular courts, are very rare. The jurisdiction relates to matters which the parties would be generally averse to bring under the cognizance of our public courts; and the awards can be carried into effect by those who pass them without other aid, inasmuch as they are sanctioned by the general voice and authority of the members of the caste or brotherhood.

67. But the attempt on our part to regulate the authority and proceedings of such punchayets, or even to recognise them by any formal legislative enactment would, we fear, destroy their efficiency, and lead to their being abused and ultimately abandoned. Our judicial authorities are aware that these punchayets are the proper tribunals for the satisfactory adjudication of the class of cases which come under their ordinary cognizance, and are sensible that all interference with their awards and proceedings should be studiously avoided, except in very rare instances, where they may involve serious and extensive combinations affecting the public tranquillity.

68. It will be our object to encourage this feeling on every proper opportunity, and to repress any indication of a contrary tendency which may come to our knowledge. It is equally our wish and that of our judicial functionaries (interested as the latter are in the adoption of all proper means of reducing the arrear of business), to encourage a resort to arbitration in cases depending before them. The frequent efforts of our public officers to effect this object, not less by urgent recommendations in open cutcherry than by private advice and influence, are, we regret to state, very rarely successful. Some instances have occurred in which the attempt has been carried so far (amounting almost to compulsion) as to subject the public officer, though avowedly actuated by the most upright and honourable motives, to official animadversion; and we are persuaded that the reluctance of the natives as well to submit their cases to arbitration as to act as arbitrators themselves, will preclude us from obtaining any material relief in the administration of civil justice by the use of punchayets as a court of arbitration to be voluntarily resorted to.

69. With this impression we should view the system adopted at Madras, by which the heads of villages and district moonsiffs are empowered to enforce by fine and imprisonment the compulsory attendance of the native inhabitants of their villages or districts to act as punchayets for the decision of civil claims, as likely to excite dissatisfaction, and to be open to great abuse.

70. The punchayet, unless an entire change should be effected in the present feelings of the inhabitants of this part of India, must, if assembled at all, be generally assembled by compulsion. Bribes would be given to avoid the obnoxious duty, and the delegation of the proposed power, especially to the heads of villages, would in practice be the delegation of a power which would most undoubtedly be perverted to purposes of tyranny and extortion.

71. The measure, though adopted at Madras under circumstances infinitely more favourable, appears to have rendered no essential aid in the administration of justice; the number of controversies settled by the village and district punchayets in those territories bearing a very small proportion to the whole number decided by the judicial tribunals.

72. We are on the foregoing grounds decidedly adverse to the introduction, as a formal and legalized part of our judicial system for the administration of civil justice at this Presidency, of the village and district punchayet institutions established in the provinces under



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Fort St. George. The Sudder Dewanny Adawlut, the Board of Commissioners in the Western Provinces, and almost without exception all the public officers who have been consulted on the subject, have expressed a similar opinion; and we would submit to your honourable Court, that the object which you propose, of facilitating the adjustment of civil disputes by punchayets will be best obtained by permitting the natives to adhere to the customary mode of assembling and conducting them, in all instances in which they may voluntarily desire to submit their cases to that mode of arbitration, and by restricting the interposition of the established courts to cases in which their aid may be applied for.

73. Although we have expressed opinions adverse to the two first measures, specifically recommended by your honourable Court, viz. the employment of heads of villages and of a regularly organized system of village and district punchayets in the administration of civil justice, we are not the less sensible of the absolute necessity of the extensive employment of the agency of natives in conducting this most important branch of internal regulation.

74. Our European judicial officers are, comparatively speaking, few in number; and deprived, as our zillah judges have in too many instances been for some years past, of the aid of a register and assistant, their utmost exertions have been unequal to the despatch of the business devolving upon them under the Regulations in force.

75. The local extent of the jurisdiction vested in the zillah courts at Madras and Bombay is, we have reason to think, generally smaller than at this presidency. The population also is less numerous, and may be computed in some instances at one half the amount.

76. The extent of cultivation, of trade and general opulence, is at least in an equal proportion. We have no hesitation in saying, that the control of one man, however zealous and intelligent in the exercise of the duties expected to be discharged by the judge and magistrate of our zillahs, extensive and populous as they are, must necessarily be imperfect; and that if the state of the finances and of the civil service admitted of such a measure, the efficiency of the civil administration of the country would be vastly augmented by a large increase in the number of local jurisdictions and of the officers exercising the functions of judge and magistrate.

77. Such an arrangement appears to have been contemplated by Lord Cornwallis as highly desirable whenever the state of the finances might admit of it. The extent and population of each district was even then acknowledged to be too large; and the measure has become more essential in proportion to the increase which has since taken place in the cultivation of the country, and the number of its inhabitants. It is unnecessary that we should enter into any details to prove that this increase has been extremely great since the establishment of the permanent settlement in the Lower Provinces, and the date of the acquisition, by the British Government, of the Ceded and Conquered Provinces. The fact is notorious, and has long been so to those whose local information has given them the best means of judging. We have alluded to it here, because we apprehend that it has not been sufficiently adverted to by those who have drawn inferences unfavourable to the system of internal administration of these provinces; from the failure of our judicial officers to accomplish all which that system requires them to perform. In another part of this despatch we shall advert to the means which would, in our judgment, render the services of the European judicial functionaries more efficacious, without increasing the number of zillahs, or of the judicial officers which the Regulations suppose to be employed in conducting the judicial administration of each district.

78. Of the native functionaries now employed in the administration of civil justice there are two classes, the sudder ameen and moonsiffs. By Regulation XXIII. 1814, which was passed just at the period when your honourable Court's despatch was written, the several rules which had from time to time been previously enacted regarding the duties of those officers, were revised, amended, and consolidated in one regulation.

79. The powers heretofore granted to the moonsiffs to act as arbitrators having been found practically useless, were discontinued. The number was increased so as to correspond with that of the police thannahs, that is, the local extent of their jurisdictions was so arranged that the most distant villages should not generally be more remote than five coss from the moonsiff's cutcherry.

80. They were vested with original jurisdiction to enable parties who were before under the necessity of filing their suits at the sudder station of the district, to institute them at a tribunal in the vicinity of their own places of residence, the judges were directed to be careful in the selection of fit persons for the office, and were enjoined to give a preference, when duly qualified, to the pergunnah cazis, the only permanent native officers in the interior of the country remaining under the institutions of the preceding government.

81. The processes and proceedings of the moonsiff's courts were carefully defined. The parties were encouraged to employ their own relatives, servants or dependants, rather than vakeels, in the conduct of their causes. The powers of the moonsiffs were extended so as to admit of their trying suits to a somewhat larger amount than before, and the judges were empowered to employ them in the discharge of various miscellaneous duties connected with the local administration of civil justice. These arrangements were calculated to augment their emoluments, to add to the efficiency and respectability of their offices, to render justice more easily accessible to the great body of the people, and to diminish the pressure of civil business before our European tribunals.

82. These principles have been since extended by Regulation II. 1821, both by increasing the value or amount of suits cognizable by the moonsiffs, from 64 to 150 rupees, and by permitting them to try suits, the cause of action in which may have arisen within three years (instead of one year) previously to their institution. It was at the same time explained that claims for arrears of rent were cognizable in the moonsiff's court, and the zillah judges were enjoined to encourage that mode of procedure. The provincial courts were by the same

Regulation



Regulation empowered to increase the number of moonsiffs to such extent as might appear necessary beyond the proportion of one moonsiff in each thannah jurisdiction.

83. The present constitution of the office of moonsiff is chiefly defective, because the amount of their emoluments fluctuates according to the number and nature of the suits decided by them. In some districts their allowances are now such as to form a fair and reasonable compensation for the zealous services of well qualified and respectable men; in others they are so small as to afford no adequate inducement to respectable individuals to undertake the duty, nor can it be a matter of surprise that instances of corruption and abuse should but too frequently occur in a numerous body of public officers, whose fair emoluments are so disproportionate to the responsibility and powers which are vested in them. We entirely concur in the sentiments expressed by the Sudder Dewanny Adawlut on this subject, and in the conclusion they have drawn, "that no reformation of the present system will be effectual without providing a remedy for this radical defect."

12. Extract Judicial
Letter from Bengal,
22 Feb. 1827.

Paras. 44 to 49 of
their Report.

84. Under this impression we have recently furnished instructions to the Court of Sudder Dewanny Adawlut, and on the receipt of their reply we shall be prepared, under the sanction conveyed in the 59th paragraph of your honourable Court's despatch, to determine the best mode of accomplishing the object above referred to.

85. Our present impression is, that it will be desirable to substitute a fixed salary in lieu of the fees which now constitute the compensation paid to moonsiffs; that such salary should in no case be less than 50 rupees per mensem; and that a certain proportion of the moonsiffs in each district, say one-fourth, or a fifth of the whole, should be entitled to a larger allowance as the reward for long services, and for the honest and correct discharge of their duties. The hope of attaining the higher allowance might operate as a stimulus to zeal and good conduct, which might be still further encouraged by promoting from time to time the most intelligent and respectable of the moonsiffs to the office of sudder ameen.

86. We see no reason why the powers and emoluments, as well as the number of this class of officers, should not hereafter be gradually increased, in proportion to the confidence which they may be found to merit, and to the demands for justice in each district, and we are persuaded that the established system of local moonsiffs, or native commissioners, while it possesses the chief advantages of the proposed village tribunals, is free from many of the defects necessarily inherent in the latter, is capable of being gradually extended and improved so as to meet every essential object of public utility; and as it has now become familiarized to the people, is preferable to a novel system, which, as being altogether unknown to, or long disused by the natives, would be repugnant to their feelings and habits, and would weaken their general confidence in the stability of existing institutions.

87. The principles of gradual improvement above referred to have been recently applied with great success to the establishment of sudder ameens.

88. By Regulation II. 1821, and Regulation XIII. 1824, the Sudder Dewanny Adawlut have been authorized to invest sudder ameens, whose character and capacity may be favourably reported upon by the zillah judges, with power to try and decide original suits not exceeding in value or amount 500 rupees. One or more sudder ameens may be appointed to hold their cutcherries at places where a register and joint magistrate may be stationed at a distance from a zillah and city court. The sudder ameens have been authorized, subject to the control of the judge, to execute their own decrees, and those of the moonsiffs. They are now paid by a fixed salary in lieu of fees. The amount of their salary, it is true, is less liberal than we think desirable, but in the degree in which it exceeds the amount formerly received by them, it tends to secure the services of abler men, and the more zealous and upright discharge of their duties.

89. A sudder ameen, being the Hindoo or Mahomedan law officer of the court, or the cazi of the town or city, receives in addition to his fixed allowances in that capacity the sum of 100 rupees per mensem and 30 rupees for his establishment.

90. Other sudder ameens vested with authority to try suits to the amount of 500 rupees, receive a salary of 140 rupees per mensem besides an allowance for establishment, and the remainder receive a salary of 100 rupees, with a similar allowance for charges.

91. We shall in a subsequent part of this letter advert to the aid which these officers are now enabled to render to the magistrates by investigating and deciding petty offences and misdemeanors, and shall merely observe that we have every reason to believe that the confidence of the native community, as well as of our own judicial officers with regard to the proceedings of the sudder ameens, is daily increasing, and that they form a class of officers on whom may gradually be conferred a still larger share in the administration of civil and criminal justice, with proportionate benefit to the public interests.

92. This question, as well as that of improving the situation of moonsiff, is now under the consideration of the Sudder Dewanny Adawlut, and will be hereafter adverted to, when we reply to the instructions contained in your honourable Court's despatch of the 23d July 1824, paragraphs 9 to 14.

94. With regard to the limitation of appeals, we concur with the court of Sudder Dewanny Adawlut in opinion that no class of our native officers should be vested with powers of final adjudication; more especially on original suits and where the tribunal is situated at a distance from the station of the zillah or city court. If such powers were vested in the moonsiffs, or even in the sudder ameens, the chief security we possess for the equity and uprightness of their proceedings would be abandoned; the suitors would consider such a measure as a virtual denial of justice, and our tribunals would cease to command the confidence and good opinion of the community. Whether this restraint may at some future period be safely relaxed or entirely dispensed with, will depend on the change which may be effected in the moral character of the natives; but we are forced to avow our conviction that the final

Para. 64.



Appendix (H.)

Employment of
Natives.

decision of civil controversies cannot yet be left to our native judges, without the certainty of a very general and great abuse of such a power.

267. We have already stated our conviction, that in the present state of native society, we cannot safely entrust the exercise of judicial authority, civil or criminal, to natives, without subjecting them to European control and supervision, and that in the degree in which we can extend that control, by the multiplication of European officers, we shall secure the fair administration of justice, and promote the happiness and interests of the great body of the inhabitants.

274. Important as is the object of supplying a sufficient number of duly qualified and independent and European functionaries, it is scarcely less essential to the efficiency of your government, that the higher class of native officers employed in the civil administration should be better qualified than at present by education and habits for the important trusts devolving upon them, and that they should be entitled to emoluments sufficient to ensure, under circumstances of no ordinary temptation, the faithful discharge of those trusts.

275. Your honourable Court has on several occasions directed our attention to this object; and you will find from various remarks which we have offered in the course of this despatch, that it has not been lost sight of. For a more full and satisfactory elucidation of our proceedings and views in relation to this object, and to the general improvement of the education of our native subjects, we beg to refer your honourable Court to our despatches of the 30th July 1823, and the 27th January 1826.

218. We are satisfied that to revive those powers, whether in the hands of the darogahs or of the moonsiffs, would again lead to extensive abuses which could not be corrected by the magistrates, and to disturb rather than to promote the peace and harmony of the village communities.

219. The records of our courts show with what eagerness the most trifling verbal abuse, or the most trivial blow which could be construed into an assault, was made the cause of appeal to judicial interference, and the heart-burnings, enmities and mischiefs to which such complaints led. It appears to us to be practically wise and expedient to impose restraints on the facility of bringing such cases under judicial cognizance, so as to give time for the subsiding of angry emotions, and to prevent that permanent hostility between parties which litigation, even on the most petty questions, so generally creates between natives of this country.

220. The inconvenience actually produced by the want of speedy redress for abusive language, calumny, and inconsiderable assaults, is, we believe, not seriously felt in this country; and we cannot think it desirable that numerous tribunals should be accessible in every district for the cognizance of such cases. We apprehend that the chief object of your honourable Court has been already sufficiently provided for, by the power vested in the magistrates to refer for trial to the Hindoo and Mahomedan law officers of the courts, and to the higher classes of sudder ameens, complaints or charges for petty offences, such as abusive language, calumny, or inconsiderable assaults or affrays, and all charges of petty thefts, when unattended with aggravating circumstances.

221. In regard to these cases, the law officers and sudder ameens are vested with the same powers as those conferred on assistants to the magistrate. The decisions of the sudder ameens are open to review by the magistrate, if appealed within the period of one month; the sudder ameens are also required to submit a monthly statement, showing the manner in which the cases referred to them may have been disposed of, in order that the magistrates may have the means of noticing and correcting any irregularities in their proceedings.

222. The situation of the sudder ameens has been made more respectable, as well in point of salary as in other respects; their proceedings are carried on under the immediate eye of the magistrate; and as far as past experience enables us to judge, we think that there is little danger of any serious or general abuse of the power vested in them; that the services of the sudder ameens in this department will be useful and efficient, and that such petty complaints as may be brought forward will be disposed of with promptitude.

268. The periodical returns of the state of civil business for some years past, and the Resolutions passed upon them by the Sudder Dewanny Adawlut and by the Government, will show how seriously the administration of civil justice has been and still continues to be impeded by the insufficient number of European functionaries employed in that branch; but we trust that the measures which your honourable Court has recently adopted will gradually operate to remove the embarrassment which we have for some years past experienced in supplying the demands of the public service, especially in the judicial department.

269. Although it is essential that we should at all times have it in our power to employ that number of European functionaries, whose services are required under the prescribed system of judicial administration, it is not less important that the individuals to be employed should possess the requisite qualifications for the proper discharge of the duties entrusted to them.

270. The state of the service, however, precludes our making such a selection as the importance of the offices to be filled demands, and we may be pardoned for remarking, that unless admission to your service, in the first instance, be made the reward of talents, industry and good conduct, some of the highest offices in the civil administration of this country must occasionally fall into the hands of individuals possessing very moderate qualifications and acquirements.

271. The difficulty of adequately supplying competent officers for the more important situations increases every day, and must continue to increase in proportion to the improvement of the country; and any reference to the state of things formerly existing at periods when the people were first delivered from the misrule of feeble or barbarous governments must be

entirely



entirely inapplicable to the present, and, we hope, future condition of your administration in India

Appendix

272. To secure, therefore, the efficiency of your civil administration, the principle of selection on the first admission of individuals into the civil service should, we conceive, be particularly attended to, and the beneficial operation of this principle would be greatly augmented if your civil servants generally commenced their public career free from pecuniary embarrassments.

12.Extract.
Letter from
22 Feb. 18

273. The various measures which have been adopted by this government with a view to the attainment of the latter object have been brought under your honourable Court's notice, and the information which we have lately received from the College Council leads us to hope that they have been attended with great practical benefit.

See Appen

13. EXTRACT JUDICIAL LETTER from *Bengal*, dated 12th July 1827.

137. For the trial of petty criminal cases, (as well as civil suits,) we deemed it expedient to authorize the appointment of sudder ameens, where their services could be rendered materially useful. We are not informed of the extent to which this permission has been carried, but advertng to the large number of prisoners under trial in some of the districts, the plan appeared far better calculated to promote the prompt, impartial and unprejudiced administration of criminal justice than a recourse to the punchayet.

13.Extract
Letter from
12 July 18

138. The strong reasons assigned in paragraphs 58 to 61 of our letter to your honourable Court, bearing date the 22d February last, already referred to in a former part of this despatch, will, we respectfully trust, convince your honourable Court that those tribunals are not for any good or useful purpose to be entrusted with the award or infliction of punishment.

14. EXTRACT JUDICIAL LETTER from *Bengal*, dated 30th August 1827.

179. THE great number of districts in which the appointment of registers is urgently required without our being able to supply the deficiency, will not fail to attract the attention of your honourable Court, and the probability that we shall not be able to appoint officers to most of the vacant registerships, has led us to consider whether it will not be indispensably necessary further to avail ourselves of native agency in the administration of civil justice by extending the powers of the sudder ameens to the trial of suits of a larger amount than is now authorized.

14.Extract
Letter from
30 Aug 27

180. We have already informed your honourable Court in our depatch of 5th October last, that in pursuance of the observations conveyed in your honourable Court's despatch, dated 23d July 1824, in paragraphs 9 to 15, we called upon the Court of Sudder Dewanny Adawlut to furnish a report of their sentiments on the expediency of entrusting the sudder ameens with more extensive powers, and in paragraphs 5 to 13 of our despatch above quoted, we have submitted, for the consideration of your honourable Court, the grounds upon which we have ventured to doubt the expediency of carrying such a measure to the extent contemplated in your honourable Court's despatch. Not having received the report called for when the Civil reports for 1825 now noticed came under consideration, we have only been able to intimate to the Court, that the consideration of the subject was merely deferred for their reply, on receiving which it will immediately be resumed.

Civil Con
27 March
No. 6.

15. EXTRACT JUDICIAL LETTER from *Bengal*, dated 17th April 1828.

55. YOUR honourable Court will observe with satisfaction, from the statement annexed in the margin, that the assistance afforded by the sudder ameens in the trial and decision of petty criminal cases has been greater in the last year than formerly: that the magistrates are gradually availing themselves more extensively of their aid; and that in the instances where this has not been the case, we have required explanations of the reasons of the omission to be furnished.

		1824.	18
No. of cases referred to Sudder Ameens.	}	3571	38

16. EXTRACT JUDICIAL LETTER to *Bengal*, dated 23d July 1828.

23. WHEN, as has frequently occurred in the period under review, districts are left for a considerable time with only one European judicial officer, and even that officer not always devoted to judicial duties exclusively, every effort must be made to keep down the business by the course above pointed out: but when those means are found insufficient, it becomes indispensably necessary to extend the agency of natives. We are of opinion, therefore, that the Regulations should authorize the occasional appointment of sudder ameens of a superior class, whose jurisdiction might generally correspond with that now belonging to registers with special powers, that is to say, they should be allowed to decide all original suits, from 500 to 5,000 rupees value, and appeals from sudder ameens of an inferior class. We shall not at present enter into an examination of the objections you have urged against giving sudder ameens authority to dispose of all civil suits in the first instance; but when we consider the extent to which those officers are now trusted, and as we understand very deservedly

16.Extr
Letter
23 July



L.I.C.

ix (H.)

ment of

trusted ; when we advert to the securities which are provided for the due performance of their duties, and to the opinion you have expressed as to the expediency of enlarging their powers, we cannot but think that, in order to prevent the great evil of delay of justice, the measure we have suggested might with perfect propriety be resorted to on any occasion when the want of agency of that description came to be seriously felt.

17. EXTRACT LETTER in the Revenue Department, (Lower Provinces) from the Court of Directors to the Governor-general in Council of *Bengal*, dated 10th September 1828.

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24. WITH respect to the importance which you represent of providing respectable employments for the increasing amount of natives who are now receiving a good education, it is in a high degree our wish that they should be able to make respectable employments for themselves ; the occasions for which the improving state of society, under a good government, cannot fail to multiply. There is besides a demand for well-educated natives, in the judicial branch of your civil government, which your means of education, we fear, will not for some time be able fully to supply. And further, it would appear to us a very objectionable policy to make places of doubtful utility for the mere purpose of affording employment to the superior class of natives. When property and intelligence have increased among the natives, it is but a small portion of the respectable class who can be provided for in places under government. By far the greater number must occupy the more respectable stations in society, as merchants, as manufacturers, as cultivators, as teachers of youth, as agents in all the departments of business ; and it would be a great error to propagate the opinion that there is no dignity in those occupations, and no where else but in the offices of government.

18. EXTRACT JUDICIAL LETTER from *Bengal*, dated 23d October 1828

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1827.

125. ON our proceedings noted in the margin is recorded our correspondence with the Sudder Dewanny Adawlut, on the expediency of extending, in special cases, the power of sudder améens in the trial and decision of civil suits, adverted to in the 180th paragraph of our despatch to your honourable Court of the annexed date.

126. The majority of the Court having concurred in the expediency and propriety of the enactment, it was passed by us accordingly, and will be found noticed as Regulation IV. 1827, in a subsequent part of this despatch.

127. It will also be observed that we considered it advisable to improve the situation of moonsiff, but that previously to determining the question, further information has been called for on certain points from the zillah judges, on the receipt of which the subject will again be taken into consideration, and a report be made hereafter to your honourable Court.

19. EXTRACT PUBLIC LETTER to *Bengal*, dated 18th February 1829.
TERRITORIAL ADMINISTRATION.

ot Public
Bengal,
829.

44. It is a subject of much regret to us, that although we have been successful in training the natives of our Indian empire to become effective soldiers, we have not as yet succeeded in a purpose, which, if it be more difficult of attainment, is not less deserving of our endeavours, viz. of rendering their services available in the internal administration of the country.

45. We are perfectly aware that they are extensively employed in the details both of the revenue and judicial departments, the business of which could not in fact be carried on without them ; and that European agency is resorted to more for the purposes (at least professedly) of check and control than with a view to an active personal performance of other executive duties.

46. That European agency to a certain extent is indispensably requisite, we are far from questioning ; but we have nevertheless been long of opinion that were a more liberal confidence reposed in the natives generally, the public interests would not materially suffer in any respect, whilst in some they would be essentially benefited. It is necessary to present them with fresh incentives to honourable exertion, as well as to supply them with the means of education, in order to elevate them in their own estimation, to call forth their energies, and to attach them to our own government. To do this is at once our duty and our interest ; for it will enable us to narrow the limits to which European agency is now carried, and thereby ultimately to effect a great saving of expense.

47. The natives are admitted not to be deficient either in capacity or diligence ; and we cannot join in the conclusion which we think has sometimes been a great deal too hastily drawn, as to their want of trustworthiness, until a fair experiment has been made of their fidelity under circumstances of less powerful temptation than those in which they have been usually placed. In the ranks of our armies, their loyalty and devotion have never been surpassed. In your domestic establishments, you have daily proof that kind treatment as rarely meets with unworthy returns as among any other people. It is chiefly in public civil employments that inveterate propensities to falsehood and fraud are imputed to them, often without due regard to many palliating considerations ; without sufficient advertence to the causes which have produced these defects in the national character ; and we are afraid we must add, without a systematic application of those means which are best adapted to improve the nature of man.



Appendix (H.)

19. Extract Public Letter to Bengal, 18 Feb. 1829.

48. In all countries, artifice and chicanery are the natural resources of the oppressed against the oppressor. Disregard of justice and good faith on the part of a government, and of those in authority under it, soon spreads through the different gradations of society by its pernicious example and influence, each person taking advantage of his immediate inferior, who retaliates in his turn, according to his means and opportunities, while all combine in practising upon the credulity or weakness of the ruling power, and indiscriminately withholding whatever it cannot secure by intimidation or extort by force. This we believe to be no exaggerated description of the state of things which prevailed under the native governments of India; and though a wiser system has been introduced, and better maxims have been laid down since the establishment of the British authority, it is unreasonable to feel disappointed, because the change has not been accompanied by a sudden eradication of bad habits, and a total reformation of the manners of the people. Good government, by whomsoever administered, will do much in process of time towards improving the character as well as the circumstances of a people; but when its benefits are communicated and diffused, not by the agency of strangers, but through the instrumentality of kinsmen, friends, and neighbours, their value becomes greatly enhanced.

49. It is nevertheless essential to this result in India, that the natives employed by our Government shall be liberally treated, that their emoluments shall not be limited to a bare subsistence, whilst those allotted to Europeans in situations of not greater trust and importance, enable them to live in affluence and acquire wealth. Whilst one class is considered as open to temptation and placed above it, the other, without corresponding inducements to integrity, should not be exposed to equal temptation, and be reproached for yielding to it.

50. We readily admit that no considerable saving can be immediately effected by the substitution of native for European agency, because it can only be safely effected, gradually, and with circumspection; but we are satisfied that it may be looked to as a means of progressive economy, both in the fiscal and judicial departments of your administration.

20. EXTRACT JUDICIAL LETTER from Bengal, dated 28th April 1829.

56. We observed with satisfaction the testimony borne by Mr. Mackenzie, in the fourth paragraph of his Report, to the efficiency of the aid rendered by the sudder ameen in the trial of petty criminal cases. The further extension of the powers of that useful class of public officers must of course depend upon the assistance which the magistrates may derive from their services, and your honourable Court will perceive that we considered it desirable for the judges of circuit, as far as their observations may reach, to notice in their reports the general character of the sudder ameen, and the advantages or otherwise, which might be found to result from their employment in the administration of criminal justice.

20. Extract Judicial Letter from Bengal, 28 April 1829.

75. We concurred in the opinion expressed by the Court of Nizamut Adawlut, (with reference to the remarks contained in the 29th paragraph of Mr. Gordon's Report) that under the existing Regulations, the sudder ameen do not possess the power of sentencing persons convicted of misdemeanors to labour in default of payment of the fines which may have been imposed upon them.

76. The Nizamut Adawlut appearing to think that they might with propriety be invested with that power in cases of conviction for theft, we directed that a provision to that effect should be included in some future enactment.

21. EXTRACT JUDICIAL LETTER from Bengal, dated 18th August 1829.

11. The remarks and suggestions of your honourable Court in these paragraphs, in regard to the more extensive employment of native agency in the administration of civil justice, and the amendment of the existing rules for the decision of summary suits, will be duly attended to, and we hope shortly to be able to report to your honourable Court the result of our deliberations on those and other measures which we have it in contemplation to adopt for the general improvement of the judicial system.

Paras. 23 to 33 of the Hon. Court's Letter, dated 23 July 1828.

12. On the subject of special appeals adverted to in these paragraphs, we shall have occasion in a subsequent part of this despatch to bring under the notice of your honourable Court our correspondence with the Sudder Court on the inconveniences resulting from the admission of too great a latitude of appeal, but we regret to say that no practicable plan has hitherto been devised to remedy the evil.

Paras. 34 to 41.

36. Supported by the wishes of your honourable Court for the more confidential employment of natives in the administration of justice, the reforms we propose to introduce will be founded on that principle.

22. EXTRACT JUDICIAL LETTER from Bengal, dated 9th March 1830.

23. ON our proceedings of the annexed date is recorded a correspondence between the Resident and the Commissioner regarding the appointment of Hindoos to be sudder ameen for the trial of civil suits, and also the appointment of a Hindoo law officer as an assessor to the Court of Circuit. To the first proposition we saw no objection, provided it involved no additional expense; but we were decidedly adverse to the introduction of Hindoo law in the administration of criminal justice. It was justly observed by Sir Edward Colebrook that "the proposed introduction of the Hindoo law officer as an assessor to the Court of

Crim. Con. 19 May 1829, No. 20 to 22.



Appendix (H.)

Employment of Natives.

Circuit, either singly where both parties may be Hindoos, or in conjunction with the Mahomedan law officer, where one only of the parties may be a Hindoo, does not appear to be equally judicious. The Mahomedan law, when divested as it has been by our printed Regulations, of its remains of barbarism, (such as mutilation, retaliation, and pecuniary commutation of punishment) and of the distinction of sex and religious belief, is as applicable to a general state of society as any other criminal code can be, while the Hindoo law, founded on the distinctions of Hindoo society, can by no modifications be made applicable to any other. The Hindoo system of crimes and punishments, has in fact been wholly superseded for centuries past, in every part of this country, over which the administration of justice, through British agency extends, &c."

23. EXTRACT JUDICIAL LETTER from *Bengal*, dated 15th June 1830.

23. Extract Judicial Letter from *Bengal*, 15 June 1830.

2. IN pursuance of the intention expressed in paragraph 277 of a despatch to your honourable Court, dated 22d February 1827, we have now the honour to transmit copies of documents noted in the margin,* containing the information called for from the Government of Fort St. George on the 11th May 1826, on various points connected with the practical operation of the changes which were introduced in the judicial system of that presidency in the year 1815-16.

3. In the 4th paragraph of a letter dated the 30th April 1828, your honourable Court intimated your intention of awaiting this report from Madras, previously to your replying fully to the despatch above mentioned.

4. The Right honourable the Governor in Council, having in the proceedings of the 9th February recorded his opinion on the report submitted by the Sudder Court, it is unnecessary that we should enter into any detailed review of it, and we shall confine ourselves to a few remarks suggested by a comparison of the systems in force under the two presidencies.

5. In regard to the village moonsiffs, we find nothing in the report of the Sudder Court, to encourage the introduction of similar establishments into the Bengal territories. They do not appear to enjoy, to any great extent, the confidence of the people, while the number of suits decided by them have afforded very little relief to the district moonsiffs.

6. The report on the latter class of officers is in the highest degree favourable. In the corresponding tribunals under this presidency, the moonsiffs are not empowered to try suits, in which the value or amount sued for exceeds 150 rupees, nor can they try any suits for real property, whereas the district moonsiffs at Madras are competent to decide suits to the amount of 500 rupees, whether for real or personal property, (with the exception of certain cases involving claims to land exempt from the payment of rent.)

7. The powers of the sudder ameens have also for some years past been more extensive than those of Bengal, and doubtless much of the reduction, shown to have taken place in the civil business in the Madras European courts since 1816, is to be attributed to that cause.

8. Your honourable Court will have observed, that in 1827 a Regulation was passed by this Government (Regulation IV.) for enlarging the powers of the sudder ameens in special cases; and we have apprised you in a former letter, that we have it in contemplation to increase them still further, as well as to extend the jurisdiction of the zillah moonsiffs.

9. The village and district punchayets are represented as being held in little estimation; so seldom is that mode of settling differences now resorted to, that in the Statement, marked (K.) referred to in the Report of the Sudder Adawlut, the former disposed of 24 cases only, and the latter of 33 during the year 1827. The court observe, "it can now hardly be doubted that its prevalence in former times was a matter of necessity from the want of other tribunals, rather than the effect of a prepossession in favour of an ancient institution."

10. The same result has been experienced in the territories subject to this presidency, excepting in those parts where more regular tribunals are not accessible to the people. We are inclined to think that the most useful mode of deriving gratuitous assistance from respectable natives in the administration of justice, both civil and criminal, has been provided in the Regulations of the Bombay Government, a transcript from which is given in the margin,† and we have made a reference to the Courts of Sudder Dewanny and Nizamut Adawlut

* Civil Cons. 18th Sept. 1828, No. 13, 14.

Letter from the Secretary to Governor at Fort St. George, dated 9th Feb. 1830.

Do. from Register Sudder Adawlut, to the Secretary to Government at Fort St. George, dated 23d April 1829.

Extract from the proceedings of the Sudder Adawlut, dated 23d April 1829.

Statements (A.) to (Z.)

Extract from the Minutes of Consultation at Fort St. George, dated 9th Feb. 1830.

† Regulation IV. 1827, section 24, clause 1st. In the trial of suits, it shall be competent to every Court in which an European authority presides, to avail itself of the assistance of respectable natives, in either of the three following ways:—

First. By referring the suit, or any point or points in the same, to a punchayet of such persons, who will carry on their inquiries apart from the court, and report to it the result; the reference to the punchayet, and its answer shall be in writing, and shall be filed in the suit.

Clause 2d, or Second. By constituting two or more such persons assessors or members of the court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses



Adawlut to ascertain the sentiments of the court, on the expediency of adopting similar provisions with a view to the gradual introduction of trial by jury, should further experience justify the measure.

11. From the Appendix referred to in the 54th to the 57th paragraphs of the Sudder Adawlut's letter, a very considerable reduction appears to have taken place in the civil files of the European courts in the years from 1816 to 1826, as exhibited in the Abstract given in the margin.* The court have offered no explanation of the cause of this favourable change; our impression is, that it has chiefly resulted from the more extensive employment of native agency, and in some degree from the powers exercised by the collectors of land revenue in their magisterial capacity in the adjudication, summarily, of all disputes regarding lands or crops, as well as in the primary cognizance of suits between the landholders and their ryots for arrears of revenue, besides which the transfer of the management of the police, and of the office of magistrate to the collectors, must, in some measure, have enabled the zillah judges to devote a larger portion of their time to the performance of their civil duties. In paragraph 72 of their report, however, the Sudder Adawlut seem to doubt whether the transfer has in reality had that effect.

15. We entirely concur with the Sudder Adawlut in the serious objections which exist to vesting native police officers (so long as they are continued on their present footing in point of emolument), with power to hold proceedings in petty criminal cases, and to inflict punishment by fine, imprisonment and flogging, as sanctioned by Regulation IV. 1821, of the Madras Code.

16. The gross irregularities practised by the police officers, as noticed by the Sudder Adawlut, forcibly confirm the opinions we have formed of the dangerous tendency of trusting such powers to native officers, of the description of those who are now employed, more especially when allowed to exercise them at a distance from the immediate control of European authority.

24. EXTRACT PUBLIC LETTER to Bengal, dated 30th June 1830.

(TRANSMITTING to the Supreme Government copies of the Petitions, relative to the disabilities under which they labour; presented by the Half-Caste Natives of India to the British Houses of Parliament.)

Para. 11. THE exclusion of the petitioners from the covenanted service of the Company is common to them, with the natives of India; and while it is recognized as a fundamental principle of the Government of India to exclude natives of the pure blood from the higher offices, the petitioners cannot justly complain that they participate in the common exclusion.

12. With respect to those subordinate offices to which natives of pure birth are eligible, and from some of which the petitioners are either by the Regulations, or in practice excluded, it is undoubtedly desirable, wherever strong reasons do not exist to the contrary, that the power of Government and of its officers to select the fittest person should not be limited by any exclusions or disabilities. We therefore direct your particular attention to this part of the prayer of the petitioners, in the wish that it may be maturely considered, to which, if to any, among the civil or military offices open to natives, from which the petitioners are at present excluded, they might be admitted consistently with the security of the British Government, and with the interests of the pure native population of India.

25. EXTRACT PUBLIC LETTER to Bengal, dated 29th September 1830.

(On the subject of educating the Native Population of India.)

Para. 26. WE wish you to be fully assured, not only of our anxiety that the judicial offices to which natives are at present eligible should be properly filled, but of our earnest wish and hope to see them qualified for situations of higher importance and trust. There is no point of view in which we look with greater interest at the exertions you are now making for the instruction of the natives, than as being calculated to raise up a class of persons, qualified by their intelligence and morality, for high employments in the civil administration of India. As the means of bringing about this most desirable object, we rely chiefly on their becoming, through a familiarity with European literature and science, imbued with the ideas and feelings of civilised Europe, on the general cultivation of their understandings, and specifically on their instruction in the principles of morals and general jurisprudence. We wish you

witnesses: the opinion of each assessor shall be given separately, and discussed, and if any of the assessors or the authority presiding in the court should desire it, the opinions of the assessors shall be recorded in writing in the suit.

Clause 3d, or Third. By employing them more nearly as a jury: they will then attend during the trial of the suit; will suggest, as it proceeds, such points of inquiry as occur to them, the court, if no objection exists, using every endeavour to procure the required information; and after consultation will deliver in their opinion.

Clause 4th. It is to be clearly understood, that under all the modes of procedure described in the three preceding clauses, the decision is vested exclusively in the authority presiding in the court.

The foregoing Rules are extended to criminal trials, by clause 5th, section 38, Regulation XIII. 1827.

Appendix (H.)

23. Extract Judicial Letter from Bengal, 15 June 1830.

* Number of suits depending in the Madras European Courts.

	In 1816	In 1826.
Sudder Court - - -	59	14
Provincial Courts - - -	546	262
Judges and Registers - -	6,490	2,660

24. Extract Public Letter to Bengal, 30 June 1830.

25. Extract Public Letter to Bengal, 29 Sept. 1830.



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you to consider this as our deliberate view of the scope and end to which all your endeavours with respect to the education of the natives should refer. And the active spirit of benevolence, guided by judgment, which has hitherto characterized your exertions, assures us of your ready and zealous co-operation towards an end which we have so deeply at heart.

26. EXTRACT JUDICIAL LETTER from *Bengal*, dated 5th October 1830.

Crim. Cons.
9th June 1829.
No. 3 to 7.

80. YOUR honourable Court will observe recorded in the proceedings noted in the margin, a correspondence relative to the enactment of a Regulation for explaining certain provisions contained in Regulation X. of 1822, and Regulation I. of 1827, respecting the trial of criminal cases, by assessors in the north-eastern parts of Rungpore, submitted to us by the Nizamut Adawlut; we called upon the commissioner of that division, Mr. D. Scott, to state his sentiments on the proposed enactment; and after a careful consideration of the subject, we determined that it was sufficient to issue special rules embracing the objects intended for the guidance of the commissioner, in preference to passing any legislative enactment.

27. EXTRACT JUDICIAL LETTER from *Bengal*, dated 9th November 1830.

27. Extract Judicial
Letter from *Ben-
gal*, 9th Nov. 1830.

53. THE obvious inference from the vast accumulation of summary suits is the inefficiency of the mode hitherto adopted for their decision for some time past. The system of civil judicature has been under our consideration; latterly, indeed, the question of a greater and more extended application of native agency has been much discussed, and we hope at no distant period to submit to your honourable Court the result of our deliberations on this most important branch of our Government.

28. EXTRACT JUDICIAL LETTER to *Bengal*, dated 23d February 1831.

28. Extract Judicial
Letter to *Bengal*,
23 Feb. 1831.

18. As the crime of undue exaction is to be put down like any other crime by bringing the offenders to punishment, and by no other means, we observe with surprise the little care which has been taken to enforce the Regulations in respect to such cases. The neglect or delay in the determination of these suits, must of course have tended to encourage the zemindars, and to confirm the ryots in their belief that no redress was to be had from the courts of the district. We cannot admit that the exigencies of the public service in various departments, and the inadequacy of the civil establishment of Company's servants, form any justification for leaving millions of people without courts, or what amounts to the same thing, with no courts but such as are overloaded with business and cannot give redress, or are without proper superintendence. We are fully aware of the circumstances which you have adverted to in your letter of the 5th October 1826, in regard to the extent to which native judges have hitherto been employed; but at all events justice ought not to be denied or delayed, and if Europeans were not to be had, natives should have been employed more extensively.

29. EXTRACT LETTER in the Revenue and Judicial Departments from the Governor-general of *India*, Lord W. C. Bentinck, to the Court of Directors, dated *Simla*, 15th September 1831.

29. Extract Letter
in the Revenue
Department from
Bengal, 15 Sept.
1831.

12. THE documents enumerated in the list marked (B.), which accompany this communication, will show that I have sanctioned several important arrangements in the Judicial Department. The correspondence which preceded my final determination will sufficiently prove that those arrangements have not been hastily or inconsiderately adopted. The considerations by which I was influenced have been so fully detailed in the accompanying documents as to supersede the necessity of more than a brief allusion to them in this place.

13. A more extended recourse to native agency for the disposal of judicial business has been so earnestly, so repeatedly and so recently urged by your honourable Court, that I should almost have deemed it my duty to give effect to your injunctions, in spite of any local obstacles which might have opposed themselves. But concurring as I do, most cordially in the wisdom, the justice, and the sound policy of those injunctions, and being fully satisfied that native probity and talent may immediately be found, if due caution be observed in the selection of instruments, in sufficient abundance to justify the present introduction of the system, I should have deemed myself criminal had I any longer delayed to concede to the people of this country a measure so eminently calculated to facilitate their access to justice, to conciliate their attachment, and to raise the standard of their moral character.

14. Though the arrangements about to be introduced with a view to these objects will unquestionably be attended with considerable expense, yet I trust it may not be thought to exceed in magnitude the benefits which it will confer. The appointment of native judges on the new footing must necessarily be gradual, and the expense to be incurred will be equally so. I have suggested various means by which a saving has been or may be effected, to meet this increased expenditure. The most important is that of the abolition of the Provincial Courts of Appeal; from which measure alone, should it be sanctioned by your honourable Court, a saving would be effected more than adequate to the purpose. The more extended recourse to native agency in judicial matters I consider as being by far the most important and most beneficial of all the recent arrangements.

30. EXTRACT JUDICIAL LETTER to *Bengal*, dated 11th January 1832.

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9. You have stated that the separation of the office of judge from that of magistrate has generally answered the purpose of effecting a reduction of the files of the judge's court, but that it has not always been practicable to adhere strictly to the plan. We know not whether, by confining the judge to the functions of the civil court, by making the registers magistrates, and by appointing natives to the office of register, this object might be attained without an increased expense; but it is of importance that in every zillah the duties now vested in the judge and register should be always as effectively performed as may be possible with the means at your disposal. Zillahs have been too often left without registers, owing to a deficiency either in the qualifications or in the number of the junior civil servants; and it has happened that the whole or great part of the functions of judge, magistrate, register, and even collector, has been imposed on the judge alone. We must again press upon you the necessity of making arrangements for obviating such inconveniences. When registers cannot be appointed, sudder ameen with the full powers of registers should be substituted for them; and the accumulation of suits in the courts of judges and registers should at all events be prevented, by transferring them to tribunals where they may be decided without delay.

13. We are happy to observe that there is an increase in the number of suits decided by natives. But the sudder ameen are not yet sufficiently employed; and if, as you apprehend, the zillah judges are disinclined to entrust them with the extended powers authorized to be vested in them under Regulation IV. 1827, the Sudder Dewanny Adawlut should require of those judges an explanation in every instance where it shall appear that there is on their files an accumulation of causes which might, under the Regulations, be referred to a sudder ameen.

31. EXTRACT JUDICIAL LETTER to *Bengal*, dated 1st February 1832.

1. We now reply to your letters dated 22d February 1827, and 15th June 1830, referring to the despatch dated 9th November 1814, in which we communicated to you, our view of the principal defects of the judicial system, and of the remedies they seemed to require.

2. It appeared to us at that time, that the existing provisions for the administration of justice under your presidency were inadequate to their ends, and that in reference to the wants and necessities of the people, some changes were indispensably necessary.

3. Our detailed suggestions for improving the system in Bengal, were much the same as those which we had proposed to the Madras Government in the despatch dated the 29th of April 1814; you were required to take into consideration the revival of the practices of native governments, and the making use of the ancient institutions of the country, in the manner pointed out. It was to the extensive employment of punchayets, heads of villages, and heads of caste, and to the transfer to the collectors of an important portion of the functions, both civil and criminal, before exercised by the judges and magistrates, that substantial improvements in the administration of justice under your presidency, were looked for.

4. Having already intimated to you our dissatisfaction at the very long delay which has occurred before we could obtain from your Government a full and distinct answer to our orders, and thinking it unnecessary to enter upon any further discussion on the causes of the delay, we proceed to a consideration of your letters above noticed.

5. In your letter of the 22d of February 1827, after adverting to our suggestions, and the grounds on which they were recommended, you have stated the objections to which you thought some parts of them were open; you have explained the extent to which you proposed to give effect to other parts of our instructions, or to measures directed to the same ends. Admitting the justness of many of our remarks, you have stated that there were other causes besides those assigned by us, or those which could justly be attributed to the defective system of organization of the tribunals, by which the existing mass of litigation might be accounted for; among these were the growing confidence of the people in the general proceedings of our tribunals, the increased population, the extended cultivation, the rise in the value of landed property, the progress of internal trade, and the general prosperity of the country. The delays in the proceedings of the Courts you have ascribed in part to the want of moral principle in the natives, and especially to their disregard for truth in giving evidence.

6. The inadequacy of our civil tribunals to meet the demands upon them, you have referred chiefly to the precipitation with which the permanent settlement was carried into effect, without previously defining, and without providing such means as would have enabled the Courts to ascertain the rights of the landholders and cultivators. You expected that, in the districts where the permanent settlement had not been introduced, the rules in force would, if it were found practicable to carry them into effect in the spirit, and to the extent contemplated, go far to render the administration of justice in those parts simple and efficient. It is stated by your Government that in very few of those districts were the arrears of civil suits heavy; and where they were so, the cause was clearly traceable to local defects and irregularities in the past system of revenue management; that the real pressure upon our tribunals arose from the mass of litigation connected with the rights, tenures, and interests of the occupiers of land, that it was now too late to apply an effectual remedy to an evil which might have been guarded against when the permanent settlement was made; but that it would be the anxious wish of the Government to adopt such measures as might be feasible, with a view to define the rights and interests of the cultivators.

7. You have given it as your opinion that the employment of potails or heads of villages in the way suggested by the Court, was not applicable to the circumstances of the country under

31. Extract Judicial
Letter to *Bengal*,
1 Feb. 1832.30. Extract Judicial
Letter to *Bengal*,
11 Jan. 1832.

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your presidency ; that the punchayet, though highly useful in regulating matters of caste and religious discipline, had long been disused as a tribunal for the settlement of claims to property ; and, in your opinion, it was advisable to permit the natives to adhere to their customary mode of assembling a punchayet, when they voluntarily submitted to its decision, and to restrict the interposition of the established courts to cases in which their aid might be applied for. You were, however, sensible of the absolute necessity of employing natives extensively in the administration of civil justice, and of increasing the powers of the moonsiffs and sudder ameens.

8. You have adverted to our remarks in limitation of appeals, forms of pleading and process, vakeels, and law expenses ; in regard to which such steps had been taken as were thought best suited to the ends of justice.

9. In order to facilitate the adjudication of civil suits, measures, you inform us, were adopted for the formation and preservation of an accurate record of the rights and interests of the owners and occupiers of land ; and the revenue officers were vested with certain judicial powers with a view to determine cases involving such rights, and various matters connected with the revenue.

16. You have remarked that the habitual disregard for truth which pervades the bulk of the native community, was the great cause of failure in the administration of civil and criminal justice, and that the evil could not be effectually remedied until the inhabitants had undergone a great moral regeneration.

17. The country subjected to the Code of Regulations is described as consisting of 47 districts, each containing on an average more than a million of inhabitants ; the area of a district being about 5,000 square miles, and the extreme length and breadth of several of the largest districts being about 158 miles by 100. The inconvenience formerly resulting from the extent and population of several of the largest districts had been remedied by stationing a register or sub-collector with the powers of a joint magistrate, and with local jurisdiction over a portion of the district remote from the sudder station.

18. You have stated that in your opinion, the natives cannot safely be entrusted with judicial authority, civil and criminal, without subjecting them to European supervision and control, and that the administration of civil justice has been impeded by the paucity of officers employed ; that the difficulty of supplying competent persons to fill the highest situations increases every day, and that to secure the efficiency of the civil administration a proper selection on the first admission of individuals into the service should be attended to. You add, that unless admission to the service in the first instance is made the reward of talents, industry and good conduct, some of the highest offices must occasionally fall into the hands of individuals possessing very moderate qualifications.

19. You think it essential to the efficiency of the government that the higher classes of natives employed in the civil administration should be better qualified than at present by education and habits of business, and that they should be allowed emoluments sufficient to ensure a faithful discharge of duty.

20. You have referred to numerous works of late years compiled in the English and Native languages, under the sanction of Government, as evincing your anxiety to promote the general dissemination of a knowledge of the Regulations and of the principles on which the administration of civil and criminal justice is conducted.

21. With the exception of a few points, which will be noticed farther on, we think it unnecessary to enter upon a detailed discussion of the explanations and opinions adverted to in the foregoing summary of the principal parts of your letter of the 22d February 1827 ; nor shall we here notice the various measures connected with the judicial system which have been subsequently adopted by your Government. On most of these indeed our sentiments have been already communicated to you.

22. Your letter of the 15th June 1830, relating entirely to your correspondence with the Madras Government on the operation of the system introduced under that presidency in 1816, does not require any particular notice in this place. We learn from it, however, that the beneficial effects of the agency of natives, as district moonsiffs and sudder ameens, are fully acknowledged, although, in other respects, the report from Madras is not favourable.

23. After an attentive consideration of the foregoing documents, we see no reason to regret that you suspended the execution of our suggestions in regard to the institution of village moonsiffs and punchayets, and to the transfer of the magistracy to the collectors. On the former of these two points any further discussion is rendered unnecessary by the remarks contained in para. 22 to 72 of your letter of the 22d February 1827, and in the Report of the Madras Sudder Adawlut referred to in your letter of the 15th June 1830.

30. On the subject of the extension of native agency in the administration of justice, our sentiments are well known to you. The civil jurisdiction of the sudder ameens, now extended to suits of 1,000 rupees value, includes a very large proportion of the litigation of the country ; and you are aware that we have never prohibited you from enlarging their jurisdiction to any extent which you may think advisable. Their powers in criminal cases will, we presume, be, if necessary, increased ; and you will have observed, from the instructions contained in our letter of the 23d July, 1828, that it is our wish to extend the agency of natives to a large class of those cases now described as summary suits. In respect to the establishment of the Sudder Dewanny Adawlut and Nizamut Adawlut, our sentiments have been already made known to you.

32. EXTRACT JUDICIAL LETTER from *Fort St. George*, dated 19th January 1821.

46. It will be very satisfactory to your honourable Court to observe that so large a proportion, both of the number of causes and of the amount under litigation, is settled by the native judicatories, and that appeals from their decrees are so rare.

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32. Extract Judicial Letter from *Fort St. George*, 19 Jan. 1821.33. EXTRACT JUDICIAL LETTER to *Fort St. George*, dated 11th April 1826.

36. It is worthy of consideration whether Mr. Gregory's suggestion may not be adopted, with the double view of bringing the European judicatory nearer to the homes of the people, and introducing a class of functionaries into the judicial department similar to that appointed to the revenue department. It cannot be doubted that a system of training is as necessary in the one line of the service as in the other; and that a judicial officer may, under the directions of the zillah judge, be successfully employed in a district of moderate extent, and thus gradually qualify himself for the duties of the largest. It might therefore be proper that in every large zillah an assistant civil and criminal judge should be appointed, under such powers and such limitations as may be deemed advisable, and stationed at such part of the zillah as is most remote from the zillah court, or, on account of the natural difficulties of the country, is least under the control of the zillah judge. All vacancies in the zillah courts would be supplied from the list of assistant judges, and thus a regular succession of experienced functionaries would be secured in the judicial as well as the revenue departments.

33. Extract Judicial Letter to *Fort St. George*, 11 April, 1826.

37. If you should see no practical objection to the adoption of this arrangement, you will afford the assistant judge every necessary facility for conducting the business of his court, by attaching to it an establishment of native judicial officers. These, in the first instance, would no doubt be supplied from the most deserving of the native officers who have been deprived of employment by the reduction of the zillah courts in those parts of the country where assistant judges may be stationed; but we think that all future vacancies in the principal situations in the assistant judges' establishments should be supplied from the list of district moonsiffs in the zillah where the vacancy may occur. The rank of the assistant judges' principal native officers should be below that of the principal native officers of the zillah judge, and their allowances should range between those of the latter officers and those of the district moonsiffs; our object being to secure a regular line of promotion to the native as well as to the European officers employed in the internal administration of the country, with a clear understanding, however, that meritorious conduct should alone entitle any individual to succeed to the superior situation.

42. We agree with you in attaching high importance to the office of district moonsiff, and are most desirous to promote the utility and efficiency of that valuable class.

43. We are aware that the judicial commissioners were of opinion that it was essential that the district moonsiffs should be influenced by motives of immediate gain in despatching the business before their courts, and hence their emoluments were made to consist partly of a fixed salary and partly of fees of one anna in the rupee on the institution of suits. This arrangement may have in some respects effected the object it had in view, but we are apprehensive that it may have conduced rather to the quick despatch than the satisfactory adjustment of the business before their courts. We admit that the small number of appeals which have been made to the superior courts from the decisions of the district moonsiffs, compared with the number of suits decided by them, is apparently well calculated to diminish this apprehension; but before confidence can be placed in the general correctness of their proceedings, the number of suits appealed ought to be contrasted with the number appealable, and not as has only been done with the number decided. This comparison we have not the means of making, but such a test is necessary to prove the correctness of Mr. Stratton's opinion of the satisfactory character of the proceedings of the district moonsiff.

44. The collector of Bellary had stated that the district moonsiffs, by the exertion of their influence, drew into their courts suits which, under the Regulations, were intended to be decided by the village moonsiffs; and with a view to prevent this inconvenience you abolished the institution fee on suits not exceeding 10 rupees value, in the courts of the district moonsiffs. It was considered by your Government to be desirable that those suits should be decided by the village moonsiffs; it was thought that more of them would be so settled in proportion as the delay in the courts of the district moonsiff increased; and it was expected that the district moonsiff, though still bound to decide such suits, would find means to put off or to evade altogether the adjustment of them, when he had others before him that yielded him fees.

45. In order to afford the people every facility of access to good judicature, we desire the establishment of numerous tribunals conveniently situated, and with all attainable securities for the right conduct of the judge; but if obstacles are thrown in the way of suitors, by preventing or deterring them from taking their causes to a proper tribunal, there is a deviation from this principle. If it is the wish of the people to take their suits to the district moonsiffs instead of the village moonsiffs, they should not by any means be discouraged from so doing; and the deterioration of the judicature, which must be the consequence of placing the judge's interest in opposition to his duty, is especially to be avoided.

46. Instances of the exertions of district moonsiffs to draw suits to their courts, must no doubt have come to the knowledge of the collector of Bellary, but we are not aware of similar statements having been made from other districts; we apprehend, moreover, that the



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suits influenced by such means must be very few in proportion to those occasioned by the ordinary legitimate and unavoidable causes of litigation.

47. If the number of suits taken to the village moonsiffs had been materially affected by the exertions of the district moonsiffs, the effect would have ceased with the motive which was supposed to have produced it. But since the fees on suits not exceeding 10 rupees value have been abolished in the courts of the district moonsiffs, the village moonsiffs have had even fewer suits than before.

48. In consideration as well of the enlarged powers confided to district moonsiffs by Regulation II. of 1821, as of the desirableness of diminishing the labours of the zillah courts, we are anxious that every encouragement should be given to the district moonsiffs, not only to dispose of the business without delay, but to weigh maturely the merits of each particular case.

49. With this view we recommend that fixed salaries should be assigned to the district moonsiffs, which ought not to exceed their former average receipts from fixed salary and institution fees. We do not, however, propose to dispense with the payment of an institution fee, but we recommend that no suit instituted in a district moonsiff's court should be subjected to a higher fee than 2½ per cent.

50. It may be expected that so considerable a reduction in the amount of the institution fee will bring a large addition of business into the courts of the district moonsiffs; and we are of opinion that a discretion should be lodged with the district moonsiffs to admit pauper cases into their courts. We must therefore expect that you will find it necessary to increase the number of district moonsiffs in each zillah; and we perceive that this measure was suggested by you as a remedy to the inconvenience which was experienced by the zillah judges from the additional duties thrown upon them and their registers by Regulation VI. of 1822.

51. We must leave it to your local experience to fix the number of district moonsiffs, according to the circumstances of each zillah; and in respect to the amount of their fixed allowances, we are anxious that it should be sufficient to secure the services of persons of respectability. We do not expect that the sum which may be collected from the institution fees will be sufficient to meet the additional expense; but we are satisfied that if the measure is attended with an improvement in the administration of civil justice, the expense will be more than compensated by a decrease of charge in the department of police. We think that it will be of advantage to attach to certain districts in each zillah a higher rate of allowances, to which persons of extraordinary merit should, as opportunities offer, be appointed; and we recommend that at the close of the year, the judges of the provincial courts should be empowered to confer honorary rewards, in addition to their ordinary allowances, to such sudder ameens and district moonsiffs as may have discharged their duties in an exemplary manner. We are likewise of opinion that similar rewards should be given to the native head police officers who may be reported by the magistrates to merit the approbation of Government.

34. EXTRACT JUDICIAL LETTER from *Fort St. George*, dated 29th December 1826.

Cons. 29 Mar. 1825.
N^o. 3, 4.
10 May. N^o. 8, 9.

82. THE Sudder Adawlut having represented to us the urgent necessity of appointing an acting register to the Southern and a register to the Northern Provincial Court, we informed them that we were desirous, with a view to the interests of the civil service, that the subordinate offices to be filled by covenanted servants should be limited to those of which the functions cannot be properly discharged without European agency, or which are necessary as a preparation for more important trusts. The duties which devolve upon the register of a provincial court did not, we believe, like those of the zillah register, afford much scope for the exercise of talent and the development of the qualifications requisite for the higher employments of the service. It was therefore desirable, we observed, especially in the present scarcity of civil servants, to consider whether, for a suitable salary, natives might not be found not only qualified to transact the greater part of those duties, but who, from being permanently attached to the office, would become particularly expert in the performance of them. But on the report of the Sudder Adawlut which we subsequently received, and to which we beg leave to refer your honourable Court, we were satisfied that it was necessary to employ covenanted civil servants in the situation in question, as heretofore. And advertising to the extent of the labours required from the registers to the provincial courts, we deemed it evidently advisable that care should be taken in the issue of new orders to avoid burthening those officers with additional duties.

35. EXTRACT JUDICIAL LETTER to *Fort St. George*, dated 21st March 1827.

35. Extract Judicial
Letter to *Fort St.
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74. As it is our purpose that the rights of the most poor and helpless, no less than those of the higher classes of the community, should be protected, the necessity of imposing all practicable checks on the judicial proceedings of the inferior native officers is apparent. The head of a village may, in the exercise of his authority, (whether designedly or otherwise,) make over the property of one man to another, inflict punishment upon the innocent, or give countenance and protection to the guilty; and although the cases belonging to his jurisdiction are nominally inconsiderable, they may involve interests of deep importance to the parties concerned in them. The power of this class of functionaries, as village moonsiffs, was particularly referred to in our letter of the 11th April last, as well as the apparent want of proper securities for justice in the courts of the district moonsiffs. Although under peculiar circumstances



stances the safeguards of appeal and record have in some cases been dispensed with, as in the courts at the presidencies for the recovery of small debts, it is generally true that where there is a deficiency of publicity, the checks upon the judge require to be proportionably strengthened and multiplied. Having, however, pointedly adverted to these considerations in our letter of the 11th of April last, (which, from their importance, we have no doubt would meet with your early attention,) we feel that it would be premature to enter further into the discussion of the subject till we shall be in possession of your reply to that communication, and have had the advantage of perusing your observations on the several points and suggestions contained in it.

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35. Extract Judicial Letter to *Fort St. George*, 21 March 1827.

36. EXTRACT JUDICIAL LETTER from *Fort St. George*, dated 27th April 1827.

4. WITH respect to the district moonsiffs, we think we have clearly demonstrated, in our proceedings before referred to, that there is no ground for drawing the inference that their courts are not popular from the fact that as the average of suits instituted in the zillah courts did not exceed the value of 175 rupees, most of them might have been carried to the native judicatories, if the parties had wished it; indeed the statements of the business performed by all the courts, European and Native, throughout the country, laid before us periodically by the *Sudder Adawlut*, show that the number of suits brought before the district moonsiffs is far greater than could have been expected; and from the information which we have been able to collect, it appears that the proportion of appeals to decisions in their courts is extremely small; and we have little doubt that a statement of the decisions affirmed or reversed in appeal would turn the scale still more in their favour. We think we may confidently assert, from the increased resort of suitors to the native tribunals, that they have fully realized the expectation formed of their utility, and, considering the respectability of the situation, the facility with which misconduct can be brought to the notice of the local superior authority, and the interest which the zillah judges themselves have in selecting men of known integrity and ability for the office, we are of opinion that there is no reason for supposing that the trust reposed in district moonsiffs is abused. We have not therefore deemed it advisable to make any alteration in the existing Regulation with a view to render suits under 20 rupees appealable. No complaints have hitherto been made against the rule, and if any inconvenience should hereafter be found to arise from it, the remedy is in the hands of Government, and can be easily applied. But although we have not considered it advisable to modify the moonsiff Regulation in this respect, we have adopted several of the measures suggested by your honourable Court for the improvement of the system. Among these are the restoration of the fee on suits under 10 rupees, and the reduction of the fee payable by complainants on the institution of suits, which latter we have directed the *Sudder Adawlut* to carry into effect without making a corresponding reduction in the receipts of the district moonsiffs from this source. The expense we are of opinion should be borne by Government; and it is believed that the institution fees carried to the account of Government on suits dismissed for default, &c. will furnish ample funds to meet the disbursement. For facility of reckoning, however, we have fixed the fee at half an anna per rupee, instead of two and a half per cent.; the difference is trifling, and the calculation will be more easily understood by the poorer classes.

36. Extract Judicial Letter from *Fort St. George*, 27 April 1827.

5. We have referred for the consideration of the *Sudder Adawlut*, the suggestion of your honourable Court regarding the zillah judges holding alternate sessions at the different moonsiff stations within the zillah, and the allowing district moonsiffs a discretion of admitting pauper cases into their courts; as also the suggestion of granting rewards to meritorious moonsiffs and to head police officers for exemplary discharge of their duties; but we have not considered it advisable to shake the public confidence in the moonsiff system by so great an innovation as the substitution of salary for fees, and we feel confident that your honourable Court on referring to the reasons which we have assigned in the 37th, 38th, and 39th paragraphs of our proceedings will approve our resolution to allow the system, for the present at least, to remain, in this respect, undisturbed.

6. Whilst furnishing instructions to the *Sudder Adawlut* on the subject of such parts of your honourable Court's despatch, as relate to the moonsiff system, we suggested various other modifications of the rules under which the proceedings in the moonsiffs' courts are at present conducted, which do not require to be here noticed in detail, but which will, if finally adopted and introduced into the Code of Regulations, form the subject of a future communication.

7. In the 11th paragraph of our proceedings, we have endeavoured to show that there is no ground for the apprehension expressed by your honourable Court, that the village moonsiffs are vested with much uncontrolled power, and are subject to great temptation, which too many of them are unable to resist, and that the fear of prosecution which was before a useful check upon them, is now diminished by the reduction of the zillah courts. The fact is, that this class of public officers, although gradually becoming more useful, as yet takes but little part in the active discharge of any but revenue duties.

37. EXTRACT LETTER, in the Public Department, from the Court of Directors to the Governor in Council at *Fort St. George*, dated 16th April 1828.

Para. 17. THE most difficult part of your task for a long time will be the business of superintendence. For, although the dependence of a great part of the teacher's reward upon the fees of his pupils is in general a strong incentive to the diligent performance of his duty, so few of the natives are as yet qualified, especially in the distant collectorates, to form

37. Extract Public Letter to *Fort St. George*, 16 April 1828.

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a correct estimate of the quality of the instruction which their children will receive, that we cannot doubt the necessity of a vigilant supervision on the part of better judges than themselves. A general superintendence may be exercised at all times by the collectors; but periodical examinations conducted either by the local officers, or by persons sent from the Presidency, would be the most effectual means of compelling the masters to do their duty, and of encouraging the pupils by opportunities of distinguishing themselves, and of attracting the notice of Government. You will thus too be enabled to know more effectually than by any other means, where the fittest instruments for your future plans of education, and the individuals best qualified to fill public situations are to be found. And not only will you know this yourselves, but what perhaps is almost of equal importance, the natives will be aware that you know it, and that you give the preference for all public purposes to the best instructed.

38. EXTRACT JUDICIAL LETTER from *Fort St. George*, dated 4th July 1828.

58. THE situation of judge and magistrate at Seringapatam being vacant, seemed to us
Cons. 27 April 1827 - Nos. 1, 2, to present a fit occasion for revising the local administration of that place, which
— 12 June — — — 1, 2, the great changes which it has undergone had for some time past rendered every
— 3 Aug. — — — 3, 4, day more necessary. The great importance of Seringapatam when it fell into our
— 17 Aug. — — — 1, a' 3, hands, required that its civil administration should be vested in an European officer,
— 31 Aug. — — — 16, 22, but of late years it has lost almost all its political and military importance. It is
— 2 Oct. — — — 7, a' 12, no longer a principal military station; its garrison consists only of a part of a local
— 13 Nov. — — — 5, a' 8, corps; its numerous population, originally drawn together by its having been the
— 14 Dec. — — — 5, a' 7, seat of Government, has been for many years dispersing itself over the country,
— 28 Dec. — — — 34, 35, and the part which is left is still diminishing every day, from the want of employment and the insalubrity of the climate.

Expressed by Sir
T. Munro, in his
Minute recorded in
our Cons. of the
27 April 1827.

59. Under the circumstances, we concurred in the opinion that the employment of a civil servant exclusively for the management of the civil duties of Seringapatam was unnecessary, and that the district should be annexed to the collectorate of Coimbatore; that all judicial authority in the island should be entrusted to an intelligent native; that his jurisdiction should extend over the districts of Colligal and Suttigall; that he should exercise all the powers, civil and criminal, of an assistant judge; and that his court should be fixed at Colligal. Should the experiment in the present instance prove successful, as we trust it will, the employment of native judges may by degrees be extended to some other remote and unhealthy districts; and in time to every place where their services may be useful.

60. Hitherto the highest native officers in the judicial department have acted immediately under the eye of the European judge. The highest native judicial officer entrusted to act for himself at a distance from the judge is the district moonsiff, but his situation is a very subordinate one. In criminal matters he has no jurisdiction, and in civil it is limited to suits for small sums. The district moonsiffs, by their general good conduct, have become a very important part of the judicial system; and the public benefit which has resulted from their employment ought of itself, we imagined, to be a sufficient motive for our availing ourselves of the services of natives in a higher judicial station than that of district moonsiff.

61. It was our opinion, that the native judge ought to have all the powers of an assistant judge, because to give him less would not answer the purpose either of enabling us to withdraw the European judge from Seringapatam, or to make the experiment of improving the native branch of the judicial department by the employment of a native judge; and because it would lead to unnecessary embarrassment and confusion, by involving the necessity of creating a new office, with judicial authority, different from that of any other existing judicial office; whereas, by giving him the same powers as an assistant judge, his office would differ from that of the assistant judge merely in having jurisdiction over a smaller territory.

62. We stated a few of the points which required to be provided for; and desired the Sudder and Foujdarry Adawlut, after having duly considered them, to submit to us their sentiments thereupon, together with a draft of a Regulation and of a letter of instructions for the guidance of native judges, for the purpose of giving effect to the proposed measure.

63. The Sudder and Foujdarry Adawlut having submitted to us drafts of such Regulations as they considered necessary for defining the powers of native judges, we passed them as Regulation VII. and VIII. 1827; with a third, applying particularly to local circumstances connected with Seringapatam, as Regulation IX. 1827.

64. We have, in consequence of these enactments, appointed Meer Mahomed Ally to be native judge of the district of Colligal and its dependencies, with a salary of 500 rupees a month, and the necessary allowance in advance to enable him to defray the expense of his journey to this presidency.

65. Meer Mahomed Ally was Tippoo's asoph at Mangalore, when the province of Canara fell under the power of the Company; he has since held the situations of tehsildar of a district in the Southern Division, which was afterwards transferred to the Northern Division of Arcot; of peshcar to the commissioner in the province of Malabar; and afterwards of district moonsiff in the province of Canara. In all these situations, the correct principles, the ability, intelligence, and gentlemanly conduct of Meer Mahomed Ally, gave the greatest satisfaction to those who employed him, and procured for him their respect and friendship.

39. EXTRACT JUDICIAL LETTER to *Fort St. George*, dated 6th May 1829.

39. It was your wish that the duties of the registers to the provincial court might be entrusted to natives. We observe, however, that after taking the opinion of the Sudder Adawlut, you were satisfied that it was necessary to employ covenanted civil servants in those situations.

Letter, dated 29th December 1826.
(82) Correspondence relative to the office of Register to the Provincial Courts.

40. EXTRACT JUDICIAL LETTER to *Fort St. George*, dated 8th April 1829.

12. We have observed that you have established in six districts auxiliary courts, with jurisdiction civil and criminal, differing very little from that of the zillah courts, and your adoption of that measure renders it unnecessary for us to make any remarks on the chief part of your letter of the 27th April 1827. We find that you have not thought fit to carry into effect our suggestions for placing the native officers of police and the magistrates under an improved control, in regard to which the papers now before us have not served fully to alter the sentiments expressed in our despatches, dated 11th April 1826 and 21st March 1827.

40. Extract Judicial Letter to *Fort St. George*, 8 April 1829.

13. We cannot, however, be insensible to the great importance of endeavouring to afford to the mass of the community, some means of obtaining a ready and summary adjustment of their petty wrongs and disputed claims, without the necessity of leaving their homes and occupations in search of redress; and we are aware of the great difficulty of devising any system which shall be sufficiently comprehensive to meet the exigencies of so numerous a population, and at the same time be free from liability to occasional abuse. The zillah courts (even if their numbers were doubled, which is entirely out of the question) can not be made available for that purpose beyond their immediate vicinity, and if the object is to be attained at all, it must be accomplished chiefly by a very extensive use of native agency.

14. In the comments, which on some former occasions we have made upon certain parts of the judicial arrangements of your presidency, we could of course have no desire to recommend the introduction of any such changes as might tend to defeat the object to which we have just alluded. Our purpose was, that the proceedings of the magistrates and of the native functionaries should be placed under the most effectual superintendence and control which could be established without obstructing the discharge of the various duties assigned to them by your Regulations, and we shall be ready to give due attention to any suggestions which you may have to offer for that purpose.

41. EXTRACT JUDICIAL LETTER from *Fort St. George*, dated 26th January 1830.

19. IN reply to a communication from the magistrate of Nellore, stating his wish to confer police authority on the rajah of Vencatagherry, we transmitted for his information a copy of the reply to a reference which was in consequence made to the Foujdarry Adawlut, as containing the sentiments of that court on the construction of the Regulations which relate to the vesting of police powers in zemindars, jageerdars, &c.

Cons. 11 July 1828.
No 15, 16.
— 20 Oct. 1829.
Nos 2, 3.

42. EXTRACT JUDICIAL LETTER from *Fort St. George*, dated 25th June 1830.

6. WITH reference to paragraph 44 of our letter, dated 26th January last, we have the honour to report, that after the abolition of the native judges' court at Seringapatam, we called upon the Sudder Adawlut to state whether the services of the native judges were required, and could be beneficially employed in any part of the province of Canara, or in any other district under this presidency; and at their recommendation, we established a native judge's court in Canara, with jurisdiction over the talooks of Soopah and Soonda. We have appointed Meer Mahomed Ally, the late native judge at Seringapatam, to the native court in Canara, with the same powers and salary as before, and with an establishment amounting to Rs 383 per mensem.

Cons. 8 Jan. 1830.
No 20 to 22.
— 26 Feb.
N 1 to 5.
— 13 April.
No 1 to 4.

43. EXTRACT LETTER, in the Public Department, from the Court of Directors to the Governor in Council at *Fort St. George*, dated 29th September 1830.

Para. 5. THE improvements in education, however, which most effectually contribute to elevate the moral and intellectual condition of a people, are those which concern the education of the higher classes, of the persons possessing leisure and natural influence over the minds of their countrymen. By raising the standard of instruction among these classes, you would eventually produce a much greater and more beneficial change in the ideas and feelings of the community, than you can hope to produce by acting directly on the more numerous class.

43. Extract Public Letter to *Fort St. George*, 29 September 1830.

6. You are, moreover, acquainted with our anxious desire to have at our disposal a body of natives qualified by their habits and acquirements to take a larger share, and occupy higher situations in the civil administration of their country, than has hitherto been the practice under our Indian Governments. The measures for native education, which have as yet been adopted or planned at your presidency, have had no tendency to produce such persons.

7. Measures have been adopted by the Supreme Government for placing within the reach of the higher classes of natives under the presidency of Bengal, instruction in the English language



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language and in European literature and science. These measures have been attended with a degree of success which, considering the short time during which they have been in operation, is in the highest degree satisfactory, and justifies the most sanguine hopes with respect to the practicability of spreading useful knowledge among the natives of India, and diffusing among them the ideas and sentiments prevalent in civilized Europe.

8. We are desirous that similar measures should be adopted at your presidency.

44. EXTRACT JUDICIAL LETTER to *Fort St. George*, dated 12th October 1831.

44.ExtractJudicial
Letter to *Fort St.
George*, 12 October
1831.

50. THE abolition of the Mahomedan law in the Courts of Circuit is the most important of the intended alterations. We are not informed of the mode in which this change in the administration of justice in your principal criminal courts is to be made ; but we think it necessary to apprise you that in our opinion the assistance of the law officer in the Court of Circuit as an assessor, is a very important security for justice, which, without some equivalent, cannot be dispensed with ; and we are not aware that any plan better suited to the ends of justice, more effective and at the same time more economical than that by which the law officers were established, has been devised. We direct that at all events the proceedings of the Court of Circuit be not held under the unchecked authority of an English judge, but that a native officer of character and ability, competent to the business and skilled in judicial proceedings, be permanently appointed as a component part of the court, with powers to assist with his opinion and advice at every stage of the trial ; that the English judge, be not authorised to pass sentence without his concurrence ; and that in the event of his differing from the native officer, he be required, as at present, to forward a copy of the proceedings to the Foujdarry Adawlut, and wait the sentence of that court.

51. For the proper exercise of the powers entrusted to native judges and sudder ameens, the best practical securities will, we trust, be established.

52. The following remarks of the Sudder Adawlut, in reference to the plans of the Finance Committee, and especially to the reduction of a judge of the Sudder Court, to the abolition of Zillah Courts, and to the increased powers in the administration of justice, which are to be given to natives, have particularly attracted our attention : "The reduction of the former zillah into auxiliary and native courts, which had already partially been carried into effect, is a mere change of name in the local agency, and a diminution of expenditure for the administration of justice. It can neither reduce the number of crimes nor of law suits in the provinces ; and the same quantity of business remains to be done by an agency less competent and more corrupt than that formerly employed. Instead of relieving the superintending authority at the presidency, as seems to have been imagined by the Finance Committee in Bengal, this alteration in the local agency from the increased errors of its greater inexperience, and its greater liability to local influence, partiality and abuse, will considerably augment the labours of this court. These changes are now proposed to be carried still further, and native agency is about to be substituted for much of the most important remaining European authority hitherto devoted for the last 30 years to the local administration of justice." The Sudder Adawlut have justly observed that, in these circumstances, it is evidently of the highest importance to strengthen the efficiency of the superintending court, and you have, at their suggestion, provided for an extension of authority in single judges of the Sudder and Foujdarry Adawlut, corresponding with that which is established in the courts in Bengal. This arrangement we entirely approve. We trust that the Sudder and Foujdarry Adawlut will vigilantly watch the proceedings of the auxiliary and native courts, and that we may receive from you frequent reports respecting them, for we shall be anxious to learn how far experience will justify the confidence which has been reposed in them.

45. EXTRACT JUDICIAL LETTER to *Fort St. George*, dated 21st December 18

45.ExtractJudicial
Letter to *Fort St.
George*, 21 Dec.
1831.

20. ADVERTING to the large number of cases settled by razeenamah before the district moonsiffs, we observe with regret, that the judges of the Sudder Adawlut have seen ground to apprehend that many of them are mere fictitious suits, got up by the moonsiffs for the fraudulent purpose of obtaining from Government the fee of half an anna in the rupee, to which they are entitled under Regulation II. of 1828, on all suits instituted in their courts, and settled by razeenamah. In the proceedings of the Sudder Adawlut, dated 19th October 1830, we find the following passage :—"As an example, the Court take the following from the returns of the Vailpaud moonsiff in Cuddapah, for the 2d quarter of this year :

	Number of Suits.	Value of Property claimed.	FEES.
		<i>Rupees.</i>	<i>Rupees.</i>
Dismissed - - - -	140	1,221	No Fees.
Decreed - - - -	73	2,582	161
Razeenamahs - - -	248	6,353	395
Total Fees - Rs 3/			556
Per mensem - -			185

"Here



"Here is a moonsiff who dismisses double the number of the suits he decrees, but the property claimed under the suits dismissed is not half the value of that claimed under the suits decreed, notwithstanding they are doubly numerous; he receives 70 rupees pay, but 185 rupees fees, making a total of R^s 255 per mensem, and passes only 73 decrees, but settles nearly four times that number of suits, or 248, by razeenamah; his fees from decrees are only R^s 161, from razeenamahs no less than 395. Now to ensure the receipt of this last sum, of which nearly half, or 197 rupees, comes out of the public treasury, it is only necessary to advance the other half, to enter a fictitious plaint, and razeenamah, and at the close of the month the sum returns doubled into the hands of the district moonsiff." The circumstances stated certainly require explanation, and we trust that you will have the matter thoroughly investigated. The Sudder Adawlut have justly remarked, that such abuses are not only calculated to corrupt the moral character of this important branch of native agency, but to vitiate the very returns on which a judgment of their efficiency depends. The Court do not take upon themselves to declare that such frauds are systematically pursued in general, but they say there is strong reason to suspect their prevalence. Even if these suspicions should not prove to be well founded, it will still be necessary to keep in mind the temptations to which the district moonsiffs are exposed, and the injustice which parties in suits for personal property, not exceeding 20 rupees value, may suffer in their courts, from the absence of those important safeguards for justice which are established in all the superior courts, viz., the recording of the evidence and the right of appeal. In suits for land before the district moonsiffs, those safeguards have already been provided; and it is deserving of consideration, whether any inconvenience which might be apprehended from extending the rule to all other cases would not be more than compensated by the improved security for justice which would be afforded to the poorer classes of suitors.

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45. Extract Judicial Letter to *Fort St. George*, 21st Dec. 1831.46. EXTRACT JUDICIAL LETTER to *Fort St. George*, dated 1st February 1832.

21. The abolition of the office of European judge at Seringapatam, with the establishment of a native judge at Colligal, was adopted in conformity with a plan suggested by Sir Thomas Munro. The arrangements for the new office were carefully prepared by the Sudder Adawlut; and after full discussion, they were approved and carried into effect under the government of Mr. Græme. The powers of the native judge are defined in Regulation VII. and VIII. of 1827. They correspond nearly with those vested in the judges of the auxiliary courts. The salary of the native judge was fixed at 500 rupees a month. We observe that the station of the native judge was afterwards, in consideration of the state of the judicial business, removed from Colligal to Seringapatam. These arrangements, the subsequent alterations of which will be noticed further on, we fully approve, and we anxiously expect reports from you showing the mode in which the native judge exercises the important functions vested in him. It is unnecessary for us to point out to you the propriety of establishing the best practicable checks, with a view to secure correctness in his proceedings, and a faithful record of all his judicial acts.

Letter from, dated 4 July 1832, (58 to 65 & 85.) Arrangements for the local administration of Seringapatam, and appointment of a native judge at Colligal.

47. EXTRACT JUDICIAL LETTER from *Bombay*, dated 15th January 1822.

96. We trust, however, that the measures still in progress for increasing the powers of the registers, and the native agents, will yet more beneficially operate in keeping down the file.

47. Extract Judicial Letter from *Bombay*, 15 Jan. 1822.48. EXTRACT JUDICIAL LETTER from *Bombay*, dated 14th January 1824.

3. It will be perceived that the punchayet is still our principal means of dispensing justice in civil causes throughout the country.

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25. In his concluding observations, Mr. Chaplin, after adverting to the mode in which civil justice was formerly administered throughout the country, admits that although it has improved in many essential respects, it is less speedy in its execution under our government; one principal cause is the run upon our European officers in consequence of the present disinclination for the administration of civil justice on the part of the moamludars and others, the reasons of which he explains. The Poona professional punchayets have some essential defects which require remedy.

26. The following general remarks of Mr. Chaplin on the subject of punchayets, and on the proceedings of the potails and ameens, have attracted our particular attention.

27. "No authority being used for the purpose of compelling people to sit on punchayets, and there being much trouble and responsibility attending the duty, it has everywhere a tendency to fall into the hands of persons who undertake it professionally. As we are less arbitrary than the late Government, we have less power to induce people to undertake the office; we exact, too, more regularity and expedition on the part of the members, which deters many from excepting it. It would be contrary to usage to compel people to act as punchayets; but those who decline serving in rotation, might be fined, as persons in England are, who refuse to fill certain executive offices. If this be deemed objectionable, no remedy suggests itself, but that of appointing a sufficient number of ameens to each district, for otherwise the punchayet alone, though it may prove a useful auxiliary, will be inadequate to answer the purpose of dispensing civil justice; under the former it was the main tribunal for deciding



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causes, and people were usually expected to resort to that mode of adjustment when private arbitration failed. It is however difficult to judge whether more suits were then settled by punchayets than at present, as no register was ever kept of them. The number of suits on the whole was then apparently smaller, because the power of Tugaza more frequently decided them. They did not *in limine* come into Court. The judges often insisted in clear cases upon their being at once settled without any forms of process; now a great portion of causes, that were either rejected or summarily disposed of, are brought before the European officer, and the file in consequence is over-loaded. In small suits decisions by punchayets are certainly quicker now than before, but in larger ones they are still spun out in a most provoking and tiresome manner.

28. "The jageerdars of the higher order sometimes undertake the settlement of disputes, but he cannot learn that justice is administered by them to any great extent. The smaller jageerdars do not take upon themselves this responsibility unless they can make it a source of emolument, which they sometimes do to the injury of their relations and dependants; many abuses in this respect are committed by those who have the independent management of their own jageers; but as their lands are known to be out of our jurisdiction, few complaints are preferred.

29. "Neither potails nor shetties formally administered any justice, though empowered to appoint punchayets; in disputes of which the amount does not exceed 150 rupees he does not find that they have ever acted upon the authority; their influence, however, is of the greatest use in eradicating the first seeds of litigation, particularly in matters of local concern, before they come to any growth. Their judicial power has never been of much avail in weighty matters, nor can we ever hope to see much effect produced by it; it is, however, silently and beneficially exercised within the village circle, though perhaps not to so great an extent as formerly, because the apprehension of deviating from our more strict rules deters the potails from acting with their accustomed confidence. One disadvantage arising from this change is, that litigants are more apt to refuse to arbitrate, and one or other of them is pretty sure to insist upon going to the Adawlut.

30. "The ameens in Poona settle, as will be seen from Captain Robertson's registers, a great many causes; one or two seem to be respectable; but on the whole, the character of their proceedings does not stand very high in the public estimation. No ameens have yet been appointed in the other collectorates, but in all a few might be established, with rules for their guidance nearly similar to those which are laid down in a Regulation proposed by the Committee now revising the Regulations.

31. "There have been but very few regular appeals to Mr. Chaplin, as Commissioner, because the greater portion of causes are decided either by punchayet or by ameens, from both of which the appeal in the first instance lies to the collector; he has, however, received a great many complaints of wrongous or erroneous decisions, which he refers to the local authorities for investigation; several have in consequence been revised, and some annulled. In the latter cases a fresh punchayet has been ordered, or the investigation gone into *de novo*. In the great majority of cases the grounds of the complaint have been satisfactorily explained, and the complaint itself rejected. Hitherto he has been guided by the tenor of the rules laid down by the late Commissioner in his report on the subject of receiving appeals, which were to be confined to special cases, with a view to ascertain that the standing instructions were acted up to, and the custom of the country maintained rather than for the purpose of revising the decisions of the collectors on each suit.

32. "Causes in which great sirdars are parties have come under his own cognizance; they are almost exclusively confined to the disputes of the putwurdhuns; almost all other sirdars reside in their own jageer villages, and there are few suits filed against them, which may be owing rather to their influence in suppressing, than to the absence of any grounds of complaint."

33. The topics contained in the preceding paragraphs were discussed in Mr. Chaplin's late personal intercourse with our president in the Deccan, and the results are fully recorded in the new Regulations for punchayets and moonsiffs (chiefly drawn up in communication with him), contained in our proceedings quoted in the margin, to which we beg leave to refer your honourable Court. Adverting, however, to the probability of the introduction of separate judicial authorities, on a model approaching to that in use in the old provinces, we have drawn his attention to the means best adapted for reconciling that mode of administration to the existing state of the Mahratta country, that he may have full time to prepare and suggest such modifications as may be requisite to prevent that system from clashing with existing opinions and institutions.

49. EXTRACT JUDICIAL LETTER from Bombay, dated 29th November 1824.

Letter to, dated 22d October 1823. (47 a' 49.)
Proceedings for modifying the system of civil
judicature noticed, and caution approved; a li-
mitation with respect to suits cognizable by na-
tive Commissioners considered objectionable.

No 15. 14 April,
folio 1947.

19. THE limitation noticed by your honourable Court applied only to the power of native commissioners; suits which are not cognizable by those, in consequence of the cause of action having originated more than twelve months before preferring the complaint, are cognizable by the judge.

150. By the existing Regulations, sudder ameens have the power to decide causes not exceeding 100 rupees in value; and ameens are limited to 50 rupees. The Sudder Adawlut remarks that the business performed by these officers, and their fidelity renders them particularly valuable in the administration of justice, and fully entitles them to liberal consideration when circumstances may call for the amelioration of their situations; remuneration being the only inducement for properly qualified men to accept office, particularly in the pergunnahs, where they



they are banished from society. The persons usually selected for such situations are those who have been employed in public offices, as well as natives of respectability ; and of all situations under Government, ameenships are decidedly considered to be the most respectable, and such as members of families of the highest rank might derive credit from filling.

50. EXTRACT JUDICIAL LETTER from *Bombay*, dated 4th May 1825.

7. THE Report contains nothing requiring to be particularly brought to notice ; Captain Pottinger expects that the speedy adjustment of suits will be very much facilitated by the appointment of moonsiffs.

Report by the Col. lecturer of Ahmed-nuggur on Civil Justice ; General Cons. 1824. 17 May. folio 2901.

51. EXTRACT JUDICIAL LETTER to *Bombay*, dated 12th April 1826.

45. THE heads of villages, although not everywhere employing the full powers vested in them by law, were generally active in apprehending offenders ; and the heads of districts appear to have been very efficient. As these persons exercise very extensive authority in virtue of their offices, adequate precautions should be adopted to prevent their abusing it ; and with this view, care should be taken that their proceedings are subjected to the most effectual superintendence, and that a free access to justice is secured to the people.

51. Extract Judicial Letter to *Bombay* 12 April 1826.

52. EXTRACT JUDICIAL LETTER from *Bombay*, dated 31st May 1826.

4. IN our letter of the 14th January 1824, para. 33, we adverted to the probable necessity of the introduction of separate judicial authorities on a model approaching that in use in the old provinces, for which purpose the attention of the Commissioner was drawn to the means best adapted for reconciling that mode to the existing state of the Mahratta country, and we have now the satisfaction of reporting a very favourable result having attended the change in the administration of justice, by the appointment of ameens and moonsiffs in the districts of the Deccan.

52. Extract Judicial Letter from *Bombay*, 31 May 1826.

5. Your honourable Court cannot fail to remark the near approach of this change to the corresponding branch of the judicial establishment in the old provinces of Guzerat.

6. In order to enable your honourable Court to observe more readily the effects of the introduction of native ameens as judges in small causes, and to act as arbitrators and referees, we have annexed a contrasted statement of the civil files of the different zillahs and the number of suits disposed of by the various instruments for the dispensation of justice, during the years 1823 and 1824.

7. From this document your honourable Court will perceive that the number of suits instituted during the last year is double that of 1823. The number of causes decided on during the same period bears nearly a like proportion to 1824, while the arrear at the commencement of the current year does not greatly exceed that of the one preceding, although increasing.

8. The fact represented by the collector of Poona, that punchayets are less resorted to than formerly deserves attention. This, which appears to be the case elsewhere, as well as the great increase of the demand for justice, we are disposed to attribute in a great measure to the improved system of administration, by which it is brought near every man's home and is speedier in operation.

9. Notwithstanding the institution of moonsiffs and ameens is found to answer the most sanguine expectations, and although the most zealous exertions of the European agents have not been wanting, the total arrear has been somewhat augmented since our last despatch, but our attention shall be given to prevent any serious inconvenience arising from too great an accumulation.

44. The use of punchayets is still kept up ; the control of them is transferred from the mamlutdars to the ameen ; and the trial of civil causes, in the first instance, is still in a great measure in the hands of natives. Deccan.

53. EXTRACT JUDICIAL LETTER to *Bombay*, dated 31st January 1827.

2. IN your reply to Mr. Chaplin's report of the 20th August 1822, you intimated the probability of separate judicial authorities, on a model approaching to that in use in the old provinces, being introduced into the Deccan, and you drew the Commissioner's attention to the means best adapted for reconciling that mode of administration to the existing state of the Mahratta country, that he might have full time to prepare and suggest such modifications as would be requisite to prevent its clashing with existing opinions and institutions.

53. Extract Judicial Letter to *Bombay*, 31 January 1827.

3. To this communication, which was dated 19th March 1823, we have not found any reply, but on the 14th April 1824, the Commissioner proposed the appointment of separate judicial officers, recommending it on the following grounds.

4. The Commissioner thought that the revenue survey which Government had ordered to be carried into effect, would be very beneficial to the country, and that it could not be executed unless the collectors dedicated their whole time to its superintendence. "At present (said Mr. Chaplain) they have no leisure for such a task, at least one half of every week being occupied by business in their criminal and civil courts, which compels them sometimes

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to neglect their ordinary revenue duties. The only remedy for this evil is forthwith to carry into effect partially the judicial system, which Government has resolved eventually to introduce into the Deccan." Mr. Chaplin adds: "If a survey is to be prosecuted, I am convinced of the necessity which exists of a separate judicial department, and my unwillingness to recommend such an alteration, is not so much founded on any prejudice for or against particular systems, as on the very peculiar circumstances in which the Deccan is placed, different perhaps from those of any country in which our judicial authority has ever been established. I allude to the singular way in which our territory is mixed with that of foreign states, of independent chiefs possessing sovereign power, and of great jageedars who have hitherto exercised almost supreme authority within their own limits."

5. Mr. Chaplin suggested therefore, that the new judicial arrangement should be for some time merely experimental, and that it should be confined to two of the provinces, Ahmednuggur and Poonah.

6. In these suggestions the Governor in Council entirely concurred, but in the course of ten days the plan was set aside; your Government having, in the mean time, received our political letter of the 5th November 1823, in which we directed that no important changes should be made in the internal administration of the territories under the Commissioner in the Deccan, unless on the result of fair and ample experience having been communicated to us, we should express to you our conviction that such changes were expedient. In deference to our orders, you thought it necessary to abstain from carrying your previous resolution into effect.

7. Yet in consideration of the reasons urged by Mr. Chaplin, and of the mode in which criminal trials had been conducted in the Deccan, some alteration appeared to you to be necessary. In consequence, you appointed an officer under the designation of criminal judge, having jurisdiction over the provinces of Poonah, Ahmednuggur and Candeish, with power to try all persons charged with crimes, for whom a heavier punishment than two years imprisonment and hard labour might be necessary; his sentences, if exceeding seven years imprisonment and hard labour, being subject to the confirmation of the Commissioner, and sentences of death and of transportation for life subject to the confirmation of the Government.

8. We consider this plan to be merely experimental, and we shall not now go into an examination of its details; but your appointment of a judicial officer for the purposes stated we fully approve, and we desire that you will from time to time apply any further correctives which may be found requisite for giving efficiency to the administration of criminal justice.

9. Adverting to your President's unfavourable opinion of the judicial arrangements of the Deccan, and to his remark that few causes have been decided, and those with considerable delay and dissatisfaction to all concerned, we have directed our attention with much interest to the state of civil justice as administered in that province.

10. Although it has properly been your invariable object to maintain the former usages and institutions of the country, as far as circumstances would permit, some innovation, especially in regard to the organization of tribunals and the rules of procedure, was indispensable. At Poonah not long after the introduction of our government, ameens were found necessary to assist and regulate the proceedings of punchayets, to appoint their members, and even to try causes. In 1821 something more was required. In the Commissioner's Report, dated 5th November of that year, we find the following passage. "The collectors have not time to devote to the essential duty of administering justice, or of maintaining that degree of regularity and method which ought to be observed by the judicial officers under them; to attain this end and to watch over and regulate the proceedings of punchayets, the undivided attention of one person seems requisite. Registers were then appointed. In 1823 moonsiffs were established, and new rules were made for punchayets."

11. Under the Mahratta rule, Government seems to have taken little concern in the administration of justice, which appears to have been part of the functions of every person who had power. Every such person interfered in the disputes of others to the extent of his power and his inclination, with little rule to guide him but his mere will and pleasure. This is affirmed with respect to the Deccan in very express terms, by Mr. Chaplin. "There can hardly be said to have been any regularly constituted court of justice except the Nayar Desh, under the former Government. But the number of persons who discharged judicial functions was indefinite. All the village and district officers, from potails to mamludars and sirsu-bahdars, were judges. Every sirdar of note held a sort of hall of justice in his own house. Sahookars and bankers had also among themselves their punchayets, or tribunals of conciliation. None of these judges rendered any account of their proceedings to the Government." The discussion of the extent of the original functions of the punchayets is not, however, of immediate practical importance; for it is described, both by your President and by Mr. Chaplin, as being actually, under the former Government, the great instrument in the administration of justice, and the main tribunal for deciding causes.

12. After the opinions conveyed to you on former occasions, and latterly in our political letter of the 5th November 1823, it is unnecessary for us to express our approbation of your endeavours to conduct the administration of justice by those means to which the people of the country had been habituated; and though the punchayet system may not have proved so extensively available for that purpose as was expected, your adoption of it was undoubtedly proper. We regret, however, to perceive the following statement made by your President, in his Minute of the 14th January 1823: "The punchayet, on which so much depends under the native system, has shown all the inconveniences ascribed to it in my report of 1819, while the remedies applied to them have been less efficacious than was then expected. The causes decided by punchayets have been few; and the reports of most of the gentlemen who had opportunities of observing them are unfavourable to that mode of trial." This account



is fully confirmed by the Reports of the public officers from Poona, Candeish, and Ahmednuggur, and particularly by that of Mr. Giberne, the register of Ahmednuggur, the general accuracy of which, in so far as it related to the defects of punchayet, is admitted by Mr. Chaplin; though the latter states that Mr. Giberne has brought all the advantages of the Adawlut system prominently forward, and kept all its defects out of sight.

13. Under these circumstances, we cannot doubt that some change had become necessary; but we perfectly agree with your president, that although the Mahratta system had not in our hands been found sufficient for the administration of justice in all branches of the community, it by no means followed that we ought to abandon it entirely, but that we ought rather to try what was the least degree of alteration by which our object could be attained.

14. We therefore entirely approve of the principle on which your arrangements on that occasion proceeded, viz. that of the appointment of moonsiffs for the decision of causes of a general nature, and of continuing to consider punchayets as the proper tribunals for the settlement of cases to which this sort of adjustment appeared more particularly applicable.

15. We were glad to observe the following sentiments upon that subject, in Mr. Chaplin's letter of the 14th April, 1824: "The system of punchayets should still be kept up to the utmost; private arbitration by every means encouraged; and the existing laws and customs, as far as possible, maintained, unless clearly repugnant to reason and justice." The system ought certainly not to be abandoned, on any such ground as that of making the arrangements in the Deccan correspond more nearly with those of the older provinces.

16. We do not give any opinion upon the question, whether this precise arrangement should or should not be adhered to on the establishment of any permanent system of internal administration; all we mean is, that so long as it shall be found practically useful, there seems to be no adequate reason for desiring its discontinuance.

17. If, however, upon full consideration, you shall be satisfied that the agency of ameens or moonsiffs may be more advantageously employed for the disposal of any description of cases, and that this change would be acceptable to the native community, we can have no desire that you should adhere to one description of native agency, to the exclusion of any other which you may think preferable.

18. We do not draw any inference in favour of the benefit of a more extended employment of punchayets, from the great number of cases decided in that way in the Darwar division. We observe that in that district the collector established rules by which members of punchayets as well as suitors were compelled to attend, the former on pain of being fined, and the latter on pain of losing their suit. Such rules, if vigorously enforced by an officer who has a bias in favour of punchayets, who is armed with power, and encouraged by the superior authorities, will naturally produce more decisions than would be effected if no compulsion were used. If this spirit in the superintending officer is necessary for the purpose of insuring efficiency, we entirely agree with your president, that the advantage is too rare to allow of its forming the basis of any judicial system.

19. The peculiar circumstances of the Deccan seem to render the sudden introduction of material changes in the internal administration very inexpedient. At the same time there was no doubt that some arrangement had become necessary to enable the collectors to devote sufficient time to the discharge of their revenue duties. The plan which you intended to adopt was, the appointment of judges with criminal jurisdictions for Ahmednuggur and Poona.

20. If a change to that extent had been absolutely necessary, it is probable that with a large discretionary power vested in the Commissioner, its immediate introduction might not have been attended with material inconvenience; but as we are informed by your President that the measure of appointing a criminal judge and an assistant will, in the opinion of the Commissioner, be a sufficient relief to the collectors, the object more immediately in view, that is to say, the relief of the collectors, will probably have been obtained with the additional advantage of making a slower and more gradual change than that originally contemplated.

21. By the appointments to which we have referred, progress has been made towards the formation of a judiciary establishment for the Deccan. With a view to future arrangements, we have only to add, that in conformity with the universal practice under the three presidencies, the great proportion of the judicial business must be conducted entirely by natives, the most important parts of it only, with the general superintendence of the whole, being reserved for the Europeans.

22. Although on account of the circumstances stated by Mr. Chaplin, to which we have before adverted, it may be necessary to continue, for some time at least, a large discretionary power in the hands of the commissioner, it will obviously occur to you, that, as far as may be practicable, the officers of justice should, in the performance of their public duties, be guided by such rules as the experienced wisdom of your Government may devise, and not by their own arbitrary notions.

23. The uncontrolled power of some of the native functionaries over the persons and property of individuals, though not surprising if we consider the short time the country has been under our dominion, and the imperfect mode of government to which it has been subjected, is much to be deplored. The power of the potail, who is the principal revenue agent, and has moreover considerable privileges and perquisites of his own, appears by the following extract of a report from the collector of Ahmednuggur to be almost unlimited:—"The heads of villages still have and do exercise the power of confining persons who are guilty of crimes till they can report about them, of chastising petty delinquents to the extent of a few stripes, and of forcing the ryots to pay their rents by the usual means of tukhuza, such as setting the defaulter in the sun, putting a stone on his head, &c. &c.; but I seldom hear that these steps are requisite; for as soon as the ryots found I gave no attention to their complaints



CSL

I.
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plaints on this head, they learned to pay their just dues without trouble." It is of great importance that the demands of these officers, and their power over person and property, should be defined; so that the people, and even the officers themselves, may be enabled to distinguish their legitimate acts from such as are wholly unauthorized and illegal, and that some bounds may be set to abuse of authority.

24. Upon the whole, we have only to add that, as you seem fully to appreciate the importance of paying due attention to the peculiar circumstances of these districts in your future arrangements, we shall be prepared to approve the adoption of any prudent measures which your Government may by sufficient proofs show to have been necessary, to establish an adequate administration of civil judicature in the Deccan.

54. EXTRACT JUDICIAL LETTER from *Bombay*, dated 31st August 1827.

Judicial 1827. Cons.
4th April, No. 46, 47.
11th April, No. 19c. to
19n.
23d April, No. 9.
Reg. II. section 87.
clause 3d.

11. PERSUADED of the justice and expediency of admitting natives of trust and respectability to as large a share as possible in the judicial administration, we have taken the opportunity afforded by the revision of the Regulations to introduce a rule by which native Commissioners must be empowered to decide suits as high as 500 rupees, and may be authorized to try suits as high as 5,000 rupees.

55. EXTRACT LETTER, in the Public Department, from the Court of Directors to the Governor in Council at *Bombay*, dated 5th September 1827.

55 Extract Public
Letter to *Bombay*,
5 September 1827.

Para. 9. Mr. WARDEN, in a minute recorded on the occasion, has drawn your attention to the expediency of a more extensive employment of native agency than has heretofore been customary in the subordinate judicial stations under the magistrates of police. We are happy to observe that this subject appears likely to engage your consideration, and shall give no opinion concerning it previously to receiving yours. We shall merely observe that amid the numerous difficulties which attend both the employment and the non-employment of native agency in the administration of justice in India, considerable light might be expected to be derived from a properly regulated experiment in such a situation as that of the island of *Bombay*, where there would be, comparatively speaking, but little difficulty in subjecting the agents employed to an efficient superintendence and control.

56. EXTRACT LETTER, in the Public Department, from the Governor in Council at *Bombay*, to the Court of Directors, dated 13th August 1828.

Letter from the Court of Directors to the Governor in Council, dated 5th September 1827. Par 9. Notices Mr. Warden's Minute on the expediency of a more extensive employment of native agency in the Police Department, and the Court is glad that the subject is likely to engage the consideration of Government. The Court refrains from giving any opinion previous to receiving the sentiments of Government.

Para. 15. THE state of the police is now engaging our serious attention, and we had instructed the late advocate-general and the senior magistrate of police to put themselves in communication, not only with the honourable the chief justice, but with the most respectable natives in the community, for the purpose of ascertaining their sentiments upon the subject.

16. The acting advocate-general will now prosecute the inquiry, and we hope ere long to report to your honourable Court the result of the measures adopted for adding to the efficiency of the police.

57. EXTRACT LETTER, in the Public Department, from the Court of Directors to the Governor in Council at *Bombay*, dated 18th February 1829.

57. Extract Public
Letter to *Bombay*,
18 February 1829.

Para. 9. WE have derived much pleasure from the report of the chief engineer, on the institution established with our sanction, to train European and Native youths for the subordinate functions of the engineer and survey departments. The attainments of the pupils are not only highly satisfactory, so far as the immediate purposes of the institution are concerned, but encouraging, as regards the prospects of success, for a more extended scheme of native education. We observe that the course of instruction at this establishment is not confined to the technical details of engineering and surveying, but embraces the elements of a general scientific education, and that Captain Jervis, the superintendent, has voluntarily taken upon himself the irksome and difficult task of translating into the Mahratta and Guzerattee dialects, for the use of the pupils, some of the standard books of instruction in the European languages on arithmetic and geometry. We desire that Captain Jervis may be informed of the very great satisfaction with which we view this instance of zeal and application on his part, and the extremely favourable opinion which we have formed of the judgment and ability with which he has hitherto managed the institution under his charge.

Para. 15. Our attention has been drawn to a proposal submitted by Captain Sutherland, for the establishment of an institution for educating native revenue officers. Considerable discussion and correspondence appear to have taken place on this proposition, but you have never directly brought it to our notice. Mr. Warden, it seems, is adverse to the proposed institution; your late president was favourable to it.

16. Our means of judging of the expediency of such an institution are imperfect, but the evidence before us leads to the conclusion, that there is great room for improvement in the character



character of the native revenue officers, both in regard to their general moral and intellectual qualifications, and to their practical knowledge of the details of business; but that their deficiencies are at present greater in the former particular than in the latter. We acknowledge, however, that, in the present state of society in India, we have less confidence in the efficacy of any moral tuition which can be imparted to the natives in a public school, than in the skilful employment of those means of rewarding good, and discouraging bad conduct, which every Government has at its disposal. It is by appointing to situations in the service of the State, those only who are distinguished by moral as well as by intellectual superiority, by rewarding in proportion to their merits those of your servants who deserve well, and by removing and punishing those who are unfaithful to their trust, that you can hope to elevate the moral character of the people of India, by strengthening their incentives to virtuous conduct, and by giving that importance to morality in their estimation which is produced by the conviction, that it stands foremost of all things in yours. The detail of the business of the revenue department can at best be very imperfectly taught in schools, and to be learned effectually must be learned by practice in a collector's cutcherry. Mr. Chaplin's testimony to this last point is very explicit, and the opinion appears in itself reasonable. As the improvement, therefore, of the natives in general knowledge will have been provided for in the best manner you are able, by your general arrangements, we do not see the necessity of a separate institution for the particular education of candidates for revenue employments. In the selection of natives to fill situations in our service, you will be guided, of course, by their qualifications only. Those who may be educated at your general institutions for education will have the opportunity of acquiring higher qualifications than others, and of showing that they have done so; but we desire that their superior advantages may end there; and that you will not consider yourselves under the necessity of appointing persons educated at your institutions to situations in any department for which they may prove unfit. You will make known to persons entering your institutions the exact terms on which they are received.

17. When you referred Captain Sutherland's plan to the consideration of Mr. Chaplin, you directed him to select and send some young natives to Captain Jervis's Institution, "to be rendered competent to instruct other natives, if the present plan should be adopted; and to be fitted at all events for the able discharge of the public service in their own persons." Mr. Chaplin, on receiving those instructions, issued a public notice, inviting young men to pass an examination at Poona, in order that, if found qualified in certain respects, they might proceed to Bombay, and be instructed under the superintendence of Captain Jervis in the branches of knowledge requisite for performing the duties of the revenue and judicial departments. Twenty-four youths having presented themselves in consequence of the invitation, you, notwithstanding certain objections to the proceeding which occurred to you, considered yourselves bound to fulfil the pledge which had been held out to them. You will report to us the result of this experiment. We have little hopes of its success.

58. EXTRACT JUDICIAL LETTER to *Bombay*, dated 29th July 1829.

18. ————— and take such steps as circumstances may appear to require for insuring adequate judicial protection to the people, always keeping in mind, however, that this object is as far as practicable to be effected in all cases by means of native agency.

58. Extract Judicial Letter to *Bombay*, 29 July 1829.

59. EXTRACT POLITICAL LETTER to *Bombay*, dated 26th May 1830.

8. We are, as you are well aware, greatly desirous that the natives in our employment should be adequately and even liberally paid; not only in order that they may set a value on the offices they hold, and may be anxious not to forfeit them by misconduct, but also as a means of attaching the native population to our rule, and as some compensation to this particular class of natives for the many sources of emolument of which the introduction of our Government has deprived them.

59. Extract Political Letter to *Bombay*.

60. EXTRACT LETTER, in the Public Department, from the Court of Directors to the Governor in Council at *Bombay*, dated 29th September 1830.

Para. 9. It is our anxious desire to afford to the higher classes of the natives of India the means of instruction in European science, and of access to the literature of civilized Europe. The character which may be given to the classes possessed of leisure and natural influence ultimately determines that of the whole people. We are sensible, moreover, that it is our duty to afford the best equivalent in our power to these classes for the advantages of which the introduction of our Government has deprived them. And for this and other reasons of which you are well aware, we are extremely desirous that their education should be such as to qualify them for higher situations in the civil Government of India than any to which natives have hitherto been eligible.

60. Extract Public Letter to *Bombay*, 29 September 1830.



I. PUBLIC.

Appendix (H).

Employment of Natives.

61. EXTRACT JUDICIAL LETTER from *Bombay*, dated 27th July 1831.

33. THE system introduced by Regulation I. of 1830, of referring all original suits to native commissioners will, no doubt, operate in facilitating business, and disposing of all suits which have remained for any length of time on the files of the several zillah courts. In other respects, too, the measure may be expected to prove highly beneficial to the state, by presenting to respectable natives a fair field of employment; for by thus associating them, in a higher degree than hitherto, with the administration of the country, they will naturally feel a deeper interest in its general welfare.

62. EXTRACT JUDICIAL LETTER to *Bombay*, dated 15th February 1832.

62. Extract Judicial Letter to *Bombay*, 15 February 1832.

21. The same, or nearly the same number of native functionaries, that is to say, eighty in the first half of 1827, and seventy-nine in the first half of 1828, disposed of 19,879 suits in the former period, and 52,794 in the latter; and when we observe the large number of decisions passed by some of them, and the small number by others, we are led to conclude that by judicious arrangements, and an improved superintendence over the native tribunals, the number of their decisions might be greatly extended.

63. EXTRACT GENERAL LETTER from *Bombay*, dated 28th December 1831.

63. Extract General Letter from *Bombay* 28 December 1831. The native Judicial officers constituted Native Judges and Principal and Junior Native Commissioners, with suitable salaries in lieu of fees.

Para. 7. IN reference to the system introduced during Sir John Malcolm's administration, of vesting the native commissioners with the cognizance of all original suits, we have instituted the following gradation among the native judicial officers under this presidency, with the salaries specified opposite each.

6 native judges, at 500 rupees each	-	-	-	-	-	Rs 3,000
13 principal native commissioners, at 350 rupees each	-	-	-	-	-	4,550
23 junior ditto	-	-	200	-	-	4,600
32 ditto ditto	-	-	150	-	-	4,800
15 ditto ditto	-	-	100	-	-	1,500

8. The native judges authorized to try suits to an unlimited amount, and to hear appeals from native commissioners to the amount of (100) one hundred rupees. The principal native commissioners are authorized to try suits to the amount of (10,000) ten thousand rupees; and the junior native commissioners to the amount of (5,000) five thousand rupees.

9. The native judges are to be appointed by Government, the principal native commissioners by the Sudder Dewanny Adawlut, and the junior native commissioners by the zillah judges, subject to the approval of the Sudder Dewanny Adawlut.

10. The salaries allowed to the native judges and commissioners are in lieu of all fees or emoluments at present received by them; and we have assigned rupees (75) seventy-five per mensem to the native judges for the expense of their establishments, and rupees (50) fifty to the native commissioners on the same account. These arrangements are to have effect from the 1st of January 1832.



Appendix (I.)

Education of
Natives.

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MEMOIR compiled from the records of the *India Governments* at the *East India House*, in pursuance of a Minute of the Committee of Correspondence of the 7th February 1826, "Showing the extent to which aid has been afforded by the local Governments in *India*, towards the establishment of Native Schools in that country."

FROM a very early period of time, the charge of instructing the natives of India devolved principally on the Company's chaplains. To excite them to the diligent performance of this branch of their duty, the local Governments (acting under the orders of the Court of Directors, and under the authority of the Company's Charter) occasionally granted to them gratuities for special services rendered in the performance of this duty.

Schools or colleges for the promotion of learning among the natives of India have also been established by the local Governments, the expense of upholding which is constituted an annual charge upon the revenues of the country. The Governments have likewise granted from the public revenues, pecuniary aid to several similar institutions which have been established by individuals, or by voluntary associations of the Company's servants, and others, living under the protection of the British Government in India.

The extent to which these aids have been afforded will be found stated in the following brief narrative of the origin and history of the several institutions, but which does not include those in immediate connection with the Government of the country, such as,

First. Those colleges and establishments at the several presidencies which have been formed for the purpose of providing the means of education, in the native languages, for the Company's civil servants exclusively; upon which establishments considerable numbers of learned natives are retained, in the capacities of moulavees, moonshees, pundits, and professors of the art of writing in the native character, and receive fixed salaries for the performance of their respective duties.

Secondly. The regimental schools, which are in part supported by stoppages out of the pay of the troops, both Europeans and Natives.

Thirdly. Those parts of the Company's medical establishments at the several presidencies which are maintained for the purpose of instructing native doctors in the science of medicine, with a particular view to the more efficient discharge of their duties as vaccinators.

BENGAL.

The Calcutta, Madrasa, or Mahomedan College, was founded at the request of several Mahomedans of distinction, in the year 1781, by the Governor-General, Warren Hastings, esquire, who provided a building for it at his own expense, amounting to R^s 57,745, but which was afterwards charged to the Company. The Bengal Government also, at the recommendation of Mr. Hastings, assigned lands of the estimated value of R^s 29,000 per annum, for the support of the institution.

The original intention of the founder appears to have been, to promote the study of the Arabic and Persian languages, and of the Mahomedan law, with a view, more especially, to the production of well qualified officers for the courts of justice.

In 1785, the lands which had been granted for its support were regularly assigned by Sumud, to be held during the pleasure of Government, to Mahomed Moiz-oo-deen, who had been appointed superior or guardian of the institution, and to his successors. In this

Letter from Bengal,
30th April 1781.
Cons. 18th April 1781.
Letter from
15th July 1782.
Cons. 3d June 1782.

Rev. Cons.
21 January 1785.
19 August —
23 January 1788.



officer was vested the immediate management of all the affairs of the Madrissa, and administration of its revenues. He was directed to deliver in to the Committee of Revenue, monthly statements of the number of students actually maintained on the establishment, with their names and salaries. A member of the Committee of Revenue was authorized and enjoined, once in every three months or oftener, to visit the Madrissa, in order to see that the building was kept in proper repair, and that in all other respects the efficiency of the institution was maintained. The naib nazim, or principal officer of the native courts of law, was also instructed that whenever vacancies should arise in the Foujdarry courts, they should be filled from the students of the Madrissa, upon the production of certificates from the superior, that the individuals nominated by him were duly qualified for their respective appointments.

In 1788, complaints having been made to the Government of great misconduct and mismanagement on the part of the superior, that office was abolished, and the temporary administration of the funds of the institution, together with its general reformation, were undertaken by the Governor-General, Sir John Shore, who, it appears, confided the interior management to Moulavie Mujud-oo-deen, the head preceptor.

In 1791, the institution was again discovered to be in a state of disorder, and some of the students to be persons of most depraved characters, which being attributed to neglect of duty on the part of Mujud-oo-deen, he was removed from his situation, and Moulavee Mahomed Israel appointed in his stead.

It was then resolved, that the future government of the institution should be in the hands of a Committee of Superintendence, consisting of the acting president of the Board of Revenue, the Persian translator to Government, and the preparer of reports, who were directed to meet at the Madrissa once in every two months, or oftener if required; to see that the several persons there performed their duties, and to control all the expenses of the establishment; also to frame regulations subject to the confirmation of Government.

Under the regulations framed by this committee (and which were confirmed by the Court of Directors, who desired to be furnished with an annual report of the state of the institution), the immediate government of the Madrissa was vested in the head preceptor, who was to receive his appointment immediately from Government. The assistant preceptors were to be nominated by the committee at the recommendation of the head preceptor: inferior servants to be appointed and removed by the head preceptor, at his discretion: the students to be divided into classes, and to rise according to merit from the lower to the higher classes.

The following sciences to be taught:—

Natural Philosophy.
Theology.
Law.
Astronomy.
Geometry.
Arithmetic.
Logic.
Rhetoric.
Oratory.
Grammar.

Further studies to be prescribed by the head preceptor, who was to examine the lower class every Thursday, and to regulate their promotion: no student to remain in college more than seven years: honorary rewards to be given annually, on the recommendation of the head preceptor, for the best dissertation upon prescribed theses: the head preceptor empowered to punish negligent or contumacious students by degradation or expulsion: the head preceptor to certify proficient in the law classes for promotion in the public service; also to recommend students for admission: not more than two months' vacation allowed to the students in one year: every Friday to be set apart for purifications and religious worship: the salaries of the preceptors and officers to be,

Head Preceptor	-	R ^s per month	400
First Assistant	-	-	100
Second ditto	-	-	80
Third ditto	-	-	60
Fourth ditto	-	-	30

Each student in the five classes to receive an allowance of R^s 15, 10, 8, 7, or 6 per month, according to his class: the number of students to be regulated by the committee, and all surplus funds to be employed in the purchase of books.

The office of head preceptor passed from Mahomed Israel to Mohee-oo-deen, and upon his decease the duties of it were, for a time, performed by Aumeen Oollah, so much to the satisfaction of the Governor-General in council, that in August 1806, the Government conferred upon him a gratuity of R^s 5,000, with a khelaut of investiture into that office, which it was determined should be thenceforward filled by regular succession among the preceptors.

In March 1812, the committee submitted to Government a letter from Doctor M. Lumsden, representing the institution as being then in a state of considerable inefficiency, and proposing the appointment of a European superintendent, "to see that the teachers do their duty, and to ascertain the general progress of the students." This suggestion the Governor-General in Council did not judge it expedient to adopt, but appointed Dr. Lumsden and Lieutenant A. Galloway members of the committee, with instructions to suggest such further reforms as might appear to them advisable; but nothing material appears to have been suggested in consequence of these instructions.

In 1818, the committee found themselves again under the necessity of drawing the attention of Government to the still inefficient state of the Madrissa, and of recommending, as a measure

Rev. from
10 August 1791.
Cons. 18 March 1791.
Letter to 25 Feb. 1793.
Cons. 11 Feb. 1791.
— 13 Jan. 1792.
Rev. from 10 Mar. 1792.
Rev. to 25 June 1793.

Rev. Cons. 28 Aug. 1806.
— 9th Oct. 1807.
— 11th Dec.
1st June 1810.
16th March 1812.
Rev. from 7 Oct. 1815.
— 29 Dec. 1817.

Rev. Cons. 1818.
9th October.
Rev. from 17th July.



CSL

I.
PUBLIC.

Appendix (I.)

Education of
Natives.

Rev. Cons. 1819.
23 July.
Rev. from
30 July.
1821.
16 March.

Rev. Cons. 1820.
25 February.
21 July.
27 October.

Rev. Cons. 1822.
25 January -
1 March -
10 April -
8 August -
8 November -
Do. 1823
3 July -
31 Do. -
First Annual
Examination.

Second Annual
Examination.

of indispensable necessity, the appointment of a European secretary to reside there, for the purpose of controlling and regulating its affairs and interests, which were stated to suffer materially under the sole authority of the head teacher, under whose exclusive management they had in fact continued from the time of Sir John Shore. The residence of a European secretary, to whom all parties might find easy access, and, through him, upon all proper occasions, to the Committee of Superintendence, was considered as the most likely means of introducing order and efficiency into the establishment.

The Government acceded to the proposition, but directed the committee to devise such economical arrangements in the establishment as should provide a suitable salary for the secretary, without throwing any additional burthen on the funds of the Company, and at the same time to suggest such other reforms in the general management of the institution as might occur to them.

This the Committee did, in July 1819, in a voluminous report, in which they exhibited a retrospective view of the resources and expenditure of the institution; the latter amounting, from the year 1794 to the year 1818, a period of twenty-five years, to the sum of 4,94,197 rupees. They also recommended Moulavie Mohummud Saar to the office of head preceptor, which was accordingly conferred upon him, with a salary of 300 rupees per month; and the office of European secretary was conferred upon Captain F. Irvine, with the same amount of salary.

The Government at the same time resolved to fix the revenues of the Madrissa at 30,000 rupees per annum, which sum is now guaranteed to it out of the public treasury, instead of the institution depending upon the uncertain produce of the lands which were originally granted to it as an endowment.

In February 1820, the state of Captain Irvine's health compelled him, after having obtained leave of absence for ten months, to proceed to sea; and during his absence, Lieutenant Bryce was appointed to act for him, for which he was allowed to draw half the salary attached to the office of secretary.

In July following a report was made by the Committee of Superintendence, which described the institution as having, from its foundation, laboured under a remarkable poverty of books; its stock consisting of only twelve volumes, of which number, not four were of standard celebrity or general utility; and the committee intimated their intention of appropriating the whole savings of the year, amounting to Rs 6,818. 3. 7. to the formation of a respectable library of Arabic and Persian works; to which the Government acceded.

In October following, the under-mentioned supplementary regulations were sanctioned by the Governor-General in Council: Lectures to be given on every day of the week, except Friday: hours of lecture to be from eight in the morning till two in the afternoon: the several classes of students to be distributed among the preceptors in the several departments: quarterly reports of the progress of the several classes to be made to the Governor-General through the secretary: half-yearly examinations to take place, both of students and of candidates for admission, and to be held publicly: various prizes of from 12 to 100 rupees each to be awarded to students, at the principal examination in January: smaller prizes and honorary dresses to be awarded for general good conduct: the most distinguished scholars, not on the foundation, equally with those who might be on it, to succeed to vacancies in the public service, according to merit, and to have equal prizes awarded to them: leave of absence, in all cases, restricted to two months in the year: mode of admission to be by application in writing: no person to continue in the Madrissa beyond the age of twenty-eight years.

In January 1822, the Madrissa committee submitted to the Government a report of the first annual examination which had been held in the Town-hall on the 15th of August 1821, in pursuance of, and in conformity with the regulations. From this report it appeared that upwards of 200 scholars, exclusive of out scholars, were examined on that day, in the various branches of science taught at the institution; and the result is stated to have been particularly satisfactory to the committee, and to all who witnessed the exhibition. The happiest effects, it was added, appeared to result from it, in dissipating the ancient prejudices of the institution against examinations, and, together with those prejudices, much of the lethargy and indolence which had so long tended to depress it, and to degrade its character. In these sentiments the Governor-General in Council fully concurred, and expressed his entire approval of the whole proceeding.

Upon the resignation of Lieutenant Bryce, in March 1822, Dr. M. Lumsden was appointed officiating secretary.

In August 1822, the committee reported the result of the second examination which had been held in the Town-hall in May preceding, and which was considered favourable. It was however represented that the prejudices of the preceptors opposed considerable obstacles in the way of reform, and the Government was requested to sanction the employment of a native assistant under the secretary, with a view to the counteraction of those prejudices. His Lordship in Council, in reply, approved of the proceedings of the committee, and intimated his resolution to uphold their authority, even in the event of its becoming necessary for that purpose to remove the head Moulavie; while, on the other hand, it was suggested that much caution and deliberation might be necessary, in the introduction of such an improved system of study as was contemplated by them.

In consequence of the unhealthiness of the situation in which the building then occupied by the Madrissa stood, and of its affording to the students great facilities and temptations to dissipation, immorality, and idleness, the Government resolved, in June 1823, to construct a new college, in a more suitable situation, in a part of Calcutta formerly denominated "Kalinga," and now called "Hastings Place;" and in a neighbourhood chiefly inhabited by Mahomedans. For this purpose, the Government appropriated the sum of Rs 1,40,537, for the



the purchase of ground, and the erection of the edifice, of which the foundation stone was laid on the 15th July 1824. When finished, the building will not only accommodate all the students on the foundation, but provide for a school of Mussulman children which has been recently formed in Calcutta.

In January and February 1823, another periodical examination of the students of the Madrisa took place in the Town-hall, the report of which was considered as containing evidence of much positive improvement, and justifying an assured confidence in the advancement of the institution in reputation and usefulness; and is stated to have been perused by the Governor-general in Council with "no ordinary satisfaction."

Captain Irvine not having been able to resume his situation as secretary to the Madrisa committee, Dr. M. Lumsden was fully appointed to that office, with an augmented salary of 500 rupees per month.

An ABSTRACT STATEMENT of Pecuniary Aid, granted by the Bengal Government to the Calcutta Madrisa, from its first institution to the end of the year 1824, so far as the same can be ascertained.

	Rupees.
Cost of the original building in 1781- - - - -	75,745
Revenue of lands granted to the Institution as an endowment of the estimated value of 29,000 rupees per annum, from A.D. 1782 to 1793, twelve years - - - - -	3,48,000
Actual expenditure from A.D. 1794 to 1818, 25 years as per account exhibited in July 1819 - - - - -	4,94,197
Charges on account of the Madrisa as fixed by Government,*	
A.D. 1819 - - - - -	30,000
1820 - - - - -	30,000
1821 - - - - -	30,000
1822 - - - - -	30,000
1823 - - - - -	30,000
1824 - - - - -	30,000
Sum appropriated in July 1823, for the purchase of ground, and erection of a new Madrisa. - - - - -	1,40,537
Total Rupees -	12,20,479

* It appears that the whole of this annual amount had not been drawn in January 1824, but the balance was ordered to be held at the disposal of the Committee, by a Minute dated the 17th of that month.

The Benares Hindoo Sanscrit College.

This institution was projected by Jonathan Duncan, esq., the resident at Benares in 1791, as a means of employing, beneficially for the country, some part of a surplus which the public revenues yielded over their estimated amount. The expense for the first year was limited to R^s 14,000. In the following year it was augmented to R^s 20,000; at which amount it has been continued down to the present time.

The object of this institution was the preservation and cultivation of the laws, literature and religion of the Hindoos (and more particularly of their laws) in their sacred city; a measure which it was conceived would be equally advantageous to the natives and honourable to the British Government among them.

The establishment originally consisted of a head pundit or rector; eight professors; nine students who enjoyed salaries; with book-keepers, writers, peons, &c. The Governor-general was constituted visitor, and the resident his deputy. Besides the scholars on the foundation, and a certain number of poor children who were to receive instruction gratis, the institution was open to all persons who were willing to pay for instruction: the teachers and students to hold their places during the pleasure of the visitor. All the professors, except the professor of medicine, to be Brahmins. The Brahmins to have preference in succession to the office of rector, or to professorships. Four examinations in the year to be held before the resident. Each professor to compose annually for the use of his students a lecture on his respective science. Examinations into the most sacred branches of knowledge to be made by a committee of Brahmins. Courses of study to be prepared by the professors. The internal discipline to be in all respects conformable to the Dharma Shastra, in the chapter on education.

The prescribed course of studies in this college to comprehend,

Theology, Ritual.
Medicine, including Botany, &c.
Music.
Mechanic Arts.
Grammar, Prosody and
Sacred Lexicography.
Mathematics.
Metaphysics.
Logic.
Law.
History.
Ethics.
Philosophy, and
Poetry.

On the 6th of March 1811, Lord Minto recorded a Minute, in which he adverted to the then prevalent, and as it appeared to him well founded, opinion that science and literature were in a progressive state of decay among the natives of India; that the number of learned men was diminished, and the circle of learning, even among those who still devoted themselves

Rev. from 1792.
10th March.
Cons. 1791.
11th Feb.
D^o 1792.
13 Jan.

See next page.

Benares

Rev. from
14th Dec. 1811.
Cons. 6 March.
Rev. to 28th Oct.
1814.



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Appendix (I.)

Education of Natives.

Benares

to it, considerably contracted : that the abstract sciences were abandoned, polite literature neglected, and no branch of learning cultivated, but what was connected with the peculiar religious doctrines of the people. The disuse and actual loss of many valuable works appeared to his Lordship to have been the immediate consequence of this state of things ; from which, unless some speedy remedy were devised, the revival of letters might shortly become hopeless.

As a means of preventing this anticipated evil, and with a view to the restoration of learning, and the more general diffusion of knowledge among the great body of the people, his Lordship proposed the reform of the college at Benares, of which it was considered as standing in great need, together with the establishment of two similar institutions in Tirhoot and Nuddea, places formerly celebrated as seats of Hindoo learning.

The principal cause of the want of efficiency which was found to prevail at Benares arose from the prejudices of Hindoos against the office of *professor* considered as an *office*, or even as a *service* ; in consequence of which the most learned pundits invariably refused the situation, even with the liberal salary attached to it.

The object of the institution had also been materially defeated, by the malversation of the former native rector, who was entrusted with authority over the rest ; and by the feuds among the members of the college, which arose out of that malversation.

Owing to these and other causes, it appeared that there had been no attendance of teachers and pupils in any public hall or place of instruction at Benares since the institution of the college ; and scarcely any instruction given, even in the private houses of the professors.

The following resolutions were therefore adopted with a view to its future management :

The superintendence to be vested in the agent to the Governor-general, the magistrate of the city, and the collector of the province, as a Committee of Superintendence : pensions to be granted to distinguished teachers for delivering instructions to pupils at their own houses : teachers to be nominated by the committee subject to the approval of Government : a public library to be formed, under charge of a learned native, with a small establishment of servants for the care of the manuscripts : all proper facilities to be afforded, as well to professors as to strangers, for the purpose of consulting and transcribing of books : annual public disputations to be held before the committee, at which prizes and literary honours are to be awarded.

Cons. 6 Sept. 1815. In September 1815, the committee proposed to appoint a European superintendent, for which office Mr. Galanos was nominated. They also recommended that, with a view to extend the benefits of the institution more generally throughout the provinces, the judges and magistrates of the several zillahs and cities should be authorized to recommend to the committee the admission of duly qualified pupils. With the former suggestion the Government judged it inexpedient to comply ; the latter met with their entire concurrence.

Cons. 19 June 1818. In June 1818, the committee were called upon to report on the state of the funds of the institution, and what changes the establishment had undergone since the year 1812. In

Cons. 4 Feb. 1820. February 1820, no answer to this reference having reached the presidency, the Governor-general in Council authorized Mr. H. Wilson, who was then at Benares, to join the committee for the purpose of facilitating the production of a full report upon the state of the college, its past operations, and the degree in which it appeared to have answered the purposes of its institution. The committee was also desired to avail itself of the services of Lieutenant Fell, whose intimate acquaintance with the Sanscrit language qualified him to render material aid in the investigation.

Examination. In March following, the committee reported the finances of the institution to be in a prosperous state, there being on the 31st December 1819, a balance in its favour of R⁹ 97,343. 15. 6. ; but that upon an examination of the pupils, very little proficiency appeared to have been made by them ; and that little was to be expected, under the want of system and superintendence which seemed to have prevailed in the institution.

Of the two objects contemplated by Mr. Duncan at the time of its establishment, the first, viz. that of attaching the people to the British Government had, it was stated, been accomplished ; but the other (and the chief) object, the provision of able expounders of the law to assist the administration of justice in the provincial courts, had not been accomplished ; the college not having furnished on more than two occasions expounders of Hindoo law to the courts.

With a view, therefore, to remedy the defects in the system of the college, which had led to so serious a failure in its object, the committee proposed the appointment of a European superintendent, who should reside in it, and personally superintend its affairs ; observing and enforcing the attendance of the pundits and students, and their general attention to their duties, and to act as secretary to the committee.

Rev. Cons. This suggestion was approved and adopted, and the offices of superintendent and secretary were conferred on Lieutenant Edward Fell. The establishment also underwent some further but not very important modifications.

Second Annual Examination. In January 1821, the committee reported the result of another general examination of the students, which had been held on the first of that month, at the house of the Governor-general's agent. At this examination, public disputations in grammar, logic, philosophy, metaphysics and law, took place before all the European gentlemen of the station, both civil and military, and a numerous party of the most distinguished natives, residing at and near Benares. It was concluded by an address in Sanscrit delivered by the secretary, and by the committee awarding prizes to the most distinguished scholars. Upon a comparison of the result of this examination with that of the preceding year, the committee reported that they had observed a most material difference in favour of the general advancement of the students, and augured the happiest effects from the excitement of a spirit of emulation among them.

In



In May 1821, a balance of R' 59,000, being a part of the funds of this institution, was received into the Company's treasury, at an interest of 6 per cent. per annum. It was also reported to Government, that in consequence of a great increase in the number of the students, certain pupils had been selected from the classes to assist the several pundits in teaching, and that a small allowance of five rupees per month had been made to each of the pupils so selected.

Rev. Cons.
18 April 1821.
4 May.
24 Nov.

In January 1822, the result of another annual examination was reported by the committee. This report was still more favourable than that of the year preceding; rewards to the amount of R' 1,000 having been distributed amongst the most proficient scholars. The number of out students had also been greatly enlarged, and the Rajah of Benares is represented to have felt so much satisfaction on the occasion, that he made the institution a present of R' 1,000. His example was followed by many of the higher classes of natives, making the total amount of benefactions, including the Rajah's, R' 4,378.

Rev. Cons.
8 Feb. 1822.
3 May.
Third Annual Examination.

Benares

The now prosperous state of this college being considered by the Government in a great degree attributable to the talents and exertions of Captain Fell, the secretary to the committee, that officer received an augmentation to his allowances of R' 300 per month, which was thenceforward fixed at the sum of per month R' 450.

In July 1822, the Government, at the recommendation of the committee, authorized the formation of a Purana class, for the exclusive study of the Puranas, with an additional monthly allowance of R' 30 to one of the pundits, for his services as preceptor to that class. This appointment was considered as completing the arrangements of the college, which was then represented as rapidly increasing in interest and importance.

Rev. Cons.
18 July 1822.

The Bengal Revenue Consultations of the 29th March 1823 contain the report of the fourth annual examination of the students in this college, which took place on the 1st January 1823. The result is stated to have been, in the opinion of the Governor-general in Council, very satisfactory; the number of the students amounted to 271, of which number 203 were out students. The donations of the Rajah of Benares, and other individuals, in aid of the institution, amounted this year to R' 2,601.

Do. 29 Mar. 1823.
Fourth Annual Examination.

Amount of the pecuniary aid granted by the Bengal Government to the college of Benares (including the assignments of revenue):—

For the year 1791	Rupees. 14,000
From 1st January 1792 to 31st December 1824, being 33 years, at 20,000 rupees per annum	6,60,000
Total Rupees	6,74,000

Note.—According to the books of establishments for the years 1821, 1822, 1823, and 1824, the expenditure of this college has exceeded the annual allotment of 20,000 rupees; but, under a minute of Council assigning one lac of rupees annually for the purposes of education to a general committee of public instruction at Calcutta, this excess is to be defrayed by that committee out of the fund at their disposal. It is deducted as an excess in the books of establishments.

The Old Calcutta Charity School.

THIS ancient establishment is under the care of the select vestry. Its funds are believed to have originated in private subscriptions. They were considerably augmented "from the restitution money received for pulling down the English church by the Moors, at the capture of Calcutta in 1756," and by a legacy left by Mr. Constantine. The old court-house was a part of the property of this school, and was transferred to the Government in consideration of a perpetual payment of R' 800 per mensem. The utility of the institution appears to have been very limited, being almost wholly confined to a few children descended from Europeans on both sides, till its union with the Calcutta free school.

Calcutta charity school

The Calcutta Free School Society.

ON the 21st day of December 1789, a society was formed in Calcutta, for the purpose of providing the means of education for all children, orphans, and others, not objects of the care of the (Military) Orphan Society. The management of this new society was confided, under the patronage of the Governor-general, to twelve governors, viz., the chaplains, churchwardens, sidesmen, and six other gentlemen resident in Calcutta, and chosen by the subscribers. These governors visit the school in rotation, and meet monthly. The funds were to be raised by a rateable contribution from the civil servants of the Company, and such other contributions as might be procurable; the superintending masters and teachers, male and female, to be elected by the governors; the plan of education to be that usually followed in free schools; the children to be recommended by the subscribers.

Pub. from 12 April
Cons. 20 Jan.
10 Mar. 1 Oct.
Public to 11 Mar.
4 Aug. 1791.
Cons. 14 July 1797.
Calcutta Gazette,
1 & 8 Aug. 1811.
Cons. 18 Oct. 1811.
Public from
9 May 1812.

As the benefits of this school were designed to be extensively enjoyed, the Governor-general in Council, at the request of the governors, undertook to communicate the plan and objects of the society throughout the Bengal provinces, and to the governors of Chinsurah and Chandernagore. It was also ordered that the Company's surgeons should attend the school, whenever it might be necessary, gratuitously; and that such medicines as might be required should be furnished, gratis, from the Company's dispensary. In further promotion of the objects of the institution, the Government consented to allow the sum of R' 60 per mensem, for the purpose of employing moonshees, capable of teaching the native languages to the children.

Calcutta free school

On the 14th of April 1800, the funds of the old and new schools were consolidated, making one fund of R' 2,72,009. 15. 1.

+ See also C. Nicholls



I. PUBLIC.

APPENDIX TO REPORT FROM SELECT COMMITTEE

Public from
9 May 1812.
Cons. 10 Aug 1811.
16 Oct.

In 1811, the Government applied to Madras for a teacher conversant with the Lancasterian plan of instruction, which it was then proposed to introduce into the United School: no person properly qualified for the service could be spared from Madras, but a supply of elementary books was obtained from that presidency.

In 1813 the benefits of the institution were extended to an unlimited number of day scholars.

Proposed Hindoo Colleges in Nuddea and Tirhoot.

THE establishment of colleges at these places, to be conducted in conformity with the rules laid down for that at Benares, was proposed by Lord Minto, in March 1811, and acceded to by the members of his Lordship's Council. The scale of the establishments then contemplated was as follows:—

For Nuddea.				Rupees.
Two pundits, each at R ^s 100 per month, and ten } at R ^s 60 per month	-	-	-	per annum - 9,600
Library	-	-	-	1,576
Prizes and honorary dresses	-	-	-	1,700
Total, per annum	-	-	-	R ^s 12,876

Exclusive of the charges on account of a building for the purposes of the institution.

For Tirhoot.				Rupees.
Two pundits, each at R ^s 100 per month, and ten } at R ^s 60 per month	-	-	-	per annum - 9,600
Library	-	-	-	1,492
Prizes and honorary dresses	-	-	-	1,650
Total, per Annum	-	-	-	R ^s 12,742

Also exclusive of charges on account of a building for the purposes of the institution.

Nuddea.

The execution of this design in Nuddea was entrusted to a committee of superintendence, composed of the senior members of the Board of Revenue, with the magistrate and collector of the district, to whom suitable instructions were forthwith transmitted; but no notice having been taken of the Government's letter, from March 1811 to May 1815, the committee was officially called upon to state what had been done in furtherance of the object confided to them. Their reply, which is dated the 9th July 1816, briefly acquainted the Government with the state of learning in the district under their charge, and with some circumstances which, it was presumed, would interpose impediments in the way of any establishment which should embrace the objects contemplated. There were then in Nuddea, the committee stated, 46 schools, kept and supported by the most learned and respectable pundits of the place, who invariably taught at their own houses or in the toles attached to them, where the pupils were all lodged, partly at their own expense and partly at the expense of their preceptors. The total number of pupils who were at that time so circumstanced amounted to about 380; their ages averaging between 25 and 35 years. Few, it was observed, commenced their studies until they had attained the age of 21 years; but often pursued them for 15 years; when, having acquired a perfect knowledge of the Shaster and all its arcana, they returned to their native homes, and set up as pundits and teachers themselves. The Shaster was stated to be the only book read or taught in the schools at Nuddea, into which none but Brahmins were admitted. The committee, nevertheless, submitted the names of such pundits as were of highest reputation for learning, should the Government think fit to appoint them teachers, but particularly called the attention of the Governor-general in Council to the circumstances above mentioned. In reply, the committee were directed to report specially, first, Whether in their judgment the study of European and Hindoo science could be combined in Nuddea? secondly, Whether it would be practicable to admit to the benefits of the same institution Hindoos of various castes? and, lastly, What modifications of the original plan it might be necessary to adopt for the attainment of these objects? To these inquiries, which were made with a view to ascertain the practicability of the contemplated measure, no answer appears to have been received in 1821, when the general subject of Hindoo tuition came under the consideration of Government, nor up to that date had any conclusive measures been adopted, or attempts made to carry into final operation the orders of Government relative to the foundation of this seminary.

Rev. Cons.
5 May 1815

Civil Jud. Cons.
L.P. 29 Nov. 1816.

Tirhoot.

The execution of the plan of forming a Hindoo college at Tirhoot, was also entrusted to a committee of superintendence, composed of the senior judge of the provincial court for the division of Patna, and the magistrate and collector of that district, to whom the views and intentions of Government were communicated. In reply, those gentlemen suggested the necessity of a fourth member being added to the committee, who should act as secretary and superintendent of the proposed establishment. To this suggestion the Government did not accede, on account of the additional expense which it would entail. Some further discussions between the committee and Government appear to have taken place upon this point, and respecting the most convenient site for the proposed building, whether at Bour or Moozufferpore, and several plans and estimates for a library appear to have been received, but none of them adopted. In this state the project remained till August 1821, when it was again brought under the consideration of Government, as part of the general question of Hindoo tuition;

Revenue Cons.
21 Aug. 1821.



tuition; and the design of founding colleges at Nuddea and Tirhoot was then finally abandoned, in favour of that of forming a similar institution upon a larger scale in Calcutta, to which place the whole of the papers and records respecting these projected colleges were brought. From the years 1817-18 to the years 1822-23, the colleges of Nuddea and Tirhoot stand as charges in the Bengal book of establishments to the prescribed annual amount as follows:

Nuddea, per annum, R ^s 12,876 ; total, six years - - - -	Rupees.
Tirhoot, - - - - - 12,742 ; - - - - -	77,256
	76,452
	R ^s 153,708

But on reference to the general books of the Bengal presidency, no charges appear of payments actually made on this account.

The Chinsurah Schools

WERE projected by Mr. Robert May, a Christian missionary who, in July 1814, commenced the instruction of the natives in and about the settlement of Chinsurah, in a school conducted by him on the Lancasterian plan, and patronized by Mr. Gordon Forbes, the British commissioner at Chinsurah.

The Court of Directors had previously by letter, dated in June 1814, called the attention of the local Governments to the provisions of the Act of Parliament 53 Geo. 3, c. 155, s. 43, which assigns a sum of not less than one lac of rupees annually, for the revival of literature, and the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India. In pursuance of the intentions of the legislature, as expressed in the clause above referred to, the Court ordered the several Governments to devise and adopt some plan for the better instruction of the natives of India in useful sciences. Some of the Company's judicial servants on the Bengal Establishment, immediately suggested measures with a view to the accomplishment of the Court's wishes, and in particular Mr. Watson, the fourth judge of the Court of Circuit for the division of Calcutta, called the attention of the Governor-general in Council to Mr. May's schools, which he conceived might serve as the basis of a plan for the more general instruction of the natives throughout the country; Mr. May's was, he observed, "an invaluable system," and "had been made subservient to general knowledge among the natives without interfering with their religious prejudices." "My curiosity and admiration," Mr. Watson adds, "were, I confess, never more excited than on the occasion of the visit I paid to the principal seminary at Chinsurah, under Mr. May, in which with its affiliated schools, no less than 800 children are instructed in reading, writing and arithmetic, in the language of the country."

Upon receipt of the above letter, the Government called upon Mr. Forbes for more detailed information, particularly respecting the expense attending the system of tuition established by Mr. May. In reply, they were informed that at 16 schools which had been established between July 1814 and June 1815, there was an average attendance of 951 scholars, and that the average monthly expense attending a circle of 20 schools would be about R^s 330, exclusive of buildings and outfit: the Government therefore resolved to grant a monthly allowance of R^s 600, for the purpose of establishing schools on the plan introduced by Mr. May; the schools to be managed by that gentleman, and such teachers as he should approve, under the superintendence of Mr. Forbes.

Towards the end of the year 1815, Mr. May's schools excited a rivalry among the natives, some of whom formed similar establishments, but without impeding the success of those conducted by Mr. May; which, Mr. Forbes observes, were denominated by the natives "the Company's schools," "without the supposition appearing to influence their success." That, on the contrary, was so rapid, that between July and September 1815, Mr. May opened four new schools, and augmented the number of stated attendants in the whole circle of his schools from 951 to 1,296 scholars.

Under date the 5th October 1815, Mr. May reported at length the state of the schools and mode of their management, intimating his intention of forming a separate school for teachers, and at the same time suggesting the probability, that when the natives were fully convinced of the utility of the plan, some means might be adopted whereby every village might entirely, or at least partly, support its own school; the inhabitants of several places in the vicinity of Chinsurah having voluntarily solicited him to establish schools in their villages.

In January 1816, the number of schools had been augmented to 24, but that of the scholars had decreased to 1,200, the reasons for which decrease (chiefly sickness) were temporary. Mr. May, in his quarterly report, particularly noticed that a considerable increase appeared in the number of Brahmin boys who attended the schools.

In March following the number of schools had been augmented to 27, and the general attendance to 1,588 scholars, giving an increase over the preceding quarter of 388. It had also been found necessary to remove the central school out of the fort, to an edifice erected for it on a more convenient site; and Mr. May had succeeded in establishing his proposed school for teachers.

In June, the number of schools had been augmented to 30, and the general attendance to 2,000 scholars, which occasioned an increase in the expenditure for June of R^s 154 beyond the limited amount. The total expenditure of the year had nevertheless been within that limit; but the Government, approving equally the plan and object, and the conduct of the schools, resolved to augment the monthly grant for their support from 600 to 800 rupees, which sum has continued to be credited to the superintendent down to the date of the latest advices from India.

Public to
6 Sept. 1813.
3 June 1814.
From 7 Oct. 1815.
Judicial d^o d^o
Crim. Jud. Cons.
28 June 1814.
2 Aug.
13 June 1815.
28 June.
11 July.
27 Sept.
G. G. Minute,
2 Oct.

Jud. from 2 Aug. 1816.
Cons. 28 Nov. 1815;
5 July, 6 Sept. 1816;
21 Feb. 5 Aug. 21 Oct.
1817; 18 Sept. 1818;
20 Aug. 3 Dec. 31 Dec.
1819; 24 Mar. 1820.
Jud. to 2 Feb. 17 Nov.
1819; D^o from 1 Mar.
1 Dec. 1817, to 27 Ju.
1821; from 1 Feb.
6 Jan. 1820; 4 July,
29 Oct. 1817;
to 13 Dec. 1820;
from 1 Dec. 1819;
30 Nov. 1820;
Jud. from 12 Dec. 1822.
Cons. 4 May 1821.



PUBLIC.

Appendix (I.)

Education of Natives.

In December 1816, the number of schools continuing at 30, the attendance of scholars had increased to 2,025, and in June 1817, the number of schools had increased to 33, in which there were 226 head boys or teachers, together with scholars in general attendance to the number of 2,085. The proportion of Brahmin boys appears to have been about one-third. Mr. May had also felt it necessary to divide the labour of superintendence by establishing an auxiliary school at Bankipore, in the district of Nuddea, under the superintendence of Mr. Harle, one of the assistants on his establishment.

In August 1818, Mr. May was removed by death; leaving, as the fruit of his labours, 36 schools, attended by above 3,000 natives, both Hindoos and Mahomedans, the future superintendence of which was confided to Mr. J. D. Pearson, assisted by Mr. Harle.

Amount of aid afforded to the Chinsurah Schools, by the *Bengal Government*:

From July 1, 1815 to June 30, 1816, at 600 rupees per month, - -	Rupees. 7,200
From July 1, 1816 to December 31, 1824, being 8 years 6 months, at 800 rupees per month, - - - - -	76,800
Total Rupees - - -	84,000

The Bengal Government has very recently resolved to charge the Company with the payment of 50 rupees per month, formerly paid to the Chinsurah School Society by the Dutch Government.

The Hidgellee Madrissa.

IN November 1814, the collector of Cuttack submitted to the Governor-general in Council several documents relative to a claim set up by Moolavee Abdool Khurreem to a pension or payment of one rupee per diem, which had been allowed by the former Government as a charitable allowance for the support of a Madriisa in the village of Burbah, near Pattaspoor in the Mahratta Pergunnahs of Hidgellee.

After a careful examination of the documents produced by Abdool Khurreem, the claim appearing to be valid, the Government authorized the payment of the pension with arrears.

This allowance has since been paid annually, and is charged in the last book of establishments as a payment to Moulavee Golam Ell Ebbah for the support of a Madrissa in perpetuity, R' 365; amount from 1st Jan. 1815 to 31st Dec. 1824, 10 years, - - R' 3,650.

The Benares Charity School.

WHEN the Governor-general visited the upper provinces in 1814, Joynarrain Ghossal, an inhabitant at Benares, presented a petition to his Lordship, with proposals for establishing a school in the neighbourhood of that city, and requesting that Government would receive in deposit the sum of R^s 20,000, the legal interest of which, together with the revenue arising from certain lands, he wished to be appropriated to the expense of the institution. The design meeting with the approbation of Government, Joynarrain Ghossal was acquainted therewith. Accordingly in July 1818, he founded his school, appointing to the management thereof, the Rev. D. Corrie, corresponding member of the Calcutta Church Missionary Society, and a member of their committee, and at the same time constituting the members of that committee trustees. Owing to some litigation respecting the lands, with the revenues of which it was Joynarrain Ghossal's original intention to endow the school, he delivered up to Mr. Corrie a house in Benares, to be used as a school-house, and assigned a monthly revenue of 200 rupees for the support of the institution.

Nearly 200 children, Hindoo and Mussulman, were soon collected for instruction, and great numbers continuing to apply for admission, a state of the school was submitted, through the agent at Benares, to the Governor-general in Council, with an application for pecuniary aid from Government; this was immediately granted to the extent of R^s 252. 12. per mensem, or per annum, R^s 3,033.

In this school, the English, Persian, Hindoostanee, and Bengallee languages are taught; a number of poor children are admitted into the house, where they are subsisted and clothed: other poor children receive small allowances for subsistence out of the house. The children are admitted without regard to caste or country: no scholar is admitted under seven years of age, nor do any receive pecuniary support for more than seven years; but scholars are allowed to continue to attend the school till they are 20 years of age: such parents as can afford to pay for their children's education, contribute at their pleasure. The children are taught reading and writing grammatically, and arithmetic, together with the Government Regulations on the subjects of police, and ordinary affairs; after which they are instructed in general history, geography, and astronomy: strict propriety of conduct is ordered to be maintained in the school, which is open to all visitors every Tuesday. A library and museum, in connection with the school, were proposed to be formed by voluntary contribution.

The amount of the Company's contribution towards the expenses of this school, from the 1st of March 1819 to the 31st December 1822, being 3 years and 10 months at Rs 252. 12. per month, is	Rupees.	an
From 1st January 1823 to the 31st December 1824, during which period it is charged in the books of establishments at the rate of only Rs 250 per month	11,626	4
Total Amount of the Government's Contribution to 31st December 1824	6,000	-
	17,626	-

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In April 1825, Colly Sunker Ghossal, the son of Joynarrain Ghossal, augmented the funds of this school by a donation of R' 20,000, in consequence of which the Bengal Government, at the recommendation of the committee of public instruction, and at his own request, conferred upon him the honorary titles of Rajah and Behaudaur, and directed him to be invested with an honorary dress, and other customary marks of distinction proper to the rank thus conferred upon him.

The Rajpootana or Ajmere Schools.

IN 1818, the Vizier presented to Marquis Hastings a sum of money devoted to charitable purposes, which, intending thereby a delicate compliment, he wished his Lordship to appropriate. Lord Hastings informed the Vizier, that he should consider no application of his Excellency's bounty so true a charity as the devotion of it to supply moral inculcation to a people in absolute destitution of it. To this the Vizier warmly assented, and it was accordingly determined to employ it in the introduction of the Lancasterian system of education among the inhabitants of Rajpootana. Mr. Jabez Carey, the son of Professor Carey, a gentleman well acquainted with the Hindoostanee language, and who had been successfully employed on a similar enterprize at Amboyna, was selected by the Governor-general in Council for this service; and immediately deputed to Ajmere, where he was placed in communication with, and under the authority of Sir David Ochterlony, the resident.

For the purpose of defraying his immediate expenses, the Government granted him the sum of R' 800 :

And in two subsequent grants towards the establishment of the schools, the sum of R' 9,859, which appears to have included the Vizier's oblation.

From the 1st of January 1822, the Governor-general in Council also granted, as a perpetual endowment for the schools established by Mr. Carey, the sum of R' 3,600 per annum; which sum appears to have been paid as a separate grant for the two years 1822 and 1823; but in pursuance of an arrangement of July 1823, by which the general committee of public instruction at Calcutta was formed, these schools were placed under the control of that committee, from the 1st January 1824, and were thenceforward to be supported out of the fund entrusted to its management.

By a report received from Mr. Carey in 1822, it appears that he had succeeded in founding four schools as follows :

1 at Poker, containing 37 children - All except one of the Brahmin caste.	
1 at Ajmere " 41 " - Hindoo and Mussulman.	
1 at Bhinnay " 10 " - ditto.	
1 at Kekry " 12 " - ditto.	

Into these schools Mr. Carey had introduced the Christian Scriptures as school-books; a measure which was considered objectionable in institutions so recently formed, and which he was therefore directed to discontinue; but in lieu thereof, the Governor-general in Council ordered him to be furnished with a supply of suitable books in the Persian and Hindoostanee character from Serampore, and from the Calcutta School-book Society.

Amount of aid granted by the Company to the Rajpootana schools, inclusive of the Vizier's oblation :

To Mr. Carey, at the foundation of the school :	Rupees.
First advance - - - - -	800
Second and Third - - - - -	9,859
In the years 1822 and 1823, at R' 3,600 per annum - -	7,200
	<hr/>
Rupees -	17,859

The Calcutta School-book Society.

THIS institution had its origin in the year 1817, and was formed with a view to the promotion of the moral and intellectual improvement of the natives, by the diffusion among them of useful elementary knowledge. The plan of the society carefully excludes all means calculated to excite religious controversy; and its affairs are conducted by a committee composed of English gentlemen, Mahomedans, and Hindoos, in about equal proportions.

In May 1821, the society, having at that time put into circulation 126,446 copies of various useful works, found its finances in so low a state as to render it necessary to seek assistance from the Government, which assistance was immediately granted to the extent of R' 7,000. An annual grant of R' 6,000 in aid of the institution was also ordered, accompanied by the most unreserved expression of the Government's satisfaction with the plan and object of the society, and with the mode in which its affairs appeared to have been conducted.

Amount of aid afforded by the Bengal Government to the funds of the Calcutta School-book Society :

Grant in 1821 - - - - -	Rupees.
Annual Grant of R' 6,000, from the 1st of May, 1821 to 31st December	7,000
1824, three years and eight months - - - - -	22,000
	<hr/>
Total Rupees -	29,000

Political from
15 Jan. 1812.
Cons.
7 Nov. 1818.
26 Jan. 1822.
26 Feb.
24 May.
14 June.
5 July.
Political from
12 Sept. 1823.

School Book Society
Public from
2 July 1821.
Cons. 4 May.
Public from
31 July 1823.
to 9 Mar. 1825.
Cons. 23 Apr. 1823.
15 May 1823.
Jud. from
19 Dec. 1822.
12 Sept. 1823.

Appendix (L)

Education of Natives.

Calcutta School Society

Cawnpore

Rev. Cons.

20 Feb. 1823.

17 April 1823.

5 June.

Revenue Letter

from 30 July 1823.

p. 143 to 147.

D^o to 24 Oct. 1827,

p. 57.

Calcutta Hindoo

Sanskrit College

Rev. Cons.

21 Aug. 1821.

Public from

31 July 1823.

Cons. 3 July.

17 July.

30 July.

The Calcutta School Society.

THIS society was formed in January, 1819, for the purpose of establishing native schools, first in Calcutta and its vicinity, and then throughout the country, to the utmost extent of its resources. It also contemplated the improvement of the indigenous schools, by the introduction into them of the useful publications of the School-book Society, and by the preparation of teachers to whom might be entrusted the future management of the schools, of various descriptions, which were or might be established.

In 1823 the resources of this society proving to be not commensurate with its object, they applied to the Government for pecuniary aid, which was afforded to them, upon the same principles and to the same annual amount as had been granted to the School-book Society.

Amount of aid afforded by the Bengal Government to the funds of the Calcutta School Society :

The sum of R' 6,000 per annum, from the 1st October 1823 to 31st	} Rupees.
December 1824 - - - - -	
	7,500

The Cawnpore Free School

Was established about the year 1820, by an association of private gentlemen, chiefly for the purpose of affording to the warrant and non-commissioned officers of the several corps and departments at that station the means of obtaining superior instruction to that which the regimental schools afforded. The European and other lads who first attended it were taught the elementary parts of divinity, geography, history, and arithmetic, to which it was intended to add the higher branches of knowledge, such as trigonometry, mensuration, and the use of the globes, so soon as its funds would admit of the addition.

In February 1823, a very favourable report of the progress of the children who were then in the school was submitted to the Government by Major-general Lewis Thomas, the commanding officer at Cawnpore. It was observed that the English, Hindoo, and Mahomedan lads, who were all educated together, mutually assisted each other in the acquisition of their several languages, and particularly in the correct pronunciation of them ; that the native children flocked to the school in pursuit of the English language, with an ardour of mind truly gratifying ; and particularly that several "sepoys from the corps of the station, as well as a number of Mahomedan and Hindoo grown-up lads of the most respectable families, had become class-fellows with the English boys in reading the Bible, without discovering the slightest objection on the score of the prejudices in which they were born, and that among those who thus read the Bible, and appeared vehemently desirous of understanding what they read, there were some who had not only acquired a wonderful facility in the rules of English cyphering and arithmetic, but were read in Arabic and in Euclid's Elements."

Major-general Thomas at the same time informed the Government, that notwithstanding the then promising state of the school, it was restricted in its usefulness by want of funds, and liable to decline, and even to be altogether broken up, owing to its having no permanent endowment.

Under these circumstances, the Governor-general in Council resolved to grant a permanent allowance for the support of this school, of R' 400 per month, the school at that time containing 187 scholars, and five orphan children, who were wholly supported on the foundation.

Amount paid on account of the Company's grant of 400 Lucknow rupees, or Sicca rupees 382. 12 per month, from the 1st of February 1823 to the 31st December 1824- - R' 8,420.

The Calcutta Hindoo Sanscrit College.

ON the 21st of August 1821, the Governor-general in Council having taken into consideration the state of the projected institutions for the advancement of Hindoo literature in Nuddea and Tirhoot, the failure of which appearing to admit of no doubt, it was considered that the Government was relieved from the pledge given in 1811, for the establishment of those institutions. A communication from Mr. H. H. Wilson, a member of the Benares committee, was at the same time brought upon record, containing several reasons for abandoning the design of forming colleges in Nuddea and Tirhoot, and suggesting instead thereof, the foundation at the presidency of a similar institution to that at Benares, but upon a larger scale. The necessity for European superintendence, the facility with which it might be obtained in Calcutta, the accessibility of that city to all parts of India, together with several other reasons suggested by Mr. Wilson, determined the Governor-general in Council to adopt the measure proposed by that gentleman, and establish in Calcutta a Hindoo college similar to that at Benares, under a committee of superintendence composed of the following gentlemen, W. B. Martin, esquire, W. B. Bayley, esquire, J. C. C. Sutherland, esquire, and H. H. Wilson, esquire. For the support of this institution, the annual sum of R' 25,000 was allowed, and Lieutenant Price received the appointment of secretary, with a salary of R' 3,600 per annum.

It appears by recent communications from India, that the Government have resolved to augment the annual grant to R' 30,000 and that a further sum of R' 1,20,000 has also been allotted for the erection of a college, the first stone of which was laid on the 21st of February 1821.

The establishment consists of—

- Fourteen Pundits,
- A Librarian and Servants,
- One hundred Scholars on the Foundation, and a Secretary.

The sum of 1,200 rupees is reserved for distribution in prizes at the public examination, and a school for Hindoo children is connected with the college.



The amount of pecuniary aid afforded to this institution, from its establishment on the 21st of August 1821 to 31 December 1824, as nearly as the same can be computed, is as follows :

Annual allowance, 3 years, 4 months, 10 days - - - - -	Rupees.
Granted for the building - - - - -	88,400
	120,000
	<hr/>
R'	2,08,400

On the 3d July 1823, Mr. J. H. Harrington, then a member of the Bengal Council, submitted to the Government a letter which had been addressed to him and the late Sir Henry Blossett by the secretary of the British India Society in London, advising the transmission to India, by permission of the Court of Directors of the East India Company, freight free, of an extensive philosophical apparatus, in order to its being placed at the disposal of the Calcutta Hindoo Sanscrit college, should the committee of that institution have the means of employing a competent lecturer.

The apparatus was accompanied by a considerable number of books on scientific subjects designed for the use of the lecturer and others who might have occasion to refer to them, together with some books for the use of the Calcutta School-book Society.

The Governor-general in Council, on receipt of this communication, ordered the chests containing the apparatus and books above mentioned to pass at the Calcutta custom-house free of duty. They were accordingly delivered into the custody of Mr. James Thomason, of the Bengal civil service, until a professor or lecturer could be provided.

The apparatus consisted, among other articles of minor importance, of the following :

- A complete set of mechanical powers.
- A complete whirling table and apparatus.
- A nine-inch cylinder electrical machine with appendages, viz. insulated stool, thunder-house, three bells, magic picture, air pistol, spiral tube, copper plates and stand, head with hair, spider, swan and star, also a universal discharge, press and diamond jar, and a tin fire house.
- A set of eight musical bells.
- A set of saw-mills.
- Models of water and forcing pumps.
- An air pipe.
- A gunpowder apparatus.
- A set of weights for copper bottle.
- A fountain in vacuo.
- A fork balance.
- Torricellian apparatus.
- A hydrostatic bellows, glass and brass tubes.
- A hydrostatic balance.
- A galvanic trough and plates, together with four improved galvanic batteries complete.
- A complete set of magnetical apparatus.
- Fergusson's pyrometer lamps, &c.
- A large set of box-wood geometrical solids.
- A large size double barrell'd air-pump and receiver.
- An improved table chemical furnace, together with a complete chemical apparatus for the same.
- An improved gasometer, tin and glass vessel.
- A set of stop cock apparatus for experiments on glasses, bladders, &c.
- Woulf's glass distillatory apparatus.
- A mahogany chest with 56 phials containing chemical tests, &c. &c.
- A spirit lamp and brass sliding ring stand.
- An inflammable air lamp.
- A pneumatic cistern.
- A glass alembic with head and stopper.
- A mercurial trough.
- Evaporating dishes.
- An improved large phantasmagoria lanthorn with slides.
- A guinea and feather apparatus.
- A finished and complete tellurian, lunarium, and planetarium.
- A brass hemisphere.
- An improved equatorial.
- A selenographic 12-inch globe.
- A set of optical silk string models in case.
- A glass prism, convex lens, and an opaque and transparent solar microscope.
- A 3 achrometer telescope, with tripod stand and appendages.
- A set of 21 astronomical sliders.
- A terrestrial 18-inch globe with appendages.
- A celestial 18-inch globe with appendages.
- Adams' Lectures in five volumes.
- — — Essay on Electricity.
- Brand's Manual of Chemistry.
- Ure's Chemical Dictionary.
- Mackenzie's 1,000 Chemical Experiments; together with several other scientific works.

Appendix (J.)

(1.) Memoir by
Thomas Fisher,
Esq.Pub. Cons.
3 July 1823. 3.
Do. 30 July.
12 to 14.

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CSL

I. PUBLIC.

Appendix (I.)
Education of Natives.

Rev. Cons.
3 July 1823.
17 July.
21 Aug.
28 D.
17 Jan. 1824.

All the expenses attendant on the receipt, unpacking and packing, and on the careful custody of the above-mentioned philosophical instruments and books were, by order of the Bengal Government, charged to the East India Company; and a salary assigned for a professor or lecturer on experimental philosophy, so soon as a qualified person should be found to receive it.

The General Committee of Public Instruction at Calcutta.

ON the 17th July 1823, the Governor-general in Council took into consideration a note or memorandum, on the subject of education and of the improvement of the morals of the natives of India, which had been prepared and submitted to them by Mr. Holt Mackenzie, their secretary in the territorial department, and which is recorded on the proceedings of that date.

In pursuance of suggestions contained in the paper above mentioned, the Bengal Government resolved to form a general Committee of Public Instruction at the Presidency, for the purpose of ascertaining the state of education in the territories under the Bengal presidency, and of the public institutions designed for its promotion, and of "considering, and from time to time submitting to Government the suggestion of such measures as it might appear expedient to adopt with a view to the better instruction of the people, to the introduction among them of useful knowledge, and to the improvement of their moral character."

This committee was composed of the following gentlemen: J. H. Harington, J. T. Larkins, W. B. Martin, W. B. Bayley, H. Shakespear, Holt Mackenzie, Henry Prinsep, A. Stirling, J. C. C. Sutherland, and H. Wilson, Esquires.

The annual sum of one lac of rupees, which, by the 53 Geo. 3, c. 155, was appropriated to the purposes of education, was placed at their disposal.

The schools at Chinsurah, Rajpootana, and Bhogulpore, were placed under the control of this committee, and the separate grants which had been made to those schools, amounting together to 16,800 rupees per annum, were discontinued from the 1st January 1824.

It was also determined that all correspondence relative to the subject of education should be transferred from the territorial department to the office of the Persian secretary, and that the arrears for the years 1821-2 and 1822-3 of the annual sum of one lac of rupees, then placed at the disposal of the committee, over and above the sum which had been drawn on account of the schools above mentioned, amounting to 1,66,400 rupees, should be paid to the committee to enable them to prosecute the object entrusted to them.

The total amount placed at the disposal of the general committee of public instruction in the years from

1821-2 to 1823-4 was	-	-	-	Rupees.
1824-5	-	-	-	2,66,400
1825-6	-	-	-	1,06,000
				1,06,000
Total to the end of the year 1826	-	R		4,78,400

See Persian Letter,
27 Jan. 1826.

Under date the 27th January 1826, the Governor-general in Council reported to the Court of Directors the institution of the Committee of Public Instruction, as above stated, together with their proceedings under the following heads:

- Agra College.
- Delhi College.
- Benares College.
- Calcutta Madrisa.
- Calcutta Sanserit College.
- Vidyala or Anglo-Indian College, and
- Schools in different parts of the country: of which report the following is a brief analysis.

Agra College.

It is stated that in the year 1822, the local agents in the Agra district reported the existence of certain lands held by the late Gungadhen Pundit in Agra and Allygurh, yielding an annual rent of nearly 16,000 rupees, which constituted an endowment applicable to the maintenance of schools and seminaries of learning. The accumulated proceeds of these lands amounted to nearly 1,50,000 rupees, interest upon which being allowed, an annual income would be yielded by the endowment, of 20,000 rupees, forming a fund adequate to the support of a collegiate establishment on a scale creditable to the Government and beneficial to the people. The committee having been called upon for a digested plan for the outlay of these revenues, recommended that the institution to be endowed should be conducted on a more liberal footing than the existing Government seminaries, usually confined to studies connected with peculiar classes and religious persuasions, and that the Persian, Arabic, Sanscrit, and Hindoo languages should be taught, together with whatever was most useful in native literature, freed as much as possible from its lumber; but the committee did not recommend the immediate introduction of the English language and European science. Arithmetic, it was considered, would be necessary, and an acquaintance with the Hindoo and Mussulman law and the Regulations of the British Government.

The Governor general in Council sanctioned the institution of a college at Agra, in conformity with these suggestions, and under the superintendence of a local committee,* which has accordingly been carried into partial effect, involving an expenditure per annum of R 15,240 exclusive of house rent; but no examination of students has yet taken place.

Delhi College.

IN reply to queries which had been issued by the general committee to the several local agents, a full and interesting report of the state of education among the population of Delhi, was submitted by Mr. J. H. Taylor, who had been appointed secretary to the sub-committee.

Committee of Public Instruction

Agra College

* G. Saunders, Esq.
J. Fraser, Esq.
C. Macsween, Esq.
H. S. Oldfield, Esq.

Delhi College



sub-committee. By this Report it appears that public education in this district is in great want of encouragement; that the ancient endowments are in a state of ruin and neglect; that the circumstances even of the respectable portion of the community do not admit of their incurring the expense of educating their children; and, on the other hand, that many old colleges exist which might be rendered available for that purpose, and several individuals who might be found fully capable of affording instruction. Under such circumstances it has been determined at the suggestion of the general committee, to establish a college at Delhi, and to appropriate to it the following monthly sums:

From the Education Fund	R' 600
Amount of an existing Fund at Delhi	250
Rupees per Month	R' 850

Also a grant of R' 7,115 from the Town Duty Fund, towards the repair of the Madrissa of Ghazee-ood-deen-Khan, an edifice of great beauty and celebrity. Mr. Taylor was appointed superintendant of this institution, with a salary of per month

R' 150
And towards the support of preceptors and scholars the sum } 700

Making the total R' 850

Delhi; the Schools of Mr. Fraser.

This gentleman reported to the chief secretary to Government in September 1823, that considering the ignorance and immorality of the mass of the people, and actuated by a desire to improve their moral and intellectual condition, he had at different periods since the year 1814, instituted schools for the instruction of about 80 boys, children of the zemindars, or peasantry, in reading and writing the Persian language, at an expense to himself of about R' 200 per mensem. This institution he proposed to place under the patronage of the Government, and recommended that it should be extended so as to afford instruction in the English, Persian, and Hindoo languages to 400 boys, the children of zemindars, at an expense of R' 8,400 per annum.

The general committee to whom this proposition was referred, considered the charge large in comparison with the extent of benefit to result from it, and with the village schools in Chinsurah, and objected, on general principles, to the Government charging the school fund with this expenditure, remarking that that fund was not equal to any extended patronage of village schools, and that as the peasantry of few other countries would bear a comparison as to the state of education with those of many parts of British India, the limited funds under the committee's management ought in preference to be employed in giving a liberal education to the higher classes of the community. The Government concurring in this opinion, Mr. Fraser was informed accordingly.

Aid towards the Education of the Inhabitants of the reserved and protected Hill Territory.

Mr. Gerard, in a report of the state of these natives in regard to education, and on the means of improving them, suggested the establishment of schools; but the general committee reported, in answer to the suggestion, that their fund would be absorbed by attempting to carry education into such a mass of ignorance as exists in the hills, where both teachers and books must be wholly provided. It was therefore resolved to limit the aid to be afforded to them to a supply of books.

Benares College.

THE report of the annual examination holden in December 1824, is stated by the Governor-general in Council to have been less explicit than could have been wished, and that the attendance of the local committee, at the disputation and distribution of prizes, had been prevented by unexplained circumstances. The college had lost the services of its secretary, Captain Fell, a profound Sanscrit scholar, who died early in 1824. At this examination there were on the foundation, Scholars

and Out Students	61
	175

Calcutta Madrissa.

THE committee reported the estimated cost of the new building, as follows:

Body of the building	Rupees.
The two wings	66,530
The ground	24,317
	48,000
	R' 138,837
Deduct value of the buildings and ground of the old Madrissa, about	25,000
Net cost	S' R' 113,837
Additional ground and iron railing	17,475
	R' 131,312



FISHERY MEMORIAL

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APPENDIX TO REPORT FROM SELECT COMMITTEE

Appendix (I)

Education of
Natives.

With a view to the diffusion of European science, the committee have also employed an European at an expense of 100 rupees per month, in translating English works into Persian and Arabic.

The committee also refer to the annual reports of the examinations of the students of the Madrissa for 1824 and 1825, as exhibiting most unexceptionable proofs of the efficient and respectable state of the institution; the spirit of emulation and study which prevails among the scholars, and their progress in the acquisition of useful knowledge.

In January 1825, it is stated an examination was holden for the first time in arithmetic, algebra, and geometrical mensuration, as taught in the work called Kholapet-ool-Hissab, much to the satisfaction of the Rev. Mr. Mill, who undertook to conduct it, and offered some suggestions with a view to promote this branch of study in the college.

The result of the examinations in the departments of law, logic, rhetoric, and general literature were not less satisfactory. The merits and services of Dr. Lumsden, the secretary to the Madrissa committee, to whose exertions to promote its prosperity, its highly flourishing condition was considered to be ascribable, are pointed out to the attention of the Government, and great regret expressed by the committee at his retirement, in consequence of ill health. Captain Ruddell, secretary to the College Council, has been appointed his successor, with a salary of 300 rupees per month.

Calcutta Sanscrit College.

THE erection of this college has cost S^r R^s 119,461, to which the expense of out offices and iron railing are to be added, 25,697, making a total of S^r R^s 1,45,158. It was opened on the 1st January 1824, with an establishment of seven pundits, and 50 pupils, a librarian, writer, and servants; during the course of that year it was extended to 100 pupils, and it has been resolved to establish a professorship of experimental philosophy, to embrace lectures on mechanics, hydrostatics, pneumatics, optics, electricity, astronomy, and chemistry.

The first annual examination took place in January 1825; the result is stated to have been highly satisfactory, and, as a proof of its growing reputation, very soon after the examination, nearly 100 applications were received for admission to the grammar classes, as out-students not receiving any allowances.

Vidyala or Anglo-Indian College.

"THIS highly interesting and promising institution," it is stated, owes its origin to the intelligence and public spirit of some of the opulent native gentlemen of Calcutta, who associated together in 1816, and subscribed a capital sum of R^s 1,13,179, to found a seminary for the instruction of the sons of Hindoos in the European and Asiatic languages and sciences. It was placed under the superintendence of the general committee, as the condition of pecuniary aid, to the amount of 300 rupees per month, for house-rent, afforded to it out of the education fund; and which the insufficiency of its own funds had rendered necessary. Mr. Ross (the foreman of the Calcutta Mint) was also appointed lecturer on natural and experimental philosophy. The report of the annual examination for 1824-5, conducted by Mr. Wilson, is referred to as containing much interesting information respecting the present state of this institution, its growing popularity and decided superiority, on its present footing, over any other affording tuition to the natives in the English language; with several important propositions for its improvement. In addition to the pecuniary aid of 300 rupees per month, already mentioned, it is proposed to procure a select library of books from England, and some additional philosophical apparatus. The report of 1825, also received, gives a still more favourable view of the general character of this institution, the benefits of which the most respectable classes of the native community of Calcutta have evinced a disposition to secure to their children, by sending them to pay for their education. This is ascribed partly to the low rate of charge at which the education is afforded, but the committee add, much may also be attributed "to the diffusion of liberal ideas, and to the confidence felt by the parents of the pupils in the present system of management." The number of scholars, all males, is stated at 200, and so long, the committee add, as such a number, all respectably connected, "can be trained in useful knowledge and the English language, a great improvement may be confidently anticipated in the intellectual character of the principal inhabitants of Calcutta." In order to secure the continued attendance of the more promising pupils, and to enable them to complete their course of study, a limited number of scholarships has been endowed by the Government.

English College.

IN reporting on the Anglo-Indian College, the committee pointed out most impressively the want of adequate instructions in the higher branches, the present preceptors not being equal to conduct young men far beyond elementary knowledge, and after commenting on the defectiveness of the means for raising the standard of native instruction, and imparting a knowledge of European science and literature, and the difficulty of attempting to do so by translations into the native languages, they proposed, and the Government sanctioned, the establishment of a distinct *English College*, for the admission of a certain number of the more advanced pupils from the Hindoo and Mahomedan colleges, for gratuitous instruction in literature and science, by means of the English language; for which purpose the education fund could afford an income of R^s 24,000 per annum. The Bengal Government solicit the Court's sanction to this college, and request that two preceptors, one for mathematics, and the other for general literature and composition, may be selected and dispatched as soon as possible. The salary proposed to be assigned to each, is R^s 400 per month, exclusive of certain contingent advantages; but the Government remark that a great boon would be conferred on the cause, if the Court of Directors were to appoint the two professors on liberal salaries free of charge on the education fund.

On



On the various minor institutions for education, supported either from the fund or separately by Government, such as those at *Chinsurah*, *Cawnpore*, *Bhaugulpore*, *Mynpuri*, and in *Rajpootanah*, no further information is afforded by the committee.

The Press.

THE establishment of a press, proposed by the committee as a means of extending knowledge in India, by the general introduction of printed books to be sold at a price insuring only a moderate profit, and involving an outlay of R^s 13,000, with an establishment of R^s 715 per month, has been authorized.

Certificates of qualification, with small allowances, for limited periods, are also authorized to those students who are capable of being admitted to employments in the courts and public offices.

Contributions towards the education fund have been received from Rajahs Kalisunker Ghosal, Hurinath Raee, and Budanath Raee, to the amount of R^s 92,000; which sum has been invested in government securities, and the interest is to be appropriated in endowing scholarships. The donors, who were otherwise deserving of notice, have been distinguished by titles and honorary marks of distinction.

The Bengal Government, in concluding their letter to the Court advising these proceedings, solicit countenance and encouragement; their declared object being to accomplish the wish of the home authorities, by encouraging the study of useful learning, and by diffusing sound practical knowledge among the native subjects of Britain in India, to the gradual exclusion of whatever is frivolous, unprofitable, and positively mischievous, in science and literature.

The Bhaugulpore School

WAS established in May 1823, at the suggestion of Captain A. Montgomerie, commander of the Hill Rangers, and placed under the superintendence of Captain John Graham, the adjutant of that corps; the magistrate of the district being appointed visitor on behalf of the Governor-general in Council, who constituted themselves its patrons.

The object of this institution was to afford instruction in reading, writing, and arithmetic to the recruits and children of the corps. The Government granted the sum of R^s 1,500 for the erection of a school-house, endowed the school with a monthly allowance of R^s 200, and assigned a salary of R^s 100 per month to the superintendant.

In 1824, the Bishop of Calcutta being in the neighbourhood of this school, visited it, and expressed surprise and delight at the progress of the children in reading and writing the Nagree character, and in cyphering, as well as his general approbation of the plan of instruction which had been adopted and pursued. A present of 100 rupees was upon that occasion made by the magistrate to the schoolmaster, Mr. Carter. This sum the Government has since allowed to be charged to the Company, together with 15 rupees per month for bungalow hire till the school room should be erected, and has augmented the salary of the superintendant, from the 1st September 1824, R^s 100 per month, making the total salary of that officer R^s 200 per month, or per annum R^s 2,400.

The estimated amounts of the several disbursements which have been authorized on account of the Bhaugulpore school are as follows:

	Rupees.
For erecting the school-room - - - - -	1,500
Monthly allowance, from the 1st of June 1823 to the 31st December 1824, at R ^s 100 per month, 19 months - - - - -	3,800
Salary to the superintendant for the same period, R ^s 100 per month - - - - -	1,900
Donation to the schoolmaster in 1824 - - - - -	100
Bungalow hire, about - - - - -	60
Additional salary to the superintendant, from 1st September to 31st December 1824 - - - - -	400
Total estimated Amount - - - - - R ^s	7,760

Moorshedabad College and School.

IN August 1824, Mr. Loch, agent to the Governor-general at Moorshedabad, suggested a plan for the foundation of a Mahomedan school and college for the education of the children and youths of the members of the Nizamut family, which he conceived might lead to the introduction of a more extensive plan of education among the natives of his highness the Nizam's territories: the institution to be nominally under the superintendence of his highness, but actually superintended by some English gentlemen resident at Moorshedabad: an edifice, consisting of two suites of rooms, one for youth, the other for boys, to be constructed at an expense of R^s 60,000; the moulavees and students to have salaries as at Calcutta and Benares; the institution to be conducted upon a similar plan to that at Calcutta; its object to be promoted by periodical examinations and rewards; the study of the English language to be particularly encouraged; and the college to be furnished with useful books by the society at Calcutta:

	Rupees.
The annual expense of the college establishment for 10 youths to be - - - - -	8,796
Of the school for 20 boys - - - - -	7,740
Total, per Annum - - - - - R ^s	16,536

Apartments in each department of the school to be prepared for the accommodation of 40 scholars.

On the 1st of July 1825, the Governor-general in Council gave his sanction to this establishment, and authorized the immediate execution of the measure.

Appendix (I.)

(1.) Memoir by Thomas Fisher, Esq.

The Press

Public from 30 Sept. 1824.
Pub. Cons. 2 Sept. 1824.
D^o 1 May 1823.
5 June.
12 Sept. 1822.
17 Oct.
Pub. to 8 March 1826.

Bhaugulpore

Public Cons. 1 July 1825.
N^o 32, part of 39, 40, and part of 41

Moorshedabad



CSL

PUBLIC.

Appendix (I.)

Ecclesiastical from
6 Jan. 1820.
Cons.
29 Oct. 1819. 1, 2.
31 Dec. 7 to 9

Public to
16 Feb. 1787. 1, 2.
From 9 Oct. 1793,
44.
To 10 Ju. 1795. 29.

Military from
17 Oct. 1812, 249.
Military Cons.
1 Sept. 1812.
20 to 33.
6 Oct. - 40. 41.
Military to
6 Sept. 1813. 7 & 8.
3 Ju. 1814. 10 to
25.

Calcutta Mission College and other Schools in connection with the Society for promoting Christian Knowledge.

FOR several of these institutions the Governor-general in Council has, upon application made by the Lord Bishop of Calcutta, or by the diocesan committee, granted the land upon which the respective edifices have been erected.

FORT ST. GEORGE.

Tanjore Schools.

FROM a very early period it appears that the Protestant mission conducted successively by Messrs. Zeigenbald, Gericke, Kiernander and Swartz, under the patronage of the Society for promoting Christian Knowledge, had schools at their several stations of Madras, Cuddalore, Tanjore, and Trichinopoly, in which they instructed the natives, and in aid of which they obtained occasional grants from the local governments, and permission from the Court of Directors to receive from the society in England various supplies, free of freight.

In 1787, the Court of Directors authorized a permanent annual grant towards the support of three schools which had been established with the sanction of the respective Rājahs at Tanjore, Ramenedaporam and Shevagunga, of 250 pagodas each. These schools were under the direction of Mr. Swartz. The Court further directed, that a similar allowance should be granted to any other schools which might be opened for the same purpose.

According to the latest books of establishment, the charge on this account was "for two Protestant schools at Tanjore and Combaconum, R. 4,260 per annum;" together with a pension or allowance to Mr. Kolhoop, a retired teacher, of R. 420, making a total of R. 4,620 per annum.

In 1824, the widow Swartz enjoyed a pension from the British Government of two pagodas per month, at Negapatnam; and an unmarried female of the same name a monthly allowance of one fanam.

Sunday School at the Mount.

In January 1812, a Sunday school was established at St. Thomas's Mount, at the suggestion and under the direction of the military chaplain at that cantonment, and by the voluntary contributions of several Europeans at the presidency. The object of this school was to afford elementary instruction on the Lancasterian plan to the half-caste and native children of the military and others resident there. The object as well as the plan of tuition being highly approved by the Government, an endowment of 300 pagodas per annum was granted from the 1st January 1812.

The experimental Establishment of Mr. Ross, Collector of Cuddapah.

In 1814, the attention of the Board of Revenue was called to the numerous instances which had occurred among the native servants of Government of extensive embezzlement and fraudulent combination, and an inquiry was instituted respecting the causes of the prevalence of those crimes and the means of counteracting them. A draft Regulation for the punishment of offenders was prepared and circulated to the several collectors for their report thereon, accompanied by directions that they would offer any suggestions which might occur to them, as to the means best calculated to excite the natives to a faithful discharge of their public duties, by the hope of reward rather than by the dread of punishment.

Mr. Ross, the collector of Cuddapah, in the report submitted by him on the above occasion, suggested that great advantages would result from giving education to the natives of India, and offered to the consideration of Government a plan for providing proper education and moral instruction for young men, particularly Brahmins, from the age of twelve or thirteen to that of eighteen or twenty, and by establishing an institution for education in every district.

Agreeably to the recommendation of the Revenue Board, the subject was referred to the College Board for their consideration and report. The Government, however, entertaining great doubt whether the proposed measure would be found of sufficient efficacy to answer the end proposed, and observing that it admitted of a limited experiment, authorized such an experiment to be made in Cuddapah, under the superintendence of Mr. Ross, whose superintendence they observed afforded the best prospect of success. Mr. Ross was at the same time cautioned against incurring any considerable expense or giving any pledge in the confidence of success, which, in the event of failure, might be found to be inconvenient. He died not long afterwards, and no report of his further proceedings with respect to this object has been traced upon the records.

Free Schools at Palamcottah and Tinnevely.

IN 1819, the Rev. Mr. Hough, chaplain at Palamcottah, solicited from the Government pecuniary aid to the extent of 25 pagodas per month, for the support of two schools, the one at Palamcottah, the other at Tinnevely, which he had opened in the preceding years 1817 and 1818, under the auspices of the Madras corresponding Committee of the Church Missionary Society, for the instruction of native youth in reading, writing, arithmetic, and the elements of English grammar. These schools were under the immediate superintendence of the Rev. Mr. Hough; they were attended by natives of all castes; the books used in them were the New Testament, Seltare's History of the Bible, the Psalter, with Lindley Murray's Grammar and the usual English spelling books; and it was observed that the introduction of the Christian Scriptures excited no alarm in the minds of the natives. The Madras Government conceiving, however, that they were not interested in the support of schools of such a nature, declined compliance with the application.

Upon



Upon receipt of advices from Madras communicating the above facts, the Court observed that, with the strong evidence before them of the utility of these schools, of their acceptableness to the natives, and of their able and judicious superintendence by the chaplain of Palamcottah; they could not but regret that they were not supported, and desired to be informed of the grounds on which the Madras Government came to the determination not to support them. In reply, those grounds were alleged to be, the private character of the schools, the uncertain continuance of the Rev. Mr. Hough's superintendence, and the probable inconvenience of the precedent; but the Government promised to bear in mind the Court's wishes respecting these schools, when the general subject was gone into upon receipt of the Board of Revenue's then expected report; with which explanation the Court was satisfied.

Committee of Public Instruction at the Presidency.

ON the Revenue proceedings of the 2d July 1822, Sir Thomas Munro recorded a minute, recommending as an object of interest and importance that the best information should be obtained of the actual state of education in its various branches among the native inhabitants of the provinces under the Madras Government.

A circular letter was accordingly addressed to the several collectors, accompanied by a blank form, according to which they were required to furnish, for the information of Government, lists of schools within their several collectorates, specifying the numbers of scholars, Vedas scholars, Soodra scholars, and scholars of all other castes, both male and female, in the several schools; also of Mussulman scholars; and a return of the population of the several districts respectively. The collectors were further required to state the names of the books generally read at the schools, the time which scholars usually continue at the schools, the monthly or yearly charge to the scholars, and whether any of the schools are endowed by the public; and if so, the nature and amount of the fund. Sir Thomas Munro also observed in his minute, that "when there are colleges or other institutions for teaching theology, law, astronomy, &c. an account should be given of them. These sciences," he remarks, "are usually taught privately, without fee or reward, by individuals to a few scholars or disciples; but there are also some instances in which the native Governments have granted allowances in money and land for the maintenance of the teachers."

"In some districts," he adds, "reading and writing are confined almost entirely to Brahmins and the mercantile class; in some they extend to other classes, and are pretty general among the potails of villages and principal ryots. To the women of Brahmins and of Hindoos in general they are unknown, because the knowledge of them is prohibited, and regarded as unbecoming of the modesty of the sex, and fit only for public dancers. But among the women of Rujbundah and some other tribes of Hindoos, who seem to have no prejudice of this kind, they are generally taught. The prohibition against women learning to read is probably from various causes much less attended to in some districts than in others; and as it is possible that in every district a few females may be found in the reading schools, a column has been entered for them in the form proposed to be sent to the collector. The mixed and impure castes seldom learn to read; but as a few of them do, columns are left for them in the form."

"It is not my intention," Sir Thomas adds, "to recommend any interference whatever in the native schools. Every thing of this kind ought to be carefully avoided, and the people should be left to manage their schools in their own way. All that we ought to do is to facilitate the operations of these schools, by restoring any funds that may have been diverted from them, and perhaps granting additional ones, where it may appear advisable. But on this point we shall be better able to judge when we receive the information now proposed to be called for."

The Court of Directors gave credit to Sir Thomas Munro, for having originated this inquiry, reserving their sentiments on the subject at large till the collectors' reports should have been received. The Court nevertheless remarked, that the most defective part of the information which would probably be elicited by this inquiry, would be that which relates to the quality of the instruction which the existing education affords. But of this the Court add, "we shall be able to form a more correct opinion, when we see what the reports contain. It was proper to caution the collectors against exciting any fears in the people that their freedom of choice in matters of education would be interfered with. But it would be equally wrong to do any thing to fortify them in the absurd opinion, that their own rude institutions of education are so perfect as not to admit of improvement."

In June 1826, the Madras Government forwarded to the Court of Directors the several returns which they had received through the Board of Revenue, from the collectors, accompanied by an abstract of those returns prepared by the Board; of which the following is the summary.

Summary of the information contained in the Reports of the Collectors.

THE schools now existing in the country are for the most part supported by the payments of the the people who send their children to them for instruction, the rate of payment for each scholar varying in different districts, and according to the different circumstances of the parents of the pupils, from one anna to four rupees per mensem: the ordinary rate among the poorer classes appearing to be generally about four annas, and seldom to exceed half a rupee.

There are endowments for the support of schools only in the following districts:

Rajahmundry.—There are in this district 69 teachers of the sciences, who possess endowments in land, and 13 who enjoy allowances in money granted by former zemindars.

Nellore.—In this district certain individuals, Brahmins and Mussulman, are in possession of allowances in land and money granted by the Carnatic Government for teaching the Vedas, &c. and Arabic and Persian respectively to the amount of R'1,467 per annum.

Appendix (I.)

(1.) Memoir by
Thomas Fisher,
Esq.

Rev. from 14 Jan. 1823. 40; to 18 May 1825. 20; From 30 June 1826. 2 to 6; Rev. Cons. 2 July 1824. 1 & 2; D^o 21 Jan. 1825. 12.
B^d Rev. 25 July 1822; 6 Nov., 1 May, 2 Oct., 13 Jan. 14 July, 30 June, 25 Aug. 1823; 17 Feb. 1825; 7 Apr. 10 Mar. 1823.
Ba Revenue, 3 July, 7 D^o, 28 Aug. 14 D^o, 13 Feb. 1823; 5 Sep., 28 Oct., 4 Nov., 14 Nov., 2 Dec., 1822; 17 Feb., 14 D^o, 1825. Rev. Cons. 30 Sept. 1; 10 March 1826. 1 to 5; 26 May, 1826, 22 to 26.

Committee of Public Instruction

Reports of Collectors



I. PUBLIC.

Appendix (I.)

Education of Natives.

Report of Collector

Arcot, Northern Division.—There are in this district 28 colleges, supported by mauniums and marabs, granted by former Governments, yielding R^s 516 per annum, and six Persian schools maintained at the public expense, at an annual charge of R^s 1,361.

Salem.—There are Enam lands in this district estimated to yield R^s per annum 1,109, which are appropriated to the support of 20 teachers of theology, &c. and one Mussulman school, which has land for its support yielding annually R^s 20.

Tanjore.—There are in this district 44 schools and 77 colleges, which are supported by his Highness the Rajah. There is no school or college endowed particularly by the sircar: but the free schools maintained by the mission established in Tanjore, are stated by the collector to possess a *surramaunium*, the annual value of which is estimated at R^s 1,100.

Trichinopoly.—There are in this district seven schools, which possess endowments in land to the extent of 46 cawnies granted by former Governments.

Malabar.—There is in this district one college supported by the Zamorin Rajah, which has also some land attached to it.

The COLLECTORS of the undermentioned Districts made Returns to the following effect:

Salem and Coimbatore.—It is admitted by the collectors of these districts that public endowments for the advancement of learning have been diverted from their original purpose or

The following STATEMENTS give the result of the

POPULATION of COLLECTORATES under MADRAS.

DISTRICTS.	MALES.	FEMALES.	TOTAL.	Total of the Population as per Statements submitted to Government on the 3d February, 8th May, and 4th Dec. 1823.	
Ganjam - - -	196,170	179,111	375,281	332,015	{ Schools - - 255 Colleges - - none
Vizagapatam - - -	482,852	458,152	941,004	772,570	{ Schools - - 914 Colleges - - none
Rajahmundry - - -	393,512	344,796	738,308	738,308	{ Schools - - 291 Colleges - - 279
Masulipatam - - -	289,166	240,683	529,849	529,849	{ Schools - - 484 Colleges - - 49
Guntoor - - -	243,859	210,895	454,754	454,754	{ Schools - - 574 Colleges - - none
Nellore - - -	432,540	406,927	839,467	439,467	{ Schools - - 804 Colleges - - none
Bellary - - -	489,673	438,184	927,857	927,857	{ Schools - - 533 Colleges - - none
Cuddapah - - -	578,461	515,999	1,094,460	1,094,460	{ Schools - - 494 Colleges - - none
Chingleput - - -	190,243	172,886	363,129	363,129	{ Schools - - 508 Sanscrit - - 51
Arcot, N. Division	298,539	278,481	577,020	892,292	{ Schools - - 630 Colleges - - 69
Arcot, S. Division -	217,974	202,556	420,530	455,020	{ Schools - - 875 Colleges - - none
Salem - - -	542,500	533,485	1,075,985	1,075,985	{ Schools - - 386 Colleges - - none
Tanjore - - -	195,522	187,145	382,667	901,353	{ Schools - - 884 Colleges - - 109
Trichinopoly - - -	247,569	233,723	481,292	481,292	{ Schools - - 790 Colleges - - 9
Madura - - -	401,515	386,681	788,196	788,196	{ Schools - - 884 Colleges - - none
Tinnevelly - - -	283,719	281,238	564,957	564,957	{ Schools - - 607 Colleges - - none
Coimbatore - - -	316,931	321,268	638,199	638,199	{ Schools - - 673 Colleges - - 173
Canara - - -	No Statement of the Population or number of Schools.*				
Malabar - - -	458,368	449,207	907,575	907,575	{ Schools - - 759 Colleges - - 1
Seringaptam - - -	14,851	16,761	31,612	31,612	{ Schools - - 41 Colleges - - none
Madras - - -	228,636	233,415	462,051	462,051	{ Schools - - 305 Charity ditto - - 17 Children who receive private tuition at their own houses - - } TOTAL Schools 12,498
TOTAL population	6,502,600	6,091,593	12,594,193	12,850,941	TOTAL Scholars -

*A Statement of the Population was afterwards submitted, which will



or resumed. In the former district the value of land so diverted, is estimated at Rs 384; in the latter at 2,208.

Appendix (I.)

(1). Memoir by
Thomas Fisher,
Esq.

Bellary.—The collector of this district, submits, that although none of the institutions for education at present existing in it derive support from the State, “there is no doubt that in former times, especially under the Hindoo Governments, very large grants, both in money and in land, were issued for the support of learning;” and he further states his opinion that many of the Yeomahs and Shotriums which are now held by Brahmins in the district, may be traced to this source. Of the correctness of this suggestion, the Revenue Board appears to entertain considerable doubts.

Canara.—The late principal collector of this district stated generally, that there are no colleges in Canara for the cultivation of abstract science, neither are there any fixed schools and masters to teach them. There is no instance known of any institution of the above description having ever received support in any shape from the former Government. In Canara, education is conducted so much in private, that any statement of the number of private schools, and of the scholars attending them, would be of little or no use, but on the contrary, rather fallacious, in forming an estimate of the proportion of the population receiving instruction.

Information furnished by the Collectors.

EXTENT to which Means of INSTRUCTION are enjoyed in the several COLLECTORATES under MADRAS.

Hindoo Scholars.			Mussulman Scholars.			TOTAL.		
MALE.	FEMALE.	TOTAL.	MALE.	FEMALE.	TOTAL.	MALE.	FEMALE.	TOTAL.
2,938	12	2,950	27	none	27	2,965	12	2,977
9,315	303	9,618	97	none	97	9,412	303	9,715
2,569	37	2,606	52	none	52	2,621	37	2,658
1,454	-	1,454	none	-	-	1,454	-	1,454
4,775	31	4,806	275	2	277	5,050	33	5,083
199	-	199	-	-	-	199	none	199
7,365	99	7,464	257	3	260	7,622	102	7,724
6,946	55	7,001	617	3	620	7,563	58	7,621
6,338	60	6,398	243	none	243	6,581	60	6,641
5,551	107	5,658	341	1	342	5,892	108	6,000
6,941	116	7,057	186	none	186	7,127	116	7,243
7,140	41	7,181	552	11	563	7,692	52	7,744
10,167	104	10,271	252	none	252	10,419	104	10,523
4,160	31	4,191	432	27	459	4,592	58	4,650
16,495	154	16,649	933	none	933	17,423	154	17,582
769	none	769	none	-	-	769	none	769
9,501	84	9,585	690	56	746	10,191	140	10,331
131	none	131	none	none	-	131	-	131
12,592	105	12,630	1,147	none	1,147	13,676	105	13,781
8,462	115	8,579	796	2	798	9,258	119	9,377
7,812	82	7,894	312	none	312	8,124	82	8,206
724	none	724	none	-	-	724	-	724
8,767	1,068	9,835	3,196	1,122	4,318	11,963	2,109	14,153
75	none	75	none	-	none	75	none	75
527	14	541	86	none	86	613	14	627
4,966	127	5,093	143	none	143	5,109	127	5,236
404	49	453	10	-	10	414	49	463
24,756	517	25,273	1,690	none	1,690	26,446	517	26,963
171,776	3,313	175,089	12,334	1,227	13,561	184,110	4,540	188,650

be found in the Return, entitled Extent and Population of British India,



PUBLIC.

Appendix (I.)

Education of Natives.

Shrotri Collection

From the foregoing statement, the Board of Revenue observed, it appears that the total number of persons who are receiving education in these provinces, is 188,650 out of a population of 12,850,941, or 1 in 67.

These reports (with the exception of that of the collector of Bellary) furnish no answer to the inquiry respecting the books generally read at the schools, except that the Shasters and Vedas are read, and that the sciences of theology, astronomy, logic, and law, are taught, but chiefly privately.

Mr. Campbell, the collector of Bellary, gives the titles of several books which are read at the schools, and enters very largely into a detail of the mode of instruction pursued in them, and of the several languages taught there.

On the revenue proceedings of the 10th March 1826, Sir Thomas Munro recorded a minute containing his observations on the information communicated by the collectors in their reports to the Revenue Board. "From these reports," he remarks, "it appears that the number of schools, and of what are called colleges in the territories under the presidency, amount to 12,498, and the population to 12,850,941, so that there is one school to every 1,000 of the population; but as only a few females are taught in schools, we may reckon one school to every 500 of the population."

The observation of the Board of Revenue, that the proportion of the population receiving education did not exceed 1 in 67, Sir Thomas Munro remarks, is correct only as it regards the whole population, but not as regards the male part of it, of which the proportion is much greater.

The male population he estimates at 6,425,000. The proportion of this number, "between the ages of five and ten years, which is the period which boys in general remain at school," he takes at one ninth or 713,000. This he takes to be the number of boys that would be at school, if all the males above ten years of age were educated; but the number actually attending the schools appearing to be not more than 184,110, it follows that not quite one in four of the male population enjoy the benefit of a school education, and that the female population is almost wholly destitute of it. But taking into this account the probable numbers taught at home, (which the collector's returns do not state, excepting that in Madras the private scholars amount to 26,963, or about five times more than those taught in the schools,) Sir Thomas Munro considers it probable that the number of the male population who now receive education is nearer to one-third than one fourth. The practice of private tuition, he observes, varies considerably. It is not unfrequent in any part of the country, but the proportion is very different in different classes. In some it is nearly the whole, in others it is hardly one-tenth.

He further observes, that low as the state of education in India is admitted to be, compared with that of our own country, it is even now, he thinks, higher than it was in most European countries at no very distant period. "It has no doubt," he adds, "been better in earlier times, but for the last century it does not appear to have undergone any other change than what arose from the number of schools diminishing in one place and increasing in another, in consequence of the shifting of the population, from war and other causes."

The ignorance of professed teachers and poverty of parents, are considered as the causes which now combine to keep education in a low state.

Owing to the comparatively great number of professed teachers, the number of scholars attached to each is small, and the monthly rate paid by each scholar does not exceed from four to six or eight annas; so that teachers do not earn more than six or seven rupees monthly, which is not considered an allowance sufficient to induce men properly qualified to follow the profession.

To remedy these defects, he suggests the endowment of schools through the country by the Government. As a preliminary measure he proposes a school for educating teachers at Madras, on the plan suggested by the Madras School-book Society, towards which he recommends that the Government should allow 700 rupees per month; also that two principal schools should be established in each collectorate, one for Hindoos and the other for Mahomedans, and that hereafter, as teachers can be found, the Hindoo schools should be augmented, so as to give one to each tehsildary, which would be about fifteen to each collectorate. The Mahomedan population not amounting to above one-twentieth of the Hindoo, it is considered sufficient to establish one Mahomedan school in each collectorate except Arcot, and a few other collectorates, where the proportion of the Mahomedan population is greater.

The following is the estimate of the total expense attending the execution of this project:

	Rupees.
Madras School-book Society, per month - - -	700
Collectorate schools, Mahomedan, 20, at 15 rupees - -	300
Ditto - - Hindoo, 20, at 15 rupees - -	300
Tehsildary - - - " 300, at 9 rupees - -	2,700
Per month, Rs	4,000

Although, it is observed, the salary of nine rupees monthly from Government to each teacher may appear small, yet when it is considered that the teachers will get as much again from their scholars, their situation will probably be better than that of parish schoolmasters in Scotland. In order to the execution of this plan, the Court's sanction is solicited for a disbursement of not less than half a lac of rupees, exclusive of any public endowments, which may be found available.

"Whatever expence" Sir Thomas Munro adds, "Government may incur in the education of the people, will be amply repaid by the improvement of the country; for the general diffusion



diffusion of knowledge is inseparably followed by more orderly habits, by increasing industry, by a taste for the comforts of life, by exertion to acquire them, and by the growing prosperity of the people."

The minute of Sir Thomas Munro concludes by recommending the appointment of a *Committee of Public Instruction*, and by an expression of the most entire confidence in the final success of the measure, although he concurs in the opinion that that success must be progressive and will be slow.

With a very slight modification, the Council have concurred in their President's suggestions, which are accordingly recommended for adoption by the Court of Directors, and the following gentlemen have been appointed a Committee of Public Instruction at Madras: H. S. Graeme, junior, W. Oliver, John Stokes, and A. D. Campbell, esquires.

These gentlemen have been informed that the object of their appointment is the general improvement of the education of the people in the territories subject to Fort St. George. They have been directed to acquaint themselves fully with its actual state, and to consider and report to Government from time to time the results of their inquiries and deliberations respecting the best means of improving it. They have also been informed, that it was intended to commit to them the duty of directing and superintending the conduct of such measures as it might be deemed proper to adopt with reference to that great object. Detailed instructions have also been given to them, founded on the suggestions contained in the minute by Sir Thomas Munro, and nearly in the terms of that minute. Mr. George Hyne was appointed their secretary, and a disbursement of R^s 45,000 per annum authorized, inclusive of R^s 6,000 per annum, and exclusive of a donation of R^s 3,000 in aid of the funds of the Madras School-book Society, whose benevolent labours are warmly eulogised, and a confident persuasion expressed that they will, by furnishing good school-books, materially contribute to the attainment of the end for which the committee has been instituted.

This committee has forwarded one report to Government, under date the 16th May 1826, (entered on the proceedings of the 26th of that month,) stating that its members have assembled and made the several preliminary arrangements necessary for the performance of public business; also that they had applied to the College Council for teachers of the following languages, which they have obtained at the following rates of addition to their present pay, should the Government approve of it:—

Sanscrit	-	-	per month,	-	-	R ^s 70
Arabic and Persian	-	-	-	-	-	70
Teeloogoo	-	-	-	-	-	15
Tamul	-	-	-	-	-	15
Canarese	-	-	-	-	-	15
						<hr/> 185

They have also proposed that these teachers shall instruct

20 Hindoos, at 15 rupees,	-	-	-	300
20 Mahomedans, at 15 rupees,	-	-	-	300
Making a total expenditure of per month				<hr/> 785
Exclusive of an English teacher	-			300

Total - R^s 1,085

The report of the committee further states the death of Mr. Hyne, their secretary, to succeed whom the Government appointed Captain Henry Harkness, and that the committee had advertised for an English master.

The Government approved this report, and sanctioned the disbursement specified in it.

Madras School-book Society.

Towards the objects of this society (the constitution of which is similar to that at Calcutta), Sir Thomas Munro, in his minute, recorded on the Revenue Consultations of the 10th March 1826, proposed that the Government should allow 700 rupees per month, as follows:

For interest of money employed in building, and for the salaries of teachers,	R ^s 500
The expenses of the press,	-
	<hr/> 200
	R ^s 700

It was, however, subsequently determined to allow this society a gratuity of 3,000 rupees, and an annual sum of 6,000 rupees.

BOMBAY.

At this Presidency, as at those of Bengal and Fort St. George, the maintenance of charity schools for general education appears to have been a part of the duty of the Company's chaplains, for which they occasionally received special allowances or gratuities. In March 1752, two additional chaplains were appointed for Tellicherry and Anjengo, "that the rising generation might be instructed in the Protestant religion." The Court also recommended to the Bombay Government "the setting up and establishing charity schools, wherein the children of soldiers, mariners, topasses, and others, might be educated as well at the subordinates as at Bombay," and promised the Company's assistance in the execution of any plan which



PUBLIC.

Letter to
21 April 1771.

Letter from 20 Feb. 1808; 27 June 1810; Cons. 9 June, 22 July 1810; Public to 9 Mar. 1815; Cons. 29 Mar. 11 Apr. 31 May 1815; Public from 19 July 1815; Cons. 15 Feb. 5 July 1815; from 21 Aug. 1815; 24 Feb. 1816; 20 Dec. 1817; Cons. 24 Apr. 15, 22 May, 26 June, 17 July. 22 Oct. 1816.
Cons. 3, 17 Dec. 1817;
5 March, 25 June 1818;
to 27 Aug. 1817; 18 May 1819;
From 3 Aug. to 29 Sept. 1818;
Revenue to 14 July 1819.

The Bombay School and Mrs. Boyd's Charity.

IN the year 1767, Mrs. Eleanor Boyd bequeathed about 6,000 rupees for the endowment of a charity school in the town of Bombay, which had been supported by voluntary subscription from the year 1718. Some legal obstacles to the appropriation of this legacy having arisen out of a prevalent opinion that when Mrs. Boyd made her will she was not in fact a widow, but had a husband living in England, the money has been allowed to accumulate at interest in the Company's treasury, where it stands as a credit to Eleanor Boyd, in the books of the court of the recorder; the question as to its appropriation remaining in that court undecided so late as the year 1824. The amount of legacy and interest was at that time R^s 18,831. 1. 23.

In 1771, the Court of Directors ordered the sum of R^y 1,000 to be presented to the Rev. Mr. Howell, one of the Company's chaplains, for the additional trouble he had had in superintending the charity school.

At the request of the managers of the school, the Court of Directors, in 1807, granted the sum of Rs 2,712, as an augmentation of an aggregate sum of Rs 37,288, being the amount of the funds of the school then in deposit; by which a total sum was formed of Rs 40,000, which latter sum the Court, in 1810, allowed to be held in their treasury at an annual interest of 8 per cent. (being the rate of interest which money then bore), and authorized the Bombay Government to pay the same to the managers of the school. The principal and interest, however, appear to have been allowed by the managers to accumulate in the Company's treasury, from May 1812 till April 1824. It then became a question after what rate interest upon this deposit should be computed, and whether compound interest should be allowed. Upon the latter supposition, the managers had, on the 30th of April 1824, a demand on the Company's treasury of Rs 81,149, exclusive of Mrs. Boyd's legacy; but the Bombay Government resolved to allow only simple interest at the current rates, which reduced the claim to Rs 46,115, subject to a reference to the Court of Directors.

The amount of the annual charge made upon the funds of the Company for the support of this school, exclusive of interest of money, land and medical aid, appears to have been about R 3,600; but the total amount of aid afforded to it during the period of the school's existence has not been ascertained.

Society for promoting the Education of the Poor within the Government of Bombay.

On the 29th January 1815, a voluntary assembly of the inhabitants of Bombay took place in the vestry room, at which a society was formed under the above designation. The plan of tuition adopted by this society was that which has been ascribed to Doctor Bell, and under its auspices the several schools have been established which are stated in the subjoined List. The Governor of Bombay was chosen perpetual president of the society. The donations of the inhabitants, within the first and second years, were considerable, being sufficient to create a fund of R^s 20,000, after allowing of an expenditure to that amount. The Court of Directors, also, at the request of the Government, authorized a monthly donation of R^s 500: which sum the society continue to receive from the Company's treasury.

LIST of SCHOOLS established by the EDUCATION SOCIETY.

(From the Society's Report of 1821-2.)

When Instituted.	SCHOOLS.	SCHOLARS.
A.D. 1815	Central School at Bombay - - { Boarders - Half ditto - Day Scholars -	148 6 26
1818, 1819	Four Native Schools at Bombay - - - -	180 217
1817	School at Surat - - - { Christians - Natives -	11 14
	School at Tannah - - - { Christians - Natives -	18 11
	School at Broach - - - { Christians - Natives -	10 20
		481
	Exclusive of the Regimental Schools which are also under the management of the School Society, and contain Pupils - - - - -	542
		1,023

The Education Society has received from the Bombay Government grants of ground for the sites of its several schools.

By



By the printed report of 1825, recently transmitted to the Court of Directors, it appears that the number of scholars in the several schools, including the regimental schools, had decreased rather more than 100. It also appears that the Bombay Government make a separate allowance to the society of about R^s 5,000 per annum for *legitimate children*; but it is presumed that by this description the children of European parents are chiefly intended.

By the Report of 1826, which has also been received, it appears that on the 1st of January there had been admitted into the central schools since the year 1815—

	Boys.	Girls.	Total.
Boarders - - - - -	367	228	595
Apprenticed and otherwise removed - - -	257	148	405
Remaining on 1st January 1826 -	110	80	190

	Christians.	Natives.	Total.
That there had also been day-scholars admitted -	268	472	740
Left School - - -	227	368	595
Remaining on 1st January 1826 -	41	104	145

Total remaining in Central Schools on the 1st day of January 1826	335
In Surat School - - - - -	{ Christians - 3 } { Natives - 48 } 51
In Tannah School - - - - -	15
In the Regimental Schools - - - - -	183
Total Scholars - - - - -	584

It also appears, that towards the support of this establishment the Company subscribed in the year 1826 - - - - - R^s 5,280
And an allowance to legitimate children of rupees - - - - - 6,095

Making a total of - - - R^s 11,375

Bombay Native School-book and School Society.

THIS institution was formed at Bombay in the year 1823, for the purpose of promoting education among the natives, by the establishment of schools, and by patronizing and encouraging the compilation of elementary books in the native languages, as well as by purchasing and disseminating such as might be judged worthy of the countenance of the society. It is one of the fundamental principles of the society, embodied in its regulations, to adhere to the principles and rules on which education is conducted by the natives themselves; and in consonance with those principles, the society adopted the Lancasterian plan of instruction, and particularly the great principle of that plan, tuition by the scholars themselves; but so modified as to avoid the evils attendant on the same, when brought into operation in schools conducted wholly by natives.

In October 1823, the society applied to the Governor in Council for pecuniary aid in furtherance of their plans, and obtained the following grants:

	Rupees.
To enable them to pay the rent of the room in which they meet, and have a depository of books, per month - - - - -	80
A sum which had previously been placed at the disposal of the Persian secretary for the encouragement of native works - - -	210
For the support of Mahratta and Guzerattee schools - - - - -	150
For English schools - - - - -	200
Salary for the native secretary - - - - -	100
Mahratta and Guzerattee superintendants - - - - -	320
Per Month - - - R ^s	1,060
Or, per Annum	12,720

The Bombay Government have also supplied the society gratuitously with a lithographic press, and have recommended the publication of several useful works, particularly elementary books in geometry and in ethics, so written as to discountenance the marriage of infants, expensive feasts, and other erroneous practices of the Hindoos.

In 1824, it was proposed to unite this society with the School Society of the Southern Concan, but the project was subsequently abandoned.

By the report of the society's proceedings in the year 1824-5, it appears that a very liberal contribution of R^s 3,550 has been made by 24 native gentlemen, towards erecting buildings for the use of the society.



Appendix (I.)
Education of
Natives.

Education Cons.
8 March 1826.

Public Cons.
10 March 1824.
670. 902.

This report also contains a list of elementary works printed and published by the society, comprehending grammars, dictionaries, and spelling books of the Mahrattée, Goojrattee, and Hindoostannee languages, with some elementary books of arithmetic, geometry, and geography, and a few books of fables and tales.

Dr. John Taylor having bequeathed to the Company his valuable Sanscrit, Mahratta, and Guzerattee library, it was presented to the Native School-book and School Society, in the name of the Company, as the foundation of a native library.

By the society's report of 1825-6, submitted to the Government in March 1826, it appears that 25 Mahrattas and 16 Goojrattees had been admitted as schoolmasters since the date of their preceding report.

Special Committee of the Native School-book and School Society.

EARLY in 1824, a special committee of the Bombay Native School-book and School Society was appointed to examine the system of education prevailing among the natives, and to suggest the improvements necessary to be applied to it.

Their report is recorded on the public proceedings of the 10th March 1824, prefaced by a minute of the Governor, and accompanied by several other documents and minutes of the Council. It commences by enumerating the evils which have distinguished the Indian system of education, and concludes by suggesting remedies.

The first and principal evil mentioned is the deplorable deficiency of books of instruction, of which it is stated there are actually none in the vernacular dialects of the two provinces.

The second, the want of an easy and efficacious method of imparting instruction.

The third, the want of properly qualified persons.

The fourth, the want of funds.

The remedy to the *first* of these evils, the committee conceive, can only be found in the exertions of European gentlemen acquainted with the languages, and capable of pointing out to such intelligent natives as may lend their assistance, the proper mode of reducing these languages to fixed rules and principles, and of employing them in the translation of such works from English as may be approved of by the Directors. They therefore recommend a series of publications adapted to the object of imparting elementary knowledge, to which the labours of the education society will, it is expected, materially contribute. The class of publications referred to is wholly elementary, embracing language, arithmetic, geography, astronomy, philosophy, history, and ethics. The scale of remuneration to the translators to be governed wholly by the merit of the production. And it is recommended that lithographic presses should be employed, as most economical, and peculiarly adapted to a free open writing hand.

To remedy the *second* evil mentioned, it is suggested, after a comparison of the Malabar system of tuition with the more extended and improved plans of Lancaster and Bell, that the latter should be adopted as possessing the greatest advantages. The committee recommend that the study of English should be provided for and permitted, as a reward to those who may have successfully attended to the study of the Mahratta and Guzerattee languages. To remedy the *third* evil, it is proposed to assemble at Bombay, and initiate into the system of education which it is designed to promote, a certain number of young men who are afterwards to be stationed as head masters and superintendants on salary as follows :

	Rupees.
Two at Bombay and Salsette, one for Guzerattee, and one for Mahratta, and to exercise superintendence over the native department of tuition generally - - - - salary 100 rupees each per month -	200
Two others in the Deccan for the Mahratta language, one at Poona, the other at Dhoollea, - - - - - 60 rupees each -	120
Two in Guzerat for Guzerattee; one at Surat, the other at Ahmedabad, - - - - - 60 rupees each -	120
English Teachers to be rewarded according to merit.	
The whole establishment to be under the European secretary of the society, to whose native secretary it is proposed to allow a salary of rupees per month - - - - -	100
To which, adding for English schools :	
At Bombay - - - - -	100
In the Deccan - - - - -	60
In Guzerat - - - - -	60
The Total Monthly Expenditure will be - R ^s -	760

As the only available remedy for the *fourth* evil, the want of funds, the committee make their appeal to the liberality of Government; after showing, by the annual statement of the School-book Society's funds, their own inability to meet the additional charge.

In a minute recorded by Mr. Warden on the foregoing paper, that gentleman suggested the necessity of great caution in rendering assistance to the natives, in procuring education, lest they should be led to depend too much on Government for the education of their children. He suggested that a preference should be held out in the appointments to official situations, to those who might qualify themselves in particular attainments, making it a rule that no person, of whatever rank, should be employed without being able to read and write. Mr. Warden also suggested that advantages might be attained from *indirectly* encouraging the



Appendix (I.)

(1.) Memoir by
Thomas Fisher,
Esq.

the missionary societies, who have hitherto promoted education with success. "I entirely concur," he observes, "with the Governor in the expediency of abstaining from all attempts at religious improvement; yet so long as the natives do not complain of the interference of the missionaries with their prejudices, and so long as they prosecute their labours with the caution and judgment they have hitherto manifested, their exertions cannot fail of being profitable. Even if they combine religious with moral instruction, no danger will arise out of their agency. The beneficial result may not be immediately conspicuous, yet it must ultimately appear, even if limited to the education of the lower classes of the natives. If education should not produce a rapid change in their opinions on the fallacy of their own religion, it will at least render them more honest and industrious subjects."

Mr. Warden did not fully concur with the president in the propriety of adopting some of the measures suggested by the special committee. The *press* he thought might be more usefully employed in aid of the great object contemplated, were its services rendered less directly under the control of Government, and encouragement merely given to such of its spontaneous productions as might be calculated for extensive usefulness. After considerable discussion among the members of the Council, whose minutes are recorded on the proceedings of the 10th March 1824, it was resolved to defer the decision of the Governor in Council for the present, on the question of aiding the Native School-book and School Society, in the manner and to the extent stated in the report of the special committee of that society; but to apply to England for lithographic presses for the use of the society; to allow a monthly rent of 80 rupees for a receptacle or depository for the publications of the society and place of meeting for its committee; and to afford the other aids mentioned in the report of the society already quoted.

It was also determined to call upon the several collectors to report to Government—

The number of village schools in their zillahs respectively?

What proportion that number bears to the number of villages?

What allowances are granted to schoolmasters, and from what source?

Whether similar provisions could be made for schoolmasters in villages now without schools?

Whether, if small salaries for teachers were allowed to be deducted from the revenues of villages, where they are required, and to be inserted among the village expenses, effectual means could be employed to secure the appropriation of them, and the efficiency of the schools, and what allowances would be sufficient?

Whether such charges might not be made upon lands granted from time to time, as *sircar*, *wurchasuns*, *enams*, &c.

Whether there are any religious allowances, which although it might be impolitic to resume them, might by proper management be diverted to this purpose?

Whether a payment of money for this purpose might not be accepted in lieu of the religious or other services, for the performances of which lands are often held?—And,

Whether any inconvenience would arise from a rule, that after a certain number of years, no person should be entertained as a public servant, unless able to read and write.

Also to report generally such observations as they might find occasion to offer on the subject.

REPORTS on the State of Education in the Territories subject to
the Presidency of *Bombay*.

In January 1825, the Governor and Council recorded such Reports as had then been transmitted to them by the revenue and judicial officers in the following districts:

Ahmedabad.
Southern Concan.
Kaira.
Northern Concan.
Surat.
Broach,
Khandeish.

Local reports
Gen. Cons.
19 Jan. 1825. 27.
16 Jan. 21 to 105
Education Cons.
14 Dec. 1815. 1 to 8.
31 Dec. 6, 7.

Some of these reports are voluminous, and contain minutely detailed statements of the institutions in existence for the promotion of education among the natives. Others are less satisfactory, and they do not all fully meet the points of inquiry which had been proposed by the Government. The following is a brief analysis of them.

APPENDIX TO REPORT FROM SELECT COMMITTEE

ABSTRACT of the RETURNS from the Magistrates and Collectors

DISTRICTS.	1.		2.		3.
	NUMBER of SCHOOLS and SCHOLARS.		NUMBER of VILLAGES.		SCALE of ALLOWANCES to SCHOOLMASTERS and from what Source derived.
	SCHOOLS.	SCHOLARS.	VILLAGES that have SCHOOLS.	TOTAL VILLAGES.	
Surat Zillah - - - (exclusive of alienated villages.) W. J. Lumsden, Collector.	139	average about 3,000	- 21 schools to each 100 villages.	655	-- Total Emolument : Flour - - - R ^s 915 1 61 Cash - 4,122 19 to 5,052 2 19 Service lands - - - 135 3 - <u>Total R^s 5,163 2 80 to 6,103 2 80</u>
Surat Town - - -	Hindoo 42 Pundits 18 Mah ^a - 20 Moollas 56	2,222 66 471 287	- - - -	- - - -	-- Each master receives about 60 rupees per annum for 50 boys in grain and money.
Broach Zillah - - - R. Boyd, Acting-Col- lector.	In Cusbas 13 Villages 85	- - - Not stated	- - -	Cusbas or Townships 5 Villages 391	In the townships they receive their recompense chiefly from the parents. There are, in some cases, fixed allowances of from 30 to 70 rupees. In others a daily present of one quarter of a seer of grain, and payments in money upon the scholars attain- ing to a certain state of proficiency. In the villages the mode of remuneration is usually similar to that adopted in the townships; but the fixed annual allowances are as low as 20 rupees, and scarcely ever exceed 50 rupees.
Broach Town - - - John Kentish, Judge.	16	373	- - -	- - -	-- The schoolmaster's allowances are derived from the parents of the children, and consist of a small quantity of grain, daily presented by the pupil. A few pice in the course of the month, half a rupee or a rupee at the different stages of advancement. The income of a schoolmaster never averages more than from 3 to 5 rupees monthly, and is precarious.
Kandeish - - - Archibald Robertson, Collector.	Hindoo Elementary 95 Superior 75 170 Mah ^a - 19 Total 189	2,022 (being in the proportion of 1 to 18, the number of male inhabi- tants, being 36,881.)	68	2,738	-- The schoolmaster's allowances are all derived from the scholars, and supposed to average not more than 36 rupees per annum for each school.



of the several Districts subject to the Government of *Bombay*—continued.

4.	5.	6.	7.	8.	9.
Whether similar Provision for Schoolmasters could be made in Villages now without Schools.	Whether small Salaries for Teachers could not be secured in the way of Charge upon the Public Treasury.	Whether such Charges might not be made on Lands.	Whether any Religious Allowances might be so appropriated.	Whether a Payment in Money for this purpose might not be accepted in lieu of the Religious or other Services, for performance of which Lands are often held.	Whether any inconvenience would arise from a Rule, that after a certain number of Years no person should be entertained as a Public Servant, unless capable of Reading and Writing.
<p>-- He recommends opening 172 new schools for about 6,000 scholars, at an expense to the Circar, of about - R' 5,800 Other allowances 3,500 Total charge 9,300 To be defrayed eventually by the Government.</p> <p>Not without the aid of Government</p> <p>-- It certainly could, but it should be done progressively, and the scale of remuneration not fixed too high, as it would be difficult to ensure its application to the object contemplated.</p> <p>-- The number of schools can only be increased by Government.</p> <p>No</p>	<p>-- Such salaries might be so charged, but doubts are expressed in that case respecting the practicability of ensuring the efficiency of the schools. A payment per head according to proficiency considered to be preferable.</p> <p>-- Yes; under European superintendence, and with periodical examinations.</p> <p>Yes -</p> <p>-- Yes, of from 10 to 12 rupees; such salaries will ensure the services of respectable teachers; periodical examinations will be necessary to secure the efficiency of the teachers.</p> <p>-- In answer to this query Mr. Robertson suggests 127 schools, at $2\frac{1}{2}$ rupees per month - - 3,810 225 at 3 - - 8,100 11,910 Rewards - 500 12,400</p> <p>With examinations and other arrangements, which he conceives calculated to ensure the efficient application of sums so appropriated.</p>	<p>-- No assistance can be expected from this source.</p> <p>- - - - -</p> <p>-- Vershums and enams ought not to be taxed, because their tenure is essentially at variance with taxation.</p> <p>- - - - -</p> <p>-- It is believed that there are no enams or other lands on which such charges could be made, but no satisfactory answer can at present be given to this question.</p>	<p>-- There are religious endowments, the funds of which could be diverted to the aid of education.</p> <p>- - - - -</p> <p>-- Such an appropriation would be objectionable.</p> <p>- - - - -</p> <p>-- It is believed that there are not many such allowances, but further information will be submitted hereafter.</p>	<p>-- Not any lands held for services which might be so commuted.</p> <p>- - - - -</p> <p>No answer</p> <p>-- No such commutation could be made for reasons assigned.</p>	<p>-- No inconvenience apprehended, except in the case of peons, to which office it might, in the event of such a rule being adopted, be necessary to appoint otherwise improper persons.</p> <p>-- No difficulty if the rule be not applied to peons.</p> <p>-- Cannot state the probable result of such a measure.</p> <p>-- None apprehended, provided a sufficient time is allowed, and that the schools are placed on an efficient footing.</p> <p>-- This rule would be beneficial, except with respect to peons.</p>



Appendix (L)

Education of Natives.

See seq.

The returns, of which the foregoing brief abstract gives the most material statements, are accompanied by a report from Mr. Secretary Farish, containing some observations on the principal points which they elicit.

On the mode and amount of compensation, the secretary objects to the suggestions of Lieutenant Jervis as extravagant, and submits the expediency of adopting in preference the modes already in use among the natives, including the daily present of grain, and of gradually transferring the duty of remunerating the schoolmasters, to the public officers of the Company. "The most customary mode," he observes, "of paying for schooling by a daily present of grain, and, on advancing to different branches of instruction or leaving the school, of money, is one which possesses some very important recommendations, as engaging the interests of the master in the daily attendance of his scholars and their speedy advancement, particularly if checked by examinations into the proficiency of the boys, which the collectors, their assistants or the camavisdars might (as would seem from the reports) attend to."

Most of the collectors, Mr. Farish remarks, in their answers to the 9th query, apprehend no objection, inasmuch as the rule is already essentially in operation with reference to all but peons, and the multiplication of free schools would make the enforcement of it very practicable with respect to that class of natives.

The chief obstacle in the way of improving the education of the people, as appears by the reports of some of the collectors and magistrates, is stated to be the difficulty of obtaining qualified schoolmasters. "It seems," says Mr. Farish, "one of the greatest objections to establishing numerous new schools at once, that the persons who would be employed, might be expected (from the experience we have already acquired) to oppose or to neglect the introduction of any improvements either in the matter or the manner of instruction, without a much more vigilant European superintendence than could possibly be afforded. A great delay in the establishing of schools at the presidency has arisen from the necessity of educating the schoolmasters in the first instance, and a number of youths are with that view under instruction. If, therefore, it be resolved, that Government should assist in establishing schools where they are not, the first step for rendering them really useful would be, to collect youths for the purpose of instructing them according to a proper system, and in proper books and branches of knowledge, and after they have attained sufficient to qualify them for the duty at a school which can be ably superintended, to appoint them to the schools for which they have been selected.

"With such masters the improved system will be carried on, by the influence of the same motive which with other masters would oppose improvement, they would teach in the manner in which they had been taught, in the only way which they understood.

"The extension of education by this means might not be so great in the first three years, as it would be by establishing at once schools with such masters as are now to be met with, but after that it would extend as speedily and much more efficiently. It will not, however, be without difficulty, for it will probably meet with opposition from the present teachers."

Mr. Farish also decidedly recommends the use of the society's books, and of lithography in the conduct of the schools, and submits that the aid of Government will be the only pecuniary resource to be relied upon for their support. He adverts to a plan submitted by Major Robertson for keeping in the hands of the collector the patronage of the schools, which he thinks might be rendered, if it were not too unpopular, a most important means of improving education; the plan having been adopted and followed with success by Lieutenant Jervis in the Southern Concan.

The reports above noticed were accompanied by two separate plans for native schools. The first, that proposed by Major Robertson, and the second by Mr. Williamson, which contain the following suggestions.

1st. Major Robertson's Plan.

The schoolmasters to receive pay from Government, at per head, and for a limited period only for each scholar; but the scholars to remain till their education is complete.

The schoolmaster's claims for allowances not to be fully liquidated but upon production of a certificate of the scholar's proficiency.

The examinations to be conducted and certificates signed by the mahmutdars of the villages and such other persons as the collector may appoint.

That there shall also be examinations before the punchayets twice a year, at certain central and convenient stations.

That instances of extraordinary proficiency shall be reported to the collector, who shall cause a further examination to take place, and bestow upon meritorious scholars another certificate of merit, and a "suitable token of approbation."

The collectors and their assistants to visit the school at their discretion without previous notice, and bestow small rewards for extraordinary diligence.

The certificates of merit obtained at school shall entitle to employment in the public service, in preference to any individuals who have not such certificates.

Monthly returns of the scholars and their comparative proficiency to be made to Government, and checked every half year by the mahmutdars and sheristadars of the villages.

Certain

Major Robertson's Plan



Certain specified classes of persons capable of paying for the education of their children, not to be allowed to receive it at the Government's expense.

The office of schoolmaster to be no longer in any case considered hereditary; but the individuals who fill it to be liable to dismissal by the collector for misconduct; and in cases where the office has been hereditary, the successor to be appointed to be the nearest qualified relative of the person dismissed, who may be willing to undertake the duty.

The ordinary term of schooling to be four years, or till the scholar has attained the age of 12 years; but in cases where the scholars do not go to school till they have attained the age of 10 years or more, then only three years' schooling to be allowed them at the public expense.

2d. Mr. Williamson's Plan.

Schools to be established in each village where the number of houses exceeds 400.

Where the villages are smaller, one school to be allowed to two or three, according to local circumstances.

A master to be appointed to each school, and to receive a fixed pay from Government, besides the allowances he may receive from the boys.

Remuneration to schoolmasters to be—

First class	-	-	-	-	12 rupees per month.
Second	-	-	-	-	8 - - ditto.
Third	-	-	-	-	7 - - ditto.

Masters of the first class to be appointed to cusbas, towns, or villages of 600 houses.

Masters of the second class to villages, or circles of villages, of from 250 to 600 houses.

Masters of the third class to districts of less than 250 houses.

The pay of schoolmasters to be a charge on the revenues of the villages.

Masters to be appointed by the zillah magistrates after examination as to the extent of their qualifications by a committee of respectable natives, the shastree of the court presiding.

To be appointed by sunnud.

The schools to be held in broad sheds, erected for the purpose.

Annual examinations to be had, to be conducted before the magistrate in the most public manner.

Prizes of turbans to be given by the magistrate as frequently as practicable.

In schools containing 100 boys or more, five turbans, value 9, 8, 7, 6, and 5 rupees each; in schools of from 50 to 100 boys, three turbans, value 7, 6, and 5 rupees; and in schools of less than 50 scholars, two turbans, of 5 and 4 rupees value each.

Lieutenant J. B. Jervis's proposal for an increased establishment of schools in the Southern Concan, also suggests the following scale of expenditure :—

	TEACHERS.	LANGUAGE.	Number of CHILDREN.	MONTHLY SALARY.	TOTAL.
Rutnagherry - - -	3	Mahratta - - -	300	30	90
" - - -	1	Persian and Arabic -	60	50	50
" - - -	2	English - - -	50	{ 60 40 }	100
" - - -	2	- - -	100	{ 60 40 }	100
Eight Chief Towns in the Talooks, each }	2	Mahratta - - -	200	20	40
	1	Hindostanee - - -	60	20	20
Each Cusba of Me- hals, and for very populous Towns. - - }	2	Mahratta - - -	200	15	30

Total for the Schools in the Zillah, 8 Talookas and 67 Mehals } Rupees.
per annum, for the instruction of 16,000 children, exclusive } 34,360
of books, school-houses and premiums - - - }

By these reports of the collectors and magistrates, it is stated, in the communication to the Court of Directors, that former impressions as to the actual state of science among the natives of India are confirmed, "that education is in a low state throughout the country; that the instruction imparted in schools extends, with very limited exceptions, only to such



Appendix (I.)

Education of
Natives.

Resolution.

an elementary acquaintance with writing and arithmetic as is absolutely necessary for the business of a shopkeeper or tultatee; that but a small proportion of the people acquire even this knowledge; and that the aid of Government, in providing or assisting in the remuneration of schoolmasters, is essential to any advancement of learning, if not to the preservation of the very inefficient and defective means of instruction now existing."

On these several papers, the president and members of council recorded minutes, generally concurring in the observations and suggestions of Mr. Farish, and particularly in the necessity of giving the earliest attention and encouragement to the education of schoolmasters, which it was proposed and resolved to do, even pending a reference to the Court of Directors; also, by affording every encouragement to the plans already in progress under the Education Society.

The minute of Mr. Goodwin contains the following observations on the general question respecting the expediency of Government's adopting some plan for improving the education of the natives, although he declares his own notions as to the best mode of prosecuting that object to be by no means settled. "Although," he says, "there are many village schools in existence in the territories attached to this presidency, the instruction received through this channel is almost exclusively confined to the mere elementary parts of education, which go into the business of a shopkeeper or tultatee; the moral and religious improvement of the scholars forming, in fact, no part of the system in operation; it is therefore obvious, that if measures be not taken to push education beyond this scale, the rising generation can scarcely be expected to advance in civilization. I ought, perhaps, to say, that they must retrograde, and appear less estimable to Europeans than they have hitherto done, since it cannot be denied, that our rule has relaxed many of those restraints which the policy of native states imposed upon the conduct of their subjects. Among the rest, the use of spirituous liquors, under the Mahratta government, was, I believe, so guarded, that an intoxicated person was rarely to be seen in any of their towns, and whenever seen severely mulcted. I fear the vice of drunkenness is now much more common, and looked upon with much less abhorrence than formerly. The question, then, seems to be, by what means we are likely to wean them from such degrading propensities, and to recal them to the practice of those moral virtues which their own institutions exacted. Other allurements may be suggested, but education is surely the safest, and at the same time the most general. It will go into the cabin of every villager, and while it conducts him to attainments which, without general instruction, we can hardly expect to see introduced among the lower orders, as objects of study, it must infuse into their minds ideas that will gradually subdue their superstitions and prejudices, and contribute to their elevation in the scale of civilisation."

The objects in connection with this subject to which the Court's attention is now particularly directed, as needing their countenance and pecuniary support, are the following, of which the three first are connected with the diffusion of education in its early stages among all ranks of the people.

First, The improvement of schools and increase of their number by educating schoolmasters, and gradually establishing new schools. The Native School-book and School Society has been authorized to proceed in the education of schoolmasters, and to report to Government from time to time such as were found qualified.

Second, The publication of school-books. The society has also been authorized to proceed with this work on a limited scale; all estimates exceeding 5,000 rupees to be submitted to Government previously to the expense being incurred.

Third, The encouragement of schools and education among the lower orders, by the establishment of examinations, certificates, and prizes, both to scholars and masters.

The other objects recommended to the attention of the court are connected with the encouragement of the higher branches of knowledge, viz.—

Fourth, Schools* for European science.

Fifth, Printing translations, and advertising rewards for the best. This object being considered one of superior importance, the Education Society has also been authorized to proceed in the accomplishment of it, by offering rewards of from 100 to 400 rupees for school-books, and from 4,000 to 5,000 rupees for superior productions.

Sixth, "English schools for teaching science."

Seventh, Rewards to natives for good original essays on subjects of natural or moral science, in any of the spoken languages of India. The Native School Society has likewise been allowed to offer such rewards, to regulate the subject, and to fix the scale of merit by which the rewards are to be adjudged. Mr. Elphinstone proposes that this reward be liberally granted "to any native who should produce an essay containing anything like an improvement in science, from whatever source derived, or a good essay on any subject of natural or moral science in one of the spoken languages of India."

The separate proceedings relative to education, of the 14th December 1825, contain the reports of the collectors in the Deccan, on the state of education among the natives there, transmitted by the commissioner. The following is a brief summary of the contents of these reports:—

A brief

* It is presumed that native schools are intended.

Education Cons.
14 Dec. 1825.
1 to 8.
Do 31 Dec.

6.



A BRIEF SUMMARY of the CONTENTS of the REPORTS on the State of EDUCATION in the DECCAN, transmitted by the Collectors of *Poona* and *Ahmednuggur*, and by the Political Agent in *Darwar* to the Commissioner at *Poona*, and by him forwarded to the Government, and recorded on the Proceedings of the 14th December, 1825.

DISTRICTS.	Number of Villages.	Population.	SCHOOLS.					TEACHERS.			SCHOLARS.			REMARKS.
			Mahratta.	Persian, Arabic, Canarese, Jelang, and Gujaratee.	For the Vedas, Shasters, and Sciences.	English.	TOTAL.	Hindoo.	Mahomedan.		Hindoo.	Canarese and Persian.	TOTAL.	
Poona City - - -	- - -	- - -	53	5	164	-	222	not stated.			-	-	-	- Children commence the study of the vedas at eight years of age. If of moderate abilities they would require 12 years' study, or if of poor abilities perhaps 22 years. The best teacher receives per month 60 rupees; the second best, 50; the third, 40 rupees. One master can teach ten children at once when they are a little way advanced. Teachers of astronomy, physic, or anatomy, receive after the rates of R ^s . 100, 75, or 50 each per month, according to their abilities. The teachers of the Shasters are paid after the same rate, and the scholars require the same time to attain proficiency: viz. from 12 to 22 years.
Poona District - H. D. Robertson, Collector.	880	not stated.	110	4	34	1	149	not stated.			- - Average 15 scholars to a school; estimated total of scholars, 2,445, who learn the spoken languages of the country. Estimated amount of male youths of the district, from 5 to 15 years of age, 60,000.	- - Schoolmasters who teach the Mahratta and other languages, paid by the parents at the rate of six, five, four, and three rupees per annum for each scholar. There is no public endowment or contribution by Government towards education. Several wealthy natives employ tutors in their own houses, to teach their children Sanserit and the sciences; and occasionally, from motives of religious charity, permit the children of their poor neighbours or friends to partake of these advantages. Others club their means to employ teachers for their children, excluding from the benefit all but subscribers. Eminent Shasters hold their schools in their own houses; others where they can. There is in general great need of improvement in the system.		
Ahmednuggur - Henry Pottinger, Collector.	About 5,635 or 35 to 1 school.	not stated.	114	12	35	-	161	not stated.			- - There is no endowment by Government. The vedas, &c., are taught gratis. The schoolmasters earn a limited and precarious livelihood of about (on an average) three rupees each per month. The collector proposes to establish 240 additional schools, including two for medicine, and one English school. He also suggests the expediency of augmenting the total number of schools to 400, excluding those subject to Shallapoor, and that they should be placed under the superintendence of the collector and his assistants, as visitors on circuit.			
Darwar - - - J. H. Baber, Political Agent.	1,441	not stated.	79	66	5	-	150	-	-	151	1,313	1,035	2,351	- - Of these scholars there are in the Brahmin caste, 649; of Sugwunt, 1,164; and of all the other castes, an inconsiderable number of each. 871 learn only reading, writing, and simple arithmetic; 1,390 learn to write on sand or on boards besmeared with earth called dowlacharam; and 107 to read the Jayamony video Mill and Kurema, and Persian books. The average monthly pay of teachers is R ^s . 4. 1. 62.; the average pay from each pupil, 13½ rees. The talook servants propose 92 additional schools, at which they expect at least 1,700 scholars will attend. The average monthly pay proposed for each teacher is calculated at R ^s . 7. 0. 32½.; the average contribution of each scholar, R ^s . 1. 0. 53½.

I. PUBLIC.

Appendix (I.)

Education Cons.
12 Oct. 1825.
9 to 16.

D^o 30 Nov. 1825.
2, 3.

D^o 7 Dec. 1, 2.

D^o 5 Oct. 1 to 4.

D^o 1826. 1, 2.

D^o 8 Feb. 1826.
1, 2.

In pursuance of the determination to which the Government of Bombay has come to adopt, pending a reference to the Court of Directors, certain measures for the promotion of education among the natives, the following specific measures have been agreed upon.

To grant to the Native School and School-book Society a bill on Calcutta for a supply of Balbodh types, and to forward an indent for other printing materials to the Court of Directors. Mr. Warden dissented from this resolution, and recorded a minute, in which he proposed to limit the aid afforded by Government to this society to a fixed monthly grant, leaving the society to look for further aid to other sources.

The Bengal Government, in November, 1825, forwarded to Bombay, for the use of the society, a quantity of medical books, which had been printed at Calcutta in the languages of the Bombay side of India.

In December 1825, the Bombay Government ordered the society to comply with an application received, through the commissioner in the Deccan, from the collector in the Carnatic, for a supply of Mahratta books.

The society has also obtained permission to receive the proceeds of the sale of their books through the several collectors; and the difference between the amount granted to them monthly and that which they had drawn, has been paid to them, for the purpose of enabling them to defray the expense of new buildings which they had erected.

In January 1826, Major Robertson, the collector of Kandeish, submitted, through the commissioner in the Deccan, a proposal to grant a salary of 15 rupees per month to the puntajee of Peempalnore, who had long conducted a Mahratta school according to the native system. It was also proposed that Government should purchase a house for him, and grant land to provide for its expenses; both proposals were acceded to. Upon the puntajee being called upon to assign reasons for requiring a salary for the performance of duties which he had long professedly performed without one, he gave an answer to the following effect, that he was formerly independent, trusting to the receipt from his pupils of whatever their respective means might enable them to afford; but the present system rendered him dependent, by subjecting him to a periodical scrutiny, to be conducted by the mahmutdar, and by binding him to complete the education of a pupil in the space of three years; and that the prospect of obtaining a compensation larger in a small degree than he formerly received was not, in his estimation, even sufficient to counterbalance these evils. He preferred obtaining a small and certain remuneration with ease to himself, to a larger one gained with greater difficulty.

The Engineer Institution at Bombay,

Public from
1 Nov. 1824.
Cons. 29 Sept

WHICH is maintained wholly at the expense of the Government, and superintended by Captain Jervis, is filled chiefly by native youths; the proportions being on the 13th September 1824, the date of the engineer's last report, about 36 natives to 14 lads of European descent, or of colour. Of the natives, several are sons of wealthy inhabitants, and have been allowed to enter the institution, not with a view to public service, but solely that they may acquire the sciences and arts which are taught therein. These are the elementary principles of arithmetic in its higher branches, geometry, trigonometry, and the arts of drawing and surveying. The chief engineer represents the natives, both Mahratta and Guzerattee, as studying in the same classes with Europeans, and with equal success, and describes their progress as having been rapid, and their attainments considerable. The Bombay Government, in addition to the other expenses of the institution, have sanctioned prizes, in books and medals, to the total annual value of 180 rupees.

The Native School Society of the Southern Concan.

Public from
11 Aug. 1824.
Cons. 16 June.
6 Oct.
27 Oct.

THIS society was formed on the 15th June, 1823, by the exertions of Lieutenant J. B. Jervis, for the establishment of native schools in the Southern Concan. It commenced its operations with a fund amounting, in annual subscriptions and donations, to 1,600 rupees, including some liberal contributions made by natives of distinction. With this sum three schools were established at Rutnagherry, Nandewra, and Chiploon, for instruction in the Mahratta language. Elementary books have been supplied from the Presidency, and small rewards given to the most forward and attentive children. In addition to the native schools, one school has been established at Rutnagherry for instruction in the English language.

The Governor in Council of Bombay, upon representations being made to them of the object and success of this institution, resolved in June 1824, to aid the society by a grant of books, a donation of 1,000 rupees, and an annual subscription of 500 rupees.

The second report of this society was submitted to the Bombay Government in October, 1824, and exhibits the following view of the then state of the schools:

		Teachers.	Children Admitted.	Deceased, left, &c.	Children now in School.	Total Expense.		
						R ^s	an.	rs.
Rutnagherry,	1 Mahratta School	2	177	31	146	778	3	20
Ditto	- 1 English - -	2	34	18	16	576	2	23
Nanderee	- 1 Mahratta - -	1	46	2	44	177	2	50
Chiploon	- 1 Ditto - -	1	33	1	32	174	2	63
Total - -		6	290	52	238 of which 120 are Brahmins.	1,709	2	56



The actual expense of the English school is R^y 1,096. 3. 5., but nearly the half of this sum, or R^y 520. 1. 27., is repaid by the scholars. The average annual expense of each child's education in the Mahratta schools is 3 rupees; in the English school it is 25 rupees.

Material assistance in the establishment and management of these schools appears to have been derived from two public spirited natives, Mahomed Ibrahim Pacha and Wittoba Ragoonth Caunt, whose services were acknowledged by the Governor in Council.

Appendix (I.)

(1.) Memoir by
Thomas Fisher,
Esq.*Captain Sutherland's Plan for the Education of Natives with a view to the Civil Service.*

By a letter dated 14th March 1825, Captain Sutherland, of the 3d Light Cavalry, submitted a plan for the education of native youths in such branches as would qualify them to serve the Company in the revenue line, in which department of the service the greatest want of efficient agents was experienced. This plan was referred by the Government to Mr. Chaplin, the commissioner in the Deccan, who recommended its adoption, and framed a proclamation inviting candidates to come forward as pupils. Some discussions appear to have taken place in Council respecting the propriety of immediately adopting this plan, which ended in a determination forthwith to carry it into execution. Mr. Chaplin was accordingly authorized to send pupils to the presidency, whither he immediately despatched 24 Brahmin boys, who were placed under the care of Captain Jervis, and the following sums assigned by the Government for the support of the institution:

For a superintendent, per month,	- - - - -	Rupees.	200
For 25 boys at 8 rupees, each,	- - - - -		200
Rupees, per Month,			400
Or, per Annum,			4,800

Public Cons.

20 April 1825.
16 to 26.
13 July 1825.
27 July 1825.
14 Sept. 1825.Education Cons.
31 Dec. 1825.
9 to 35.*Institutions in the Deccan for the Encouragement of Learning.—The Dhukna.*

THE Honourable Mount Stuart Elphinstone, in his Report on the territories conquered from the Peishwa, submitted to the Governor in Council in 1819, stated, that in the Peishwa's time, an annual distribution of charity, called the Dhukna, took place, which cost five lacs of rupees; that "the original plan was to give prizes to learned Brahmins, but that as a handsome sum was given to every claimant, however ignorant, to pay his expenses, the institution degenerated into a mere giving of alms." The practice was therefore abolished, the sum of five lacs of rupees being considered "too enormous to waste;" but the abolition appearing to be extremely unpopular, Mr. Elphinstone obtained the sanction of the Bengal Government to the appropriation of a sum not exceeding two lacs of rupees to this object, and re-established that which appeared to have been the original Dhukna, amounting to R^y 50,000, and proposed that it should be still kept up, but that "most of the prizes, instead of being conferred on proficient in Hindoo divinity, should be allotted to those who were most skilled in the more useful branches of learning, law, mathematics, &c., and that a certain number of professors might be appointed to teach those sciences. The arrangement and appropriation of the Dhukna was committed to Mr. Chaplin, the commissioner in the Deccan.

Political Cons.
23 Feb. 1820.

In August 1825, Mr. Chaplin forwarded to the Presidency, copy of a letter from the collector of Ahmednuggur, requesting that a teacher might be furnished for that place. In reply he was authorized to send a young native to the Presidency, to be instructed in the popular modes of tuition at the Company's expense.

Education Cons.
17 Aug. 1825.
2, 3.*The Hindoo College at Poona*

Was projected by Mr. Chaplin, the commissioner in the Deccan, and established by authority of the Bombay Government on the 7th October 1821, at an annual charge to the Company of about R^y 15,250, which has since been confirmed by the Court of Directors.

Public Cons.
20 Dec. 1820.
D^o 15 Aug. 1821.
D^o 10 Mar. 1824.
D^o 24 Oct. 1821.

The college was designed to contain 100 students, divided into 10 classes; three of divinity, one of medicine, one of metaphysics, one of mathematics and astronomy, one of law, one of logic, one of belles lettres and rhetoric, and one of grammar.

The Establishment, in 1824, consisted of—

One principal, at a salary of, per annum	- - - - -	Rupees.	1,200
Five professors of the Shastres, at 720 rupees each	- - - - -		3,600
Three ditto of the Wyedicks, 500 rupees ditto	- - - - -		1,500
Ten assistants to ditto, at 240 rupees each	- - - - -		2,400
Eighty-six scholars at 5 rupees each per mensem	- - - - -		5,160
Establishment and contingencies	- - - - -		1,390
Total expense	- - - - -		15,250

Dr. John Taylor having, as before stated, bequeathed his curious collection of Sanscrit manuscripts to the East India Company, copies of several of them were ordered to be made at the Company's expense for the library at Poona.

Education Cons.
27 July 1825, 4 to 6.
D^o 15 Feb. 1826, 3, 4.
D^o 22 D^o 1, 2
12 Oct. 1826, 16.
D^o 31 Dec. 3 to 5.
Letter from
15 March 1826,
18 to 10.
Education Cons.
1 March 1826, 1, 2, 3
29 D^o 4

At the instance of Mr. Warden, a reference was made to this college in 1825, desiring to know whether they were willing to have a branch for English education added to the institution, and holding out the prospect of being supplied with a library of the most useful works, elementary and practical, in all departments of literature, arts, and sciences. The proposal was acceded to with readiness, and four students volunteered to repair to Bombay, to acquire the



Appendix (I.)

Education of Natives.

necessary education as candidates for the office of master and assistant. Salaries have been sanctioned for the persons holding these situations—

To the former, rupees, per mensem	-	-	-	-	50
To the latter	-	-	-	-	20

Application has also been made to the Court of Directors to furnish from this country a considerable number of publications, specified in a list inclosed in the packet, as the foundation of an English library.

Education in the Northern Concan.

Public Cons.
10 March 1824,
901.
854.

In December 1823, Mr. Marriott, the collector of the district, suggested the expediency of establishing in it 15 Mahratta schools, and one for English, at the public expense. The president, Mr. Elphinstone, was favourable to an immediate compliance with the suggestion, but the other members of the Council not acquiescing, it was deferred till the result of the general inquiry into education should be known.

Education Cons.
8 June 1825. 1.

In May 1825, a petition was received from the Brahmins and ryots of the village of Mozali Puluspey, in this district, setting forth, that their children were desirous of learning the Mahratta language, but were unfortunately too poor to keep a schoolmaster, and praying the assistance of Government. This petition was referred for report to the collector, who represented the parties as very desirous of the favour of Government. It was accordingly ordered that a youth from the village should be forthwith sent to the Presidency to receive instructions as a schoolmaster.

27 July 1825,
2, 3.

Gen. Cons. 20 Oct. 1824,
5894.

The Bhow's College at Surat.

From 15 Mar. 1826. 21.
Gen Cons.
12 Oct. 1825. 16.

AN offer has been made to the Bhow, through the judge at Surat, to add a branch for English education to this institution, but the Bhow's answer has not yet been received.

PRINCE OF WALES' ISLAND.

The Free School in George Town.

Letter from 13 Dec. 1815; to 3 July 1817; from 8 July 1816; Cons. 6 Jan. 13 D° 12 Oct. 3 Aug. 1816; 29 Mar. 7 June, 24 July, 11 Sept. 30 Oct. 1817; Letter to 14 Oct. 1818; from 1 July 22 Nov. 1817; 24 Aug. 1820; 7 July, 1819; Cons. 25 Jan. 16 Feb. 18 June 1819; 5 Oct. 1820; 25 Jan. 1821; From 15 Nov. 1822; Cons. 31 May 1821; 3 Oct. 28 Nov. 17 Apr. 1822; 15 May 1823; 4 Mar. 29 Apr. 4 Nov. 2 Dec. 1824; 2 June 1825; from 31 July. 2 Dec. 1824; to 23 Jan. 1822; Letter to 23 Apr. 1823; 2 Dec. 1824; Cons. 25 Jan. 8 June 1816; to 12 May, 4 Aug. 1824.

IN November 1815, at the suggestion of the Rev. R. S. Hutchins, chaplain of the settlement, a committee was formed, consisting of seven gentlemen, who were entrusted with the establishment of a school for the instruction of native children in the most useful rudiments of education; the school to be conducted by a superintendent, and such teachers as should be requisite; to be open for the reception of all children, without preference, except to the most poor and friendless; parents who might be able to pay to be allowed to do so; children resident near the school to be day-scholars; those who might come from a distance to be boarded, and if possible clothed; all the children to be educated in reading and writing English, and in the common rules of arithmetic, and at a proper age, in useful mechanical employments; great care to be taken to avoid offending the religious prejudices of any parties; the Malays, Chinese, and Hindoostanees to be instructed in their own languages by appointed teachers; the school to be open to children of all ages between 4 and 14 years.

The above plan was carried into effect with the approbation and under the patronage of the government, who contributed, on the part of the East India Company, towards its establishment, 1,500 dollars; to which was added an annual grant of 200 dollars, afterwards reduced to 100 dollars in pursuance of orders from the Court of Directors.

The Government of Prince of Wales' Island also granted a piece of ground, called Church-square, for the erection of two school-houses, one for boys and the other for girls, which grant was confirmed by the Court of Directors. This ground being afterwards required for the church, another site near to Church-square has been chosen, upon which the building has since been erected.

In July 1824, this school was reported to the Court of Directors to be in a prosperous state, having in it at that time 104 boys of different ages, and having sent forth several promising youths, six of whom had been placed by regular indenture in the public service.

As a further accommodation to the managers of this free-school, the Prince of Wales' Island Government, in November 1819, consented to receive 12,000 dollars of its funds into the Company's treasury, allowing interest thereupon at the rate of six per cent. per annum.

Total interest per annum, 720 dollars.

The Three Missionary Schools for Malays and Chinese.

IN January 1819, the Rev. Mr. H. Medhurst, a missionary under the patronage of the London Missionary Society, submitted to Government the plan of a charity school, for the instruction of Chinese youth in the Chinese language, by making them acquainted with the ancient classical writings of the Chinese, and connecting therewith the study of the Christian catechism. The Government approving the suggestion, granted a monthly allowance of 20 dollars for the furtherance of the object; to which was added a further grant of 10 dollars per month for a Malay school, making a total sum of 30 dollars granted for two Chinese schools and one Malay school. In 1821, a piece of ground for the erection of a school-house was also granted to the Missionary Society.

Note.—In May 1823, the sum of 400 dollars towards the erection of a missionary chapel in George Town was also granted by the Government.

*The Branch Society for promoting Christian Knowledge.*

In July 1819, the Lord Bishop of Calcutta being at Prince of Wales' Island, a society was established there under his Lordship's patronage, as a branch of the society in London for promoting Christian Knowledge, to which the Government on behalf of the East India Company granted as a donation the sum of 200 Spanish dollars.

The Four Malay Schools at Point Wellesley.

In April 1823, Mr. Ay. D. Maingy, the superintendent of Point Wellesley, represented to the Governor in Council, that the district under his care was exceedingly populous, every village literally swarming with children of both sexes and all ages; that the Malays acknowledged the benefit of education, although too poor and destitute to provide it for their children; and, as they possessed no prejudices to oppose their receiving the blessing from other hands, he recommended the establishment of three or four free schools, on the most simple and practicable plan, where the male children might be taught writing, reading, and arithmetic, and the females sewing, spinning, and weaving.

The Government concurring in the above suggestion, granted the sum of 32 dollars per month, being an allowance of 8 dollars each for four schools, to be established at the several stations of Prye, Teluk Aier, Tawur Panaga, and Juroo.

The Roman Catholic Schools.

In November 1824, the superintendent of a Roman Catholic mission in George Town, applied to the Government for assistance towards repairing the church and educating the youth of that denomination. Under all the circumstances of the case, and particularly advertent to the number and poverty of the inhabitants of that persuasion, the Government resolved to grant for the repair of the church the sum of 100 dollars, and for the support of three schools the monthly sum of 80 dollars.

The Chinese College at Malacca.

In 1816, the Prince of Wales' Island Government also sanctioned the grant of a piece of ground at Malacca, to Dr. Milne, on behalf of the London Missionary Society, for the erection of a mission college at that place. The college has since been erected.

The Singapore Institution.

EARLY in 1823, Sir T. S. Raffles projected an institution at Singapore, designed to consist of a college, with library and museum, for the study of Anglo-Chinese literature; and of branch schools in the Chinese and Malayan languages. With the college it was proposed to unite and incorporate that previously formed by Doctors Milne and Morrison at Malacca; but this part of the design it is believed has been since relinquished.

In aid of the Singapore institution the sum of 15,000 dollars was raised by subscription, towards which Sir T. S. Raffles gave, in the name of the Company, a donation equal to his own personal subscription, but the amount of the latter is not stated.

He also appropriated for the use of the institution and schools an advantageous allotment of ground near the town, and endowed each of the departments with an assignment of 500 acres of uncleared ground on the usual terms.

Previously to his quitting Singapore, Sir T. S. Raffles laid the first stone of the college, and finally assigned for the support of the institution a monthly allowance of 300 dollars, which, together with the grants of land, has been subsequently approved and confirmed by the Court of Directors.

Public from
3 Dec. 1823.
to 11 May 1825.
Cons. 25 Sept. 1823
6 Nov.
12 Feb. 1824.
15 March.
17 Do.

THE following STATEMENT exhibits the estimated Amount of the Sums annually chargeable on the Revenues of *India* for the support of NATIVE SCHOOLS, as the same appear upon the Books of Establishments, and by the proceedings of the respective Governments last received from *India*.

BENGAL.

	Rupees.
Calcutta Madrissa, per annum	30,000
" Hindoo Sanscrit College (in which those of Nuddea and Tirhoot have merged)	25,000
" School-book Society	6,000
" School Society	6,000
" At the disposal of the Committee of Public Instruction (inclusive of the Chinsurah, Rajpootana, and Bhaugulpore schools, and of the salary to their secretary, R ^s 6,000	106,000
" Old Charity School; as rent for the court-house, per month R ^s 800	9,600
" Free School	720
Benares Sanscrit College	20,000
" Charity School	3,000
Cawnpore Free School	4,800
Hidgellie Madrissa	365
Moorshedabad College and School	16,537
Total R ^s .	2,28,022



FORT ST GEORGE.

Appendix (I.)
Education of
Natives.

	Rupees.
Tanjore Schools, per annum - - - - -	4,620
Sunday School at the Mount - - - - -	1,200
Committee of Public Instruction for the Madras School-book Society and the collectorate and tehsildary Schools - - - - -	48,000
Total R ^s	53,820

BOMBAY.

	Rupees.
Bombay School - - - - -	3,600
Society for promoting the Education of the Poor within the Government of Bombay - - - - -	11,385
Bombay Native School-book and School Society - - - - -	12,720
Native School Society, Southern Concan - - - - -	500
For the education of natives on Captain Sutherland's plan - - - - -	4,800
Dhuksna, in the Deccan - - - - -	50,000
College at Poona - - - - -	15,250
The Engineer Institution at Bombay - - - - -	180
For an English class - - - - -	960
Total R ^s	99,395

PRINCE OF WALES' ISLAND.

	Rupees.
Free School in George Town - - - - -	1,200
Three Missionary Schools for Malays and Chinese - - - - -	360
Four Schools at Point Wellesley - - - - -	384
Three Roman Catholic Schools - - - - -	360
Singapore Institution - - - - -	3,600
Total Dollars	5,904

Molucca Islands.

Colonial from Bengal, 8 Jan. 1814. Cons. 28 Mar. 1812. 21 Aug. 1813. 6 Nov. 1813.

In 1811, Mr. W. B. Martin, the resident at Amboyna, restored the allowances which had been enjoyed by 58 Christian schoolmasters in the Negrees, amounting annually to 2,143 rix dollars.

In November 1813, the Governor-general in Council afforded to the Serampore missionaries the means of embarking any of their members for Amboyna for the purpose of undertaking the superintendence of the public schools at that settlement; in consequence of which, Mr. Jabez Carey embarked for Amboyna, and established upwards of 40 schools in the Moluccas on the Lancasterian plan.

The Bengal Government have also granted the sum of R^s 10,000 to assist in publishing a version of the Holy Scriptures in the Malay language.

East India House, } (signed) Thomas Fisher.
February 7th, 1827. } Searcher of the Records.

SUPPLEMENT to the foregoing MEMOIR, containing further proceedings of the local Governments in India relative to NATIVE SCHOOLS in that country, and to the diffusion of science among the Natives, to the date of the latest records received from India.

THE PRESIDENCY OF BENGAL.

The General Committee of Public Instruction in Calcutta.

Civil Jud. Cons. 22 Sept. 1825. 14 to 20.

THE Bengal Government early in the year 1825 had under its consideration a proposal, founded on a communication from Madras, to encourage learning among the natives of India, by a Regulation directing a preference for public employments in the courts of justice, of persons duly certified to be of competent learning. The judges of the Court of Sudder Dewanny Adawlut in Bengal were consulted on this point, and severally recorded minutes expressive of their conviction that the measure would be inefficient. Under these circumstances, the Bengal Government did not deem it expedient to pass such a Regulation, but called upon the judges of the provincial, zillah, and city courts, in selecting pleaders for their respective courts, to give a preference to those persons who should produce certificates of their acquirements, and to recommend for such certificates such individuals as appeared to them best qualified for the office; which certificates, the Committee of General Instruction was empowered and directed to grant, after due inquiry, in all cases.

The letters from the Governor-general in Council to the Court of Directors in the Persian department, dated the 21st of August 1829, and in the political department, dated the 27th of August 1830, contain in detail the proceedings of the Committee of Public Instruction in the years 1827, 1828, and 1829, in the arrangement and direction of the several institutions which had been placed under the superintendence of that committee, as follows:

Calcutta



Calcutta Madrisa.

THE studies in this college had been confined, in the year 1826, to Arabic, Mahomedan law, and mathematics. In the year 1827 the study of Mahomedan law was extended, and a medical class instituted; the examinations were in Arabic, logic, rhetoric, philosophy, the elements of Euclid, arithmetic, algebra, and medicine. The progress of the students was reported to have exceeded that of the preceding year. Dr. Breton, the professor of medicine, had been authorized to obtain a supply of medical tracts, and a skeleton had been purchased for the use of the medical class. Orders had also been given for translating into Arabic an anatomical work published by Mr. John Tytler. An English class had been established, which in the year 1828, consisted of 42 out of 73, the total number of students then in the college. The letter of August 1830, enclosing the report of the year 1829, informed the Court that although the Bengal Government wished to encourage the Mahomedans of Calcutta in the acquirement of the English language, it had not been thought expedient to resolve as proposed by the committee, that a preference in the appointment of Government vakeels, and of agents with the several commissioners, should be given to those who had acquired that language. The Committee of Public Instruction were, however, authorized to state that proficiency in the English language would be a ground of preference where the acquirements of candidates were in other respects equal.

All applications for certificates as law officers were to be accompanied by testimonials of good conduct and general proficiency previous to examination.

The number of students examined in January 1830 was 85, the number of students at that time in the institution was 99.

Benares College.

IN 1826 the studies in this college appear to have been purely national, but pursued with diligence. In 1827 the study of the Hindoo law was introduced; an increased attention given to the cultivation of the Sanscrit, and generally to objects which had a practical value. Grammar was the favourite study; the law classes well attended; higher proficiency in the Persian exhibited than in any previous year; a local committee for the management of the college formed, and a separate English school sanctioned as an experimental measure, at an expense of from 700 to 800 rupees per month, to be charged to the education fund.

The number of students in the college at Benares, in 1827, was 259, inclusive of 93 on the foundation. In the following year the total number was 277; of which 249 were Brahmins and the remainder were 18 of the Khetry sect, 9 Kaets and 1 Ajerwala.

At the public examination in March 1830 donations to the college funds were made by opulent natives present, amounting to Surat R' 1,516 and 1 gold mohur.

Agra College.

IN 1826 the studies in this college are reported to have been most successful in the Arabic and Persian. In Sanscrit and Hindoo advance was retarded through the want of books. In 1827 considerable progress was made in the latter language, to which more attention was paid. The study of the elements of geography, of astronomy, and of mathematics, according to the European system, was introduced this year. In 1828 the committee reported that through the zeal and judgment displayed by the superintendent, Dr. Duncan, the scale of proficiency at the institution was considerably raised. After some discussion the propriety of forming an *English class* was determined on and the measure adopted; although it was then under consideration to establish a separate college for English at Delhi (*q. v.*) and to unite influential natives with Europeans in the management of it.

In 1829 the committee was authorized to draw upon the treasury at Agra to the amount of R' 42,501. 15. 9. for the erection of a college at Agra.

The number of students in this college

In 1826 was	-	-	-	117
In 1827	-	-	-	210
In 1829	-	-	-	203

of whom 73 received stipendiary allowances.

Delhi College.

THE reports state that, in the year 1826, the studies in this institution were confined to the Persian and Arabic languages, to Mahomedan law, and the elements of Euclid; but the progress of the institution was considered to have been very satisfactory, and additional means were placed at its disposal; particularly a donation by Nawaub Islamaid-ood-Dowlah, late minister of the King of Oude, of R' 1,70,000; which donation it was intended to commemorate by a marble tablet, to be placed in the college. In the year 1827, the study of astronomy and the mathematics, on European principles, was introduced. The progress made in the several studies during the years 1828 and 1829, is stated to have been satisfactory. It was resolved to obtain the assistance of influential natives at the periodical examinations of the students, and to form a separate English college; from which, with the several economical arrangements determined upon, particularly the discouragement of stipendiary grants to the students, the greatest benefits were expected.

In 1827, the greatest number of students was 204; in 1828, 199; and in 1829, it was 152, making a reduction of 47 from the preceding year.

Delhi Institution.

THIS establishment has been since founded by the appointment of teachers, provision of elementary books, and the assembling together of 68 pupils.

Appendix (I.)

(1.) Memoir by
Thomas Fisher,
Esq.

(Supplement.)

Calcutta Madrisa

Benares College

Delhi College

Delhi Institution

Calcutta Sanskrit College.

Appendix (L.)

Education of
Natives.

*Calcutta Sanskrit
College*

THE reports state that, in 1826, the attention of the students in this college was directed to the study of the Sanscrit, and of Hindoo law, according to the best authorities. In 1827, the acquirements of the students in the Sanscrit language and literature had reached a point of excellence which had never before been attained under the native system of education; some of the students had gone through a complete course of arithmetic, and had commenced algebra, and a medical and English class had been formed. The report of 1828 states, that the progress of the students in the English language had been satisfactory, as had been that of the medical classes in the study of medicine and anatomy; and particularly that the students had learned to handle human bones without apparent repugnance, and had assisted in the dissection of other animals.

The report of the examination of the students in 1829 submits a list of prizes entirely of books, proposed to be presented to 62 students out of 137, the number of those attached to the college. R^s 300 per month have been assigned for the establishment of an hospital in the vicinity of the college.

In December 1823, Rammohun Roy addressed the Governor-general in the name of his countrymen, expressing an opinion adverse to the supposed object of the British Government, in the foundation of this college in Calcutta, which he considered as calculated only to perpetuate a species of literature, which was, in his judgment, and that of those whom he represented, utterly worthless, and recommending instead thereof the employment of Europeans of character to instruct the natives of India in mathematics, natural philosophy, chemistry, anatomy, and those other useful sciences, which the nations of Europe had carried to a pitch of perfection that had raised them above the inhabitants of other parts of the world.

Rammohun Roy particularly adverted to that period in the history of Great Britain, when Lord Bacon is considered as having by his writings set aside the legendary lore of the dark ages, and introduced true science in its stead.

The Bengal Government regarded this letter as having been penned under a somewhat erroneous impression respecting the views of Government in the establishment of the Sanscrit college, but forwarded the letter to the Committee of Public Instruction for their information.

On this subject, the despatch in the territorial department, dated 28th February 1824, contains observations by the Court of Directors as follows:

“With respect to the sciences it is worse than a waste of time to employ persons either to teach or to learn them in the state in which they are found in the oriental books. As far as any historical documents may be found in the oriental languages, what is desirable is, that they should be translated, and this it is evident will best be accomplished by Europeans who have acquired the requisite knowledge. Beyond these branches, what remains in oriental literature is poetry, but it never has been thought necessary to establish colleges for the cultivation of poetry, nor is it certain that this would be the most effectual expedient for the attainment of the end.

“In the mean time, we wish you to be fully apprized of our zeal for the progress and improvement of education among the natives of India, and of our willingness to make considerable sacrifices to that important end, if proper means for the attainment of it could be pointed out to us. But we apprehend that the plan of the institutions, to the improvement of which our attention is now directed, was originally and fundamentally erroneous. The great end should not have been to teach Hindoo learning, or Mahomedan learning, but useful learning. No doubt in teaching useful learning to the Hindoos or Mahomedans, Hindoo media or Mahomedan media, as far as they were found most effectual, would have been proper to be employed, and Hindoo and Mahomedan prejudices would have needed to be consulted, while every thing which was useful in Hindoo or Mahomedan literature, it would have been proper to retain; nor would there have been any insuperable difficulty in introducing under these reservations a system of instruction from which great advantage might have been derived. In professing on the other hand to establish seminaries for the purpose of teaching mere Hindoo or mere Mahomedan literature, you bound yourselves to teach a great deal of what was frivolous, not a little of what was purely mischievous, and a small remainder indeed in which utility was in any way concerned.

“We think that you have taken upon the whole a rational view of what is best to be done. In the institutions which exist on a particular footing, alterations should not be introduced more rapidly than a due regard to existing interests and feelings will dictate, at the same time, that incessant endeavours should be used to supersede what is useless or worse in the present course of study, by what your better knowledge will recommend.

“In the new college which is to be instituted, and which we think you have acted judiciously in placing at Calcutta instead of Nuddea and Tirhoot, as originally sanctioned, it will be much farther in your power, because not fettered by any preceding practice, to consult the principle of utility in the course of study which you may prescribe. Trusting that the proper degree of attention will be given to this important object, we desire that an account of the plan which you approve may be transmitted to us, and that an opportunity of communicating to you our sentiments upon it may be given to us before any attempt to carry it into execution is made.

The Bengal Government, on receipt of the Court's letter, communicated it to the Committee of General Instruction, who in reply submitted some observations in vindication of this establishment as it then existed.

Admitting that the legitimate object to be pursued was the introduction of European science to the extinction of that which is falsely so called by Hindoos and Mahomedans, circumstances, it was observed, had rendered necessary the course which had been pursued, and it was

questionable



questionable "whether the Government could originally have founded any other seminaries than those which it actually had established, viz. the Madrissa, to teach Mahomedan literature and law, and the Benares college, to teach Sanscrit literature, and Hindoo law." The absence of all media, either teachers or books, for instruction of a different kind, the necessity for which has been acknowledged by the Court of Directors, was considered fully to have justified the course which had been pursued.

It was further observed, as justifying that course, that the Government stood pledged to its adoption in the case of the "Sanskrit college in Calcutta, which was substituted for two colleges proposed to be endowed at Tirhoot and Nuddea, the original object of which was declaredly the preservation and encouragement of Hindoo learning;" that the state of public feeling in India did not then appear to warrant any general introduction of western literature and science, although the prejudices of the natives against European interference with their education in any shape had considerably abated; that the substitution of European for native superintendence over all the schools maintained by Government was an important change which had been effected, and from the continuance of which, exercised with temper and discretion, it was expected that the confidence of the officers and pupils of the several seminaries would be won to an extent that would pave the way for the unopposed introduction of such improvements as the Government might thereafter have the means of effecting; and, finally, that a necessity still existed for the creation of those media by which useful science was to be diffused, that is, by teaching native teachers and providing books in the languages of India.

On the unfavourable view taken by the Court of the state of science among the natives of India, the committee remarked as follows:

"The position," that it is worse than a waste of time to employ persons either to teach or learn the sciences in the state in which they are found in oriental books, "is of so comprehensive a nature, that it obviously requires considerable modification, and the different branches of science intended to be included in it, must be particularized before a correct appreciation can be formed of their absolute and comparative value. The metaphysical sciences, as found in Sanscrit and Arabic writings, are, we believe, fully as worthy of being studied in those languages as in any other. The arithmetic and algebra of the Hindoos lead to the same results and are grounded on the same principles as those of Europe; and in the Madrissa, the elements of mathematical science which are taught are those of Euclid. Law, a principal object of study in all the institutions, is one of vital importance to the good government of the country, and language is the ground-work upon which all future improvements must materially depend. To diffuse a knowledge of those things, language and law especially, cannot therefore be considered a waste of time."

The committee conclude their letter by observing, on the subjects of history and poetry, that the attachment of the Mahomedans to their own history is great; that no good reason appeared why the natives of India should be debarred from cultivating their own historical records, or why the transactions of the country in which they had a natural interest should not be thought deserving of their perusal; and that poetry was a branch of study in all colleges, having ever been found to be a valuable auxiliary in the study of literature in every language and country. "As a part therefore, and a very important part of Sanscrit and Arabic literature, as the source of national imagery, the expression of national feeling, and the depository of the most approved phraseology and style, the poetical writings of the Hindoos and Mahomedans appear to be legitimately comprehended amongst the objects of literary seminaries founded for Mahomedans and Hindoos."

The Vidyala, or Anglo-Indian College.

THE reports of 1827 and 1828 state, that the studies in this institution are natural and experimental philosophy, chemistry, mathematics, algebra, Tytler's Elements of General History, Russell's Modern Europe, with Milton and Shakespeare; that the progress of the students had been satisfactory; that it had increased gradually, and was in the year 1828 greater than in any preceding year. It had been determined to attach to the college a lecturer on mathematics and a lecturer on English literature, for which latter appointment Dr. John Tytler had been selected, until the arrival of a person from Europe. For this duty a salary has been assigned to him of R^s 500 per month.

Subscribers to this institution to the amount of R^s 10,000, are allowed to place one free scholar each on the foundation. Smaller donations are appropriated to the maintenance of small scholarships, and to the maintenance of some of the pupils of the first class.

The number of students attached to this institution was,

In January 1826	-	-	-	-	-	196
In July	-	"	-	-	-	280
In	"	-	1827	-	-	372
In	"	-	1828	-	-	436;

of which latter number 100 received gratuitous education.

For the use of this institution, it was determined to publish a series of English books, at an expense of R^s 49,376, which is to be borne in equal parts by the fund under the control of the Education Committee, and by the School-book Society; an immediate supply amounting to R^s 5,000, to be obtained from England. Many of these were given in prizes to the students.

The report of 1829 states, that the progress made by the students in the preceding year had not been equal to that made by them in previous years, which was attributed to the want of superintendence by some zealous and intelligent person who had enjoyed the advantages of a superior English education. The committee were informed that they were at

Appendix (L)

(1.) Memoir by
Thomas Fisher,
Esq.
(Supplement.)

*Calcutta Sanskrit
College*

Vidyala