



## 282 1773. FIFTH REPORT from the Committee of Secrecy

	£.	s.	d.		£.	s.	d.
80 Tons Iron Kintledge	-	at	9 13 4	is	773	6	8
11 — China Ware	-	—	29 — —	—	319	—	—
393 — China and Silk	-	—	32 — —	—	12,517	—	—
484					13,668	6	8
Surplus							
15 Tons private Trade	-	—	32 — —	—	480	—	—
80 Tons Goods, at double Kintledge Price	-	—	19 6 8	—	1,546	13	4
159 Tons, at Half Freight	-	—	16 — —	—	2,544	—	—
738 Tons	-	—	—	—	£. 18,239	—	—
80 Deduct for Iron Kintledge	-	—	—	Multiplied by the Number of Ships	7	—	—
658 One Ship's Net Tonnage	-	—	—	—	127,673	—	—
7 Multiplied by the Number of Ships	-	—	—	—			
4606							
3 A Fraction to be brought Home in any	-	—	—	—	48	—	—
of the Seven Ships	-	—	—	—			
4609 *Tons cost bringing Home on the Directors last Plan	-	—	—	—	£. 127,721	—	—

It having been established in the Course of these Calculations, that							
419 Net Tons, agreeable to Charter Party, amounts to	-	—	—	—	£. 14,148	6	8
4 — consequently, multiplied by the Number of small Ships	-	—	—	—	—	—	—
Lading, gives both Tonnage and Freight	-	—	—	—	—	—	4
1676 The Charter Party Tonnage of Four small Ships, whose Freight	-	—	—	—	£. 56,593	6	8
amounts to	-	—	—	—	—	—	—
2933 Tons, had it been laden on board the Three great Ships, at £. 21	-	—	—	—	61,593	—	—
per Ton, would amount to	-	—	—	—	—	—	—
4609 *Tons cost bringing Home, had the Tender made by the Three large Ships been	-	—	—	—	£. 118,186	6	8
accepted	-	—	—	—	—	—	—

Thus certain leading Directors threw away (January the 29 last) the Sum of - - £. 9,534 13 4

by disposing improperly of the Cargoes of the Four Ships ordered to stay in *India* till another Year; by which Means they gained a complete Victory over the great Ships, and promoted the Interest of the small ones, at the evident Expence of the Company as above.

If all Ships in the *East India* Company's Service were directed by Parliament to be taken up and chartered, at the Builders Tonnage, to be ascertained by a Certificate under the Hands of the Builder, and the Company's Surveyor of Shipping, with Leave to the Company to laden what more Tonnage they may think proper (so such Surplus did not endanger or incommode the Safety of such Ship) without paying any farther Freight for the same, it would then become an Object of Care to the Company, to station and laden them Home, with an Eye to the Company's Interest *only*, and would put a total End to the Owner's Solicitations about Voyages, and leave the Directors free from many Inconveniencies; only Care must be taken, in that Case, that no small Ships are to go in the *China* Trade, as they are not calculated for it.

There is certainly no Occasion for Ships, at a great Expence Outward-bound, to wait more than Ten Days at *Deptford*, Ten Days at *Gravesend*, and Seven Days in the *Docks*, from which Place it is best to dispatch them, unless on extraordinary Occasions they are ordered to *Spithead*; but whenever that happens, it is attended with great Expence, and often with Delay.

All Iron Kintledge taken Out, and brought Home, by way of Ballast, should be provided by the Ship Owners, and the Company ought to pay nothing for it, in any Shape; but as it is always the Property of the Owners, it should be considered as a necessary Part of the Ship's Stores.

Instead of so many various Kinds of Freight Prices, it would be much fairer and better understood, to

have one clear Price per Ton for each different Place, to be regulated by the Tenders, according to the Price of Stores, Provisions, Seamen's Wages, &c. annually: As little Attention has been lately given to the punctual Payment of Freights, it seems reasonable that from the Time the Freight becomes due, according to the Terms of the Charter Party, the Company should pay 4 per Cent. for the same, to the Time of actual Payment.

In Page 277 (see printed Charter Party) it says, "But nevertheless the said Part Owners shall not be charged with any Sum of Money, in respect of Goods damaged on Board the said Ship, either in her Outward or Homeward-bound Voyage, but such as shall (by the Condition and Appearance of the Package thereof, or by some other reasonable Proof) appear to be Ship Damage, &c."

The better and more fairly to explain this Passage, to prevent any improper Use to be made by a Court of Directors of this great Latitude given them, by which they may exercise their particular Feelings to the Interest of their Friends, or rigidly from exercising their Resentment to Party Prejudice, I would propose, that, for the Sake of fair Justice to all Parties, that that Paragraph should stand thus:

But nevertheless the said Part Owners shall not be charged with any Sum of Money, in respect of Goods damaged on Board the said Ship, either in her Outward or Homeward-bound Voyage, but such as shall from reasonable Proof appear to be owing to some evident Defect in the said Ship or Vessel, or wilful Neglect of the Captain or Officers





Officers commanding the same, any thing here-  
in contained to the contrary hereof in anywise  
notwithstanding.

All Freights Outward-bound, exceeding 333 Tons  
(which is always carried gratis) to pay a certain Freight  
per Ton, as well taken out from *England*, as carried  
from Port to Port in *India* (before the Payment of De-  
morage takes place) ought in common Justice to pay  
Freight, which would exceedingly contribute towards  
preventing the Company's Servants Abroad from  
smuggling their own private Trade from Port to Port  
in *India*, at the Company's Expence, which opens a  
large Field of illicit Trade for the Benefit of such Ser-  
vants Abroad, as well as the Commanders of Ships and  
Ship's Company, to the great Injury of the Proprietors  
at Home.

To demonstrate how much more preferable this Mode  
of Chartering the Company's Ships is to their Interest,  
than the present Charter Party admits of, I shall compare  
the present Dead Freight Price with the Dead Freight  
Price proposed, and the Freight the Company now pay,  
with Surplus Tonnage.

To set this Matter in full View, sup-  
pose a Ship taken up and chartered  
at 903 Tons (Builders Measure) at

£. 25 9 4

That Ship's Freight (with a Fraction  
of 72s.) would amount to - £. 23,000 - -  
And if the Company chose to avail  
themselves of the Advantage of  
giving her full Lading, would bring  
at least 1,100 Tons, which, reckoned  
at £. 20. 18s. 2d. per Ton, with a

Fraction of 16s. 8d. makes the same

Freight of - - - - - £. 23,000 - -

In Page 281, it appears the present  
Charter Party's Dead Freight Price  
per Ton, is - - - - - £. 33 15 4

The present Dead Freight Price pro-  
posed as above is - - - - - 25 9 4

£. 8 6 - -

So that this gives again to the Company, on every  
Ton of Goods brought Home on Dead Freight, the  
Sum of Eight Pounds Six Shillings.

In Page 281, it appears the lowest Price  
per Ton the present Charter Party  
has ever afforded with Surplus Ton-  
nage, is - - - - - £. 23 7 1

The present Surplus Tonnage pro-  
posed will be (at most) - - - - - 20 18 2

£. 7 8 11

Gives again to the Company on every Ton brought  
Home of Seven Pounds Eight Shillings and Eleven  
Pence. Had this Plan existed the last Year, when  
Nineteen Ships came from *China*, and brought Home  
(as I suppose in Page 281) 12,141 Tons of Goods, at  
£. 7. 8s. 11d. per Ton, the Saving on the *China* Ships  
only for that single Year, would have been *Ninety  
thousand Three hundred Ninety-nine Pounds Seventeen  
Shillings and Three Pence.*

#### N<sup>o</sup> 4.

#### To the Committee of Secrecy.

HAVING been desired by you to deliver my Opinion  
upon the Company's present Mode of Freight-  
ing, and the Means of retrenching the same, I beg leave to  
offer the following Sentiments.

The chief Cause of the Company's extravagant Ex-  
pence in Freights, I take to be their having taken into  
their Service a greater Number of Ships than they could  
properly employ: for of late they have had in their  
Service Eighty-seven Ships, whereas Fifty-five was  
more than sufficient for their Trade; consequently they  
have entertained Thirty-two superfluous Ships, and this  
creates a heavy and unnecessary Expence to the Com-  
pany in Two Articles.

The First is, that in order to find some Employ for  
these superfluous Ships; with their Captains and Officers,  
the Company have thought proper to send out at least  
Six of them annually to Sea; that is to say, They have  
sent out Thirty Ships to *India* and *China* every Year, to  
import Cargoes which might have been easily carried by  
Twenty-four Ships, provided the said Twenty-four Ships  
had been properly and fully laden. And the additional  
Expence caused to the Company by sending out Six  
superfluous Ships every Year is to be ascertained by the  
following Calculation. The Company charters or  
freights their Ships from the Owners, at the Burden of  
Four hundred and Ninety-nine Tons each, which Burden  
I shall term the chartered Tonnage, and for each of  
these chartered Tons they pay a certain Freight, which  
at a Medium may be about £. 32, and this I shall term  
the chartered Freight; but as these Ships are capable  
of carrying each from 3 to 400 Tons of Merchandise  
above the Company's chartered Tonnage, the Company

agrees to pay the Owners, for all Excess of Lading above  
the chartered Tonnage, at the Rate of Half the char-  
tered Freight, or £. 16. per Ton. It is therefore  
evident, that if the Company sends out Thirty Ships to  
import Cargoes that might have been laden on Twenty-  
four Ships, they must pay the full chartered Freight of  
Thirty Ships, instead of paying the Chartered Freight on  
only Twenty-four Ships, and surplus Freight for the  
remaining Tonnage. The Difference betwixt the char-  
tered and surplus Freight of Six Ships, being £. 16. per  
Ton, is £. 47,904. And this Sum hath been unneces-  
sarily expended every Year, by sending out Six Ships  
above what was requisite. And now I shall endeavour  
to prove the above Assertion; viz. That Twenty-four  
Ships were capable of importing these Cargoes, for  
which the Company have employed Thirty Ships an-  
nually.

It must, in the First Place, be observed, that the  
Ships to *Coast* and *Bay*, and likewise to the *Malabar  
Coast* and *Bombay*, (being in Number about 14 or 15)  
have generally returned, what is termed dead freight-  
ed; that is to say, they have seldom imported more  
than the Company's chartered Tonnage, or 499 Tons;  
consequently each of these Ships was capable of im-  
porting (if full laden) from 3 to 400 Tons surplus  
Freight; so that Eight Ships, if fully laden, would  
have sufficed to import the Cargoes from *Bombay*, and  
*Coast* and *Bay*, that have been imported upon Fourteen.  
And with regard to the *China* Ships, which do bring  
Home surplus Tonnage on the Company's Account, I  
am of Opinion, that, with proper Management, there  
might be a very considerable Saving made in that Branch.



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The Second Article arises from the Twenty-six remaining superfluous Ships, which, in consequence of not being employed, lay at Home, and cost the Owners a very considerable Charge, on the Head of Interest, on the Value of their Hulls, Rigging, &c. and keeping them in wet Docks, Insurance, &c. of all which Charge they must necessarily reimburse themselves at the Expence of the Company, by charging a higher Freight on their Ships than otherwise they would have Occasion to do.—And the Amount of this Article I shall endeavour to ascertain by the following Calculation. The Cost of Hull, Rigging, &c. of Twenty-six Ships; at £. 12,000 each, is £. 312,000; and the Interest upon that Sum, at £. 5. per Cent. per Annum, is £. 15,600 per Annum—The Expence in Docks, the extraordinary Repair necessary to make good the Waste caused by laying a whole Year in Dock, with Insurance, &c. may be, upon each Ship, about £. 400, and on Twenty-six Ships £. 10,400; which Two Sums, making together £. 26,000, is caused to the Owners, and consequently to the Company, by entertaining in their Service Twenty-six Ships, which, for want of Employ, are kept in Docks.

And thus the whole unnecessary Expence, or dead Loss, caused to the Company by these Two Articles, is £. 73,904, and which Expence may be retrenched, by reducing the Number of their Ships to 55, being more than sufficient to carry on their Trade. But notwithstanding the present bad Situation of the Company's Affairs, and the Prospect of their Trade decreasing, and notwithstanding the late Act passed by Parliament, to restrain the Company's Tonnage, I understand that they propose to evade this Act, by repairing their Ships for Six Voyages, whereas they never used to run more than Four Voyages: And, if we reckon Three Years to each Ship's Voyage, this will keep up the present Number of Shipping for Six Years longer—But their keeping up the Number of Shipping by repairing, will be productive of the same, or rather greater, Evils to the Public, as well as the Company, than new building would have done: It would be therefore necessary to prevent this, by a new Clause added to the restraining Bill.

I should imagine that the Company might still farther decrease their Expence of Freight, by increasing the Dimensions and Burden of the Ships they may build in future; for Instance, If they shall build Three Ships

of such Dimensions as to carry a Burden equal to Four of the present Ships, they must thereby save the Charge of the whole Officers of each Fourth Ship, who by their Privilege and superior Pay, form the most expensive Part of the Ship's Company; they would likewise save above One Half of the common Crew of each Fourth Ship; and they would farther save in the building, rigging, storing, and victualling, nearly One Half the Expence of each Fourth Ship; consequently they would save, in the whole, about One Eighth Part of their whole yearly Charge of Freight.—And supposing that the Sum Total of the Company's Freight should be reduced, by a future Decrease of their Trade, and by the preceding proposed Retrenchment, to the Sum of £. 300,000 per Annum, (whereas for some Years past it hath been near £. 500,000) One Eighth of said £. 300,000 being saved by increasing the Burden of their Ships in the Manner proposed, would diminish the whole Expence of their Freight £. 37,500 per Annum; that is to say, instead of 300,000 upon the present Plan of Building, it would, upon the proposed increased Plan, be only £. 262,500. Thus much I have observed upon the Company's general Plan of Freight; but I must beg leave to add one Remark in particular upon their Plan of the present Year—The Company have taken up, and are sending out this Year, Twenty-five Ships, of which Eleven are destined to *China*, and the other Fourteen to *Bombay, Coast and Bay, and Ben-oolen*: And I am informed that the Court of Directors have lately come to a Resolution of ordering all these Ships to be dead freighted Home—And, as I have observed before, that each Ship could lade from 3 to 400 Tons above the Company's chartered Tonnage, it is evident, by Calculation, that Fifteen, or at most Sixteen Ships, would import the whole Cargoes that will be laden on the Twenty-five;—consequently the Company must pay full chartered Freight or £. 32. per Ton, on Twenty-five Ships, instead of having the chartered Freight on only Sixteen Ships, and surplus Freight for the remaining Tonnage; and the Difference betwixt the chartered and the surplus Freight of Nine Ships is £. 71,856—which Sum must be an unnecessary Expence created to the Company, by sending out these Nine superfluous Ships.

*John Durand.*

January 28, 1773.

N<sup>o</sup> 5.

To the Honourable Secret Committee of Parliament.

Honourable Gentlemen,

**I**N Obedience to your Command, that I should state to you the several Measures, whereby Savings may be made to my Employers the *East India Company*, in the Articles of Freight and Demorage, I have taken the Subject into my most serious and mature Consideration; and as a hearty Well-wisher to the true Interest of the honourable Company, I beg leave to suggest the following Hints, which, in my Opinion, if carried into Practice, would effectually lessen, if not eradicate, the Evils now existing in the Shipping Branch of the *East India Company's Trade*, and put the same upon such a Plan in future, as would greatly relieve the Company from the heavy Load it now labours under, by the vast Sums paid for Freight and Demorage.

But in order to shew the Utility of these Hints, I shall first endeavour to point out a few of the principal Causes of those Evils.

First, That from the great Numbers, Opulence, and various Interests of the Owners of Shipping, due Economy is prevented, and they by those Means are not only enabled to obtain high Freight, but are not subject to the necessary Controul.

Second, The Admission and Employment of many more Ships in the Service than are needful for the Trade.

Third, The allowing Private Trade and Country Voyages.

Fourth, The Employment of so great a Number of small Ships, which naturally require an additional Number of Captains and Officers, and creates a considerable Increase of Private Trade and Sailing Charges.

And in relief of the several above-mentioned Evils, I would humbly suggest the following Plan:

That no more Ships be taken up Annually, than whose Cargoes





## on the State of the EAST INDIA COMPANY.

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Cargoes would be sufficient to supply the Company's Sales.

That the small Ships should be sent to *Coast* and *Bay* for the fine Goods, and the large ones to *China* for the Teas: And that no more small Ships be built, than are deemed necessary for the *Coast* and *Bay* Trade.

That all the Ships be taken up for their full Tonnage by Builders Measurement Out and Home, and to be laden and unladen by the Company's Officers, here and in *India*; and that moderate, but adequate, Freights be paid for the same, in lieu of the several Sums now allowed for whole Freights, half Freights, Surplus Tonnage, Kintlage, and Demorage, for a common Voyage Out and Home.

That the Company do allow no Private Trade, nor any Ship to go a Country Voyage.

That in order to reduce the exorbitant Tonnage, which at present is not less than 63,000 Tons, Builders Measurement, no more Ships be built, nor any repaired for going more than four Voyages, until the whole Tonnage employed by the Company shall be reduced to 35,000 Tons, according to the foregoing Rate of Measurement, which it is certain will be sufficient for amply supplying the Company's Sales in *England*, even if they should in future considerably increase; and leave a proper Number of Ships at Home, ready to be employed upon any sudden or extraordinary Occasion: But after such Reduction has taken place, then 3,000 Tons of new Shipping built annually, will be sufficient for keeping up the before-mentioned Quantity of 35,000 Tons.—And should a larger Quantity of Tonnage be required, from War or other Emergency, Out than Home, in that Case it is proposed, that extra Ships be hired on Half Freight for the Voyage Outwards, and

be fold in *India* on Account of the Owners, with the usual Restrictions.

Were the above Measures pursued, I am clearly of Opinion, that *One Third* of the Sum now paid annually for Freight and Demorage might be saved, and the pernicious Practice of Smuggling in a great Degree prevented.

But should ever a Plan be adopted (which in my Judgment is very eligible) for the Company's purchasing the present Ships freighted by them, and for building and equipping their Ships in future at their own Docks, and by their own Servants, then I am very confident a further considerable Saving might be yet made, and the many Inconveniencies arising from the Numbers, Opulence, and various Interests of the Owners of Shipping, with the improper Controul they now in consequence possess, be effectually obviated.

Having perused an Account of the Net Goods brought Home for the Company, from 1753 to 1772, both included, it appears to me, that they have paid for those Goods near £. 32. per Ton Freight on an Average, exclusive of Demorage, or Interest on Money advanced for Impress and Surplus Tonnage Outwards, or Expence of Packets built by the Company; but as the Tonnage of the Kintlage, &c. is blended with that of the Goods, it is possible there may be some small Errors in this Statement, which may be rectified by the proper Officer.

I have the Honour to be, with the greatest Respect,  
Honourable Gentlemen,

Your most obedient, and  
most humble Servant,

London, the 11th  
February 1773.

Gabriel Snodgrafs.

## N° 6.

ACCOUNT of *China* Ships which have come Home fully laden; specifying the Quantity of Tons, Builders Measurement, and the Quantity of Tons of Merchandize, including Kintlage; for Five Years.

1768.	Builders Measure- ment.	Merchandize brought, in- cluding Kintlage.		Builders Measure- ment.	Merchandize brought, in- cluding Kintlage.
<i>Osterley</i> -	642	608	<i>Glatton</i> -	676	700
<i>Northumberland</i> -	657	577	<i>Cruttenden</i> -	663	696
<i>Earl of Lincoln</i> -	676	672	<i>Speke</i> -	726	740
<i>Norfolk</i> -	662	531	<i>Pigot</i> -	676	728
<i>Triton</i> -	637	649	<i>Hector</i> -	688	743
<i>Latham</i> -	716	638	<i>Nottingham</i> -	701	732
<i>Houghton</i> -	707	670	<i>Granby</i> -	786	846
<i>British King</i> -	663	684	<i>Havannah</i> -	676	749
<i>Vansittart</i> -	676	681	<i>Triton</i> -	637	692
			<i>Earl of Lincoln</i> -	676	705
1769.			<i>Earl of Ashburnham</i> -	679	703
<i>Grosvenor</i> -	679	705	<i>Osterley</i> -	642	681
<i>Duke of Gloucester</i> -	657	691	<i>Norfolk</i> -	662	657
<i>Lord Mansfield</i> -	632	669	<i>Neptune</i> -	656	667
<i>Harcourt</i> -	676	710	<i>Devonshire</i> -	657	702
<i>True Briton</i> -	679	716			
<i>Asia</i> -	657	657	1771.		
<i>Clive</i> -	687	673	<i>Earl of Middlesex</i> -	657	636
<i>Pacific</i> -	668	661	<i>Princess Royal</i> -	864	977
<i>Tilbury</i> -	643	632	<i>Royal Captain</i> -	676	712
<i>London</i> -	676	730	<i>Hawke</i> -	716	735
<i>Horsendon</i> -	666	674	<i>Duke of Gloucester</i> -	657	676
<i>Sea Horse</i> -	676	688	<i>Kent</i> -	657	649
			<i>Latham</i> -	716	734
1770.			<i>Lord Camden</i> -	707	734
<i>Plassey</i> -	663	718	<i>Valentine</i> -	676	712
<i>Ponborne</i> -	676	747	<i>Resolution</i> -	804	915
			<i>Huntingdon</i> -	716	733





Bridgewater	-	-	804	+	914
Prime	-	-	864	-	997

1772.

<i>British King</i>	-	-	663	—	675
<i>Northumberland</i>	-	-	657	—	632
<i>Bute</i>	-	-	657	—	670
<i>Glatton</i>	-	-	676	—	668
<i>Stafford</i>	-	-	804	—	865
<i>Thames</i>	-	-	676	—	688
<i>Calcutta</i>	-	-	761	—	729
<i>Crittenden</i>	-	-	663	—	691
<i>Sea Horse</i>	-	-	676	—	666

<i>Pacific</i>	-	-	668	—	654
<i>York</i>	-	-	679	—	689
<i>Horsendon</i>	-	-	666	—	712
<i>Grenville</i>	-	-	666	—	755
<i>Earl of Elgin</i>	-	-	687	—	657
<i>Duke of Richmond</i>	-	-	657	—	669
<i>Queen</i>	-	-	804	—	884
<i>Salisbury</i>	-	-	657	—	664
<i>Grosvenor</i>	-	-	729	—	739
<i>Talbot</i>	-	-	657	—	684
<i>Ankercwyke</i>	-	-	676	—	706

*East India House,*  
11th February 1773.

*R<sup>d</sup> Cole,*  
Freight Accountant.

Nº 7.

An ACCOUNT of the Number of Ships hired upon Freight by the Company in the Year 1751, and from 1762 to 1772, both inclusive; distinguishing such as were Abroad, such as were taken up, such as were at Home, and such as were building; and distinguishing the Tonnage of each Ship.

In the Year 1751.		Builders
22 Ships Abroad; viz.		Tons. Measure- ment.
<i>Anson</i>	-	385
<i>Britannia</i>	-	620
<i>Cesar</i>	-	544
<i>Duke of Dorset</i>	-	544
<i>Essex</i>	-	590
<i>Eastcourt</i>	-	608
<i>Hardwicke</i>	-	573
<i>Heitor</i>	-	585
<i>Kent</i>	-	632
<i>London</i>	-	620
<i>Lord Anson</i>	-	664
<i>Onslow</i>	-	626
<i>Prince Henry</i>	-	561
<i>Prince George</i>	-	657
<i>Shafisbury</i>	-	642
<i>Scarborough</i>	-	642
<i>Saint George</i>	-	619
<i>Strettham</i>	-	614
<i>True Briton</i>	-	679
<i>Triton</i>	-	595
<i>Warwick</i>	-	608
<i>Wager</i>	-	590
		<hr/> 13,198

17 Ships taken up.

Admiral Vernon	-	-	590
Bombay Castle	-	-	633
Colchester	-	-	544
Chesterfield	-	-	614
Dorington	-	-	544
Delaware	-	-	496
Drake	-	-	614
Dodington	-	-	703
Edgecote	-	-	520
Exeter	-	-	590
Godolphin	-	-	544
Houghton	-	-	614
Oxford	-	-	608
Prince of Wales	-	-	544
Pelham	-	-	544
Rhoda	-	-	614
Royal Duke	-	-	645
			<hr/> 9,961

23 Ships at Home.

Augusta	-	-	-	614
Boscawen	-	-	-	651
Benjamin	-	-	-	380
Elizabeth	-	-	-	590
Fort Saint George	-	-	-	590
Grantbam	-	-	-	544
Ilchester	-	-	-	608
Norfolk	-	-	-	550
Portfield	-	-	-	464
Prince Edward	-	-	-	673
Suffolk	-	-	-	626
Stafford	-	-	-	590
Severn	-	-	-	590
Walpole	-	-	-	623
Warren	-	-	-	608
York	-	-	-	590
Edgebaston	-	-	-	555
Griffin	-	-	-	585
Montfort	-	-	-	544
Marlborough	-	-	-	585
Sandwich	-	-	-	608
Salisbury	-	-	-	590
Tavistock	-	-	-	633
				<hr/> 13,391

3 Ships building

In the Room of the <i>Prince William</i>	626	
<i>Royal George</i>	651	
<i>Somerset</i> -	614	
	<hr/>	1,891
		<hr/>
		38,441

In the Year 1762.

28 Ships Abroad.

<i>Albion</i>	-	-	-	671
<i>Admiral Pococke</i>	-	-	-	666
<i>Boscawen</i>	-	-	-	668
<i>Britannia</i>	-	-	-	676
<i>Clinton</i>	-	-	-	614

Clive





## on the State of the EAST INDIA COMPANY.

287

Clive	-	-	687
Drake	-	-	626
Earl of Elgin	-	-	687
Essex	-	-	632
Elizabeth	-	-	676
Earl of Ashburnham	-	-	679
Fox	-	-	632
Godolphin	-	-	575
Grosvenor	-	-	679
Houghton	-	-	614
Hector	-	-	609
Hardwicke	-	-	614
Harcourt	-	-	649
Horfendon	-	-	666
Osterley	-	-	642
Prince of Wales	-	-	637
Royal Captain	-	-	676
Royal Charlotte	-	-	669
True Briton	-	-	679
Tilbury	-	-	643
Valentine	-	-	655
Walpole	-	-	643
Winchelsea	-	-	614
			18,178

## 20 Ships taken up.

Bute	-	-	657
British King	-	-	663
Cruttenden	-	-	663
Deptford	-	-	676
Egmont	-	-	614
Earl of Middlesex	-	-	657
Falmouth	-	-	662
Glatton	-	-	676
Havannah	-	-	676
Hawke	-	-	646
Lord Clive	-	-	676
Lord Mansfield	-	-	632
Latham	-	-	643
Neptune	-	-	656
Plassey	-	-	663
Pococke	-	-	632
Pigot	-	-	676
Pitt	-	-	844
Speaker	-	-	702
Talbot	-	-	657
			13,371

## 12 Ships at Home.

Caernarvon	-	-	632
Duke of Richmond	-	-	656
Earl of Holderness	-	-	625
Norfolk	-	-	662
Prince Edward	-	-	662
Princess Augusta	-	-	614
Prince Henry	-	-	614
Prince George	-	-	657
Triton	-	-	595
Worcester	-	-	646
Warren	-	-	608
York	-	-	679
			7,650

## 5 Ships building

In the Room of the	Lord Anson	657
	London	676
	Shaftsbury	657
	Suffolk	676
	Sandwich	657
		3,323

65

42,522

In the Year 1763.

## 30 Ships Abroad.

Admiral Pococke	-	-	666
Boscawen	-	-	668
Britannia	-	-	676
Bute	-	-	657
British King	-	-	663
Cruttenden	-	-	663
Deptford	-	-	676
Earl of Ashburnham	-	-	679
Egmont	-	-	614
Earl of Middlesex	-	-	657
Falmouth	-	-	662
Grosvenor	-	-	679
Glatton	-	-	676
Houghton	-	-	614
Hector	-	-	609
Hawke	-	-	646
Havannah	-	-	676
Lord Clive	-	-	676
Lord Mansfield	-	-	632
Latham	-	-	643
Neptune	-	-	656
Osterley	-	-	642
Plassey	-	-	663
Pococke	-	-	632
Pigot	-	-	676
Pitt	-	-	844
Speaker	-	-	702
Talbot	-	-	657
Valentine	-	-	655
Winchelsea	-	-	614
			19,873

## 20 Ships taken up.

Anson	-	-	657
Asia	-	-	657
Caernarvon	-	-	632
Calcutta	-	-	632
Duke of Richmond	-	-	656
Duke of Gloucester	-	-	657
Devonshire	-	-	657
Duke of Albany	-	-	676
Earl of Lincoln	-	-	676
Earl of Elgin	-	-	687
Earl of Holderness	-	-	625
Kent	-	-	657
Lord Holland	-	-	676
London	-	-	676
Norfolk	-	-	662
Northumberland	-	-	657
Princess Augusta	-	-	614
Vanfittart	-	-	676
Worcester	-	-	646
York	-	-	679
			13,155

## 15 Ships at Home.

Albion	-	-	671
Clive	-	-	687
Clinton	-	-	614
Drake	-	-	622
Essex	-	-	632
Fox	-	-	632
Godolphin	-	-	575
Harcourt	-	-	649
Horfendon	-	-	666
Hardwicke	-	-	614
Prince of Wales	-	-	637
Royal Captain	-	-	676
Royal Charlotte	-	-	669

Tilbury





## 288 1773. FIFTH REPORT from the Committee of Secrecy

Tilbury	-	-	648
True Briton	-	-	679
			<u>9,666</u>

3 Ships Building			
In the Room of the Prince George	676		
Prince Henry	676		
Walpole	676		
			<u>2,028</u>

68			<u>44,722</u>
----	--	--	---------------

In the Year 1764.

## 33 Ships Abroad.

Admiral Pococke	-	-	666
Anson	-	-	657
Asia	-	-	657
Boscawen	-	-	668
Bute	-	-	657
British King	-	-	663
Caernarvon	-	-	632
Calcutta	-	-	632
Deptford	-	-	676
Duke of Richmond	-	-	656
Devonshire	-	-	657
Duke of Gloucester	-	-	657
Duke of Albany	-	-	676
Earl of Middlesex	-	-	657
Earl of Lincoln	-	-	676
Earl of Elgin	-	-	687
Kent	-	-	657
Lord Clive	-	-	676
Lord Mansfield	-	-	632
Latham	-	-	643
Lord Holland	-	-	676
London	-	-	676
Norfolk	-	-	662
Northumberland	-	-	657
Pococke	-	-	632
Pitt	-	-	844
Princess Augusta	-	-	614
Talbot	-	-	657
Valentine	-	-	655
Vanstittart	-	-	676
Winchelsea	-	-	614
Worcester	-	-	646
York	-	-	679
			<u>21,870</u>

## 10 Ships taken up.

Ankerwyke	-	-	676
Albion	-	-	671
Clive	-	-	687
Dutton	-	-	676
Essex	-	-	632
Fox	-	-	632
Grosvenor	-	-	679
Grenville	-	-	676
Horsendon	-	-	666
Hardwicke	-	-	614
Harcourt	-	-	676
Pacific	-	-	668
Ponshorne	-	-	676
Royal Captain	-	-	676
Royal Charlotte	-	-	669
Salisbury	-	-	657
Speke	-	-	726
Tilbury	-	-	643
Thames	-	-	676
True Briton	-	-	679
			<u>13,355</u>

## 15 Ships at Home.

Britannia	-	-	676
Cruttenden	-	-	663
Earl of Ashburnham	-	-	679
Egmont	-	-	614
Falmouth	-	-	662
Glatton	-	-	676
Hector	-	-	609
Hawke	-	-	646
Houghton	-	-	614
Havannah	-	-	676
Neptune	-	-	656
Osterley	-	-	642
Plassey	-	-	663
Pigot	-	-	676
Speaker	-	-	702
			<u>9,854</u>

## 4 Ships building

In the Room of the Clinton	-	707
Drake	-	696
Prince of Wales	-	716
Harcourt	-	676
		<u>2,795</u>
72		<u>47,874</u>

In the Year 1765.

## 30 Ships Abroad.

Admiral Pococke	-	-	666
Asia	-	-	657
Ankerwyke	-	-	676
Bute	-	-	657
Clive	-	-	687
Duke of Richmond	-	-	656
Duke of Gloucester	-	-	657
Dutton	-	-	676
Earl of Middlesex	-	-	657
Earl of Elgin	-	-	687
Essex	-	-	632
Fox	-	-	632
Grosvenor	-	-	679
Grenville	-	-	676
Horsendon	-	-	666
Hardwicke	-	-	614
Harcourt	-	-	676
Kent	-	-	657
Princess Augusta	-	-	614
Pacific	-	-	668
Ponshorne	-	-	676
Royal Captain	-	-	676
Royal Charlotte	-	-	669
Salisbury	-	-	657
Speke	-	-	720
Talbot	-	-	657
Tilbury	-	-	643
Thames	-	-	676
True Briton	-	-	679
York	-	-	679
			<u>19,922</u>

## 22 Ships taken up.

Anson	-	-	657
Britannia	-	-	676
Cruttenden	-	-	663
Duke of Kingston	-	-	716
Deptford	-	-	676
Devonshire	-	-	657
Duke of Cumberland	-	-	716
Duke of Albany	-	-	676

Earl





## on the State of the EAST INDIA COMPANY.

289

Earl of Ashburnham	-	-	679
Glatton	-	-	676
Hampshire	-	-	696
Hawke	-	-	646
Havannah	-	-	676
Lioness	-	-	693
Lord Camden	-	-	707
Neptune	-	-	656
Nottingham	-	-	700
Osterley	-	-	642
Prince of Wales	-	-	716
Plassey	-	-	663
Pigot	-	-	676
Speaker	-	-	702
			<hr/>
			14,965

## 17 Ships at Home.

Boscawen	-	-	668
British King	-	-	663
Caernarvon	-	-	632
Calcutta	-	-	632
Earl of Lincoln	-	-	676
Lord Clive	-	-	676
Latham	-	-	643
Lord Mansfield	-	-	632
Lord Holland	-	-	676
London	-	-	676
Norfolk	-	-	662
Northumberland	-	-	657
Pococke	-	-	632
Pitt	-	-	844
Vansittart	-	-	676
Valentine	-	-	655
Worcester	-	-	646
			<hr/>
			11,346

## 4 Ships building

In the Room of the	Egmont	700
	Falmouth	676
	Hector	688
	Houghton	707
		<hr/>
		2,771

73

49,004

## In the Year 1766.

## 27 Ships Abroad.

Asia	-	-	657
Anson	-	-	657
Britannia	-	-	676
Cruttenden	-	-	663
Duke of Kingston	-	-	676
Duke of Cumberland	-	-	716
Deptford	-	-	676
Duke of Albany	-	-	676
Devonshire	-	-	657
Earl of Ashburnham	-	-	679
Fox	-	-	632
Glatton	-	-	676
Hampshire	-	-	696
Hawke	-	-	646
Havannah	-	-	676
Lioness	-	-	693
Lord Camden	-	-	707
Neptune	-	-	656
Nottingham	-	-	701
Osterley	-	-	642
Ponshorne	-	-	676
Prince of Wales	-	-	716
Plassey	-	-	663
Pigot	-	-	676

VOL IV.

Royal Charlotte	-	-	669
Speke	-	-	720
Speaker	-	-	702
			<hr/>
			18,280

## 24 Ships taken up.

Admiral Pococke	-	-	666
British King	-	-	663
Bute	-	-	657
Calcutta	-	-	632
Earl of Middlesex	-	-	657
Earl of Lincoln	-	-	676
Egmont	-	-	700
Earl of Elgin	-	-	687
Europa	-	-	676
Earl of Chatham	-	-	676
Greenwich	-	-	676
Hector	-	-	688
Houghton	-	-	707
Lord Holland	-	-	676
Latham	-	-	716
London	-	-	676
Lord Mansfield	-	-	632
Lord Clive	-	-	676
Northumberland	-	-	657
Norfolk	-	-	662
Northington	-	-	676
Triton	-	-	637
Vansittart	-	-	676
Worcester	-	-	646
			<hr/>
			16,091

## 21 Ships at Home.

Ankerwyke	-	-	676
Clive	-	-	687
Duke of Richmond	-	-	656
Dutton	-	-	676
Duke of Gloucester	-	-	657
Essex	-	-	632
Grenville	-	-	676
Grosvenor	-	-	679
Horsendon	-	-	666
Hardwicke	-	-	614
Harcourt	-	-	676
Kent	-	-	657
Princess Augusta	-	-	614
Pacific	-	-	668
Royal Captain	-	-	676
Salisbury	-	-	657
Talbot	-	-	657
Thames	-	-	676
True Briton	-	-	679
Tilbury	-	-	643
York	-	-	679
			<hr/>
			13,901

## 2 Ships building

In the Room of the	Pitt	786
	Valentine	676
		<hr/>
		1,462

74

49,734

## In the Year 1767.

## 24 Ships abroad.

Admiral Pococke	-	-	666
British King	-	-	663
Bute	-	-	657
Calcutta	-	-	632
Earl of Lincoln	-	-	676

4 E

Earl





## 290 1773. FIFTH REPORT from the Committee of Secrecy

Earl of Middlesex	-	-	657
Europa	-	-	676
Earl of Elgin	-	-	687
Egmont	-	-	700
Earl of Chatham	-	-	676
Greenwich	-	-	676
Hector	-	-	688
Houghton	-	-	707
Lord Holland	-	-	676
Latham	-	-	716
London	-	-	676
Lord Mansfield	-	-	632
Northumberland	-	-	657
Norfolk	-	-	662
Northington	-	-	676
Osterley	-	-	642
Triton	-	-	637
Vansittart	-	-	676
Worcester	-	-	646
			<hr/> 16,057

## 27 Ships taken up.

Ankerwyke	-	-	676
Asia	-	-	657
Clive	-	-	687
Dutton	-	-	676
Duke of Gloucester	-	-	657
Duke of Richmond	-	-	656
Essex	-	-	632
Grosvenor	-	-	679
Granby	-	-	786
Grenville	-	-	676
Horsenden	-	-	676
Harcourt	-	-	676
Kent	-	-	657
Pacific	-	-	668
Ponborne	-	-	676
Queen	-	-	804
Royal Captain	-	-	676
Sea Horse	-	-	676
Shrewsbury	-	-	676
Salisbury	-	-	657
True Briton	-	-	679
Tilbury	-	-	640
Thames	-	-	676
Talbot	-	-	657
Verelst	-	-	676
Valentine	-	-	676
York	-	-	679
			<hr/> 18,307

## 24 Ships at Home.

Anson	-	-	657
Britannia	-	-	676
Cruttenden	-	-	663
Duke of Cumberland	-	-	716
Deptford	-	-	676
Duke of Kingston	-	-	676
Duke of Albany	-	-	676
Devonshire	-	-	657
Earl of Ashburnham	-	-	679
Fox	-	-	632
Glatton	-	-	676
Havannah	-	-	676
Hampshire	-	-	696
Hatcke	-	-	646
Lioness	-	-	693
Lord Camden	-	-	707
Neptune	-	-	656
Nottingham	-	-	701
Prince of Wales	-	-	716
Plassey	-	-	663
Pigot	-	-	676
Royal Charlotte	-	-	669

Speke	-	-	720
Speaker	-	-	702
			<hr/> 16,305

## 1 Ship building.

Hardwicke	-	-	804
			<hr/>
76			51,473

## In the Year 1768.

## 32 Ships Abroad.

Ankerwyke	-	-	676
Asia	-	-	657
Bute	-	-	657
Calcutta	-	-	632
Clive	-	-	687
Dutton	-	-	676
Duke of Gloucester	-	-	657
Duke of Richmond	-	-	656
Earl of Chatham	-	-	676
Essex	-	-	632
Grosvenor	-	-	679
Granby	-	-	786
Grenville	-	-	676
Horsenden	-	-	666
Harcourt	-	-	676
Kent	-	-	657
London	-	-	676
Lord Mansfield	-	-	632
Pacific	-	-	668
Ponborne	-	-	676
Queen	-	-	804
Royal Captain	-	-	676
Sea Horse	-	-	676
Shrewsbury	-	-	676
Salisbury	-	-	657
True Briton	-	-	679
Tilbury	-	-	643
Thames	-	-	676
Talbot	-	-	657
Verelst	-	-	676
Valentine	-	-	676
York	-	-	679
			<hr/> 21,573

## 31 Ships taken up.

Anson	-	-	657
Britannia	-	-	676
Cruttenden	-	-	663
Duke of Albany	-	-	676
Devonshire	-	-	657
Deptford	-	-	676
Duke of Kingston	-	-	676
Duke of Grafton	-	-	804
Duke of Cumberland	-	-	716
Earl of Ashburnham	-	-	679
Earl of Lincoln	-	-	676
Earl of Middlesex	-	-	657
Fox	-	-	632
Glatton	-	-	676
Havannah	-	-	676
Hector	-	-	688
Hampshire	-	-	696
Lioness	-	-	693
Lord Holland	-	-	676
Lord Camden	-	-	707
Neptune	-	-	656
Nottingham	-	-	701
Norfolk	-	-	662
Osterley	-	-	642
Pigot	-	-	676
Plassey	-	-	663

Prince





## on the State of the EAST INDIA COMPANY.

291

Prince of Wales	-	-	716
Royal Charlotte	-	-	669
Speke	-	-	726
Speaker	-	-	702
Triton	-	-	637
			<hr/>
			21,107

## 12 Ships at Home.

Admiral Pococke	-	-	666
British King	-	-	663
Europa	-	-	676
Earl of Elgin	-	-	687
Egmont	-	-	700
Greenwich	-	-	676
Houghton	-	-	707
Latham	-	-	716
Northumberland	-	-	657
Northington	-	-	676
Vansittart	-	-	676
Worcester	-	-	646
			<hr/>
			8,146

## 1 Ship building.

Hawke	-	-	716
			<hr/>
76			51,542

British King	-	-	663
Bute	-	-	657
Duke of Gloucester	-	-	657
Duke of Portland	-	-	716
Europa	-	-	676
Earl of Elgin	-	-	687
Egmont	-	-	700
Greenwich	-	-	676
Houghton	-	-	707
Huntingdon	-	-	716
Hawke	-	-	716
Harcourt	-	-	676
Kent	-	-	657
Latham	-	-	716
Lord Mansfield	-	-	632
Morse	-	-	864
Northington	-	-	676
Northumberland	-	-	657
Princess Royal	-	-	864
Prime	-	-	864
Royal Captain	-	-	676
Resolution	-	-	804
Stafford	-	-	804
True Briton	-	-	679
Valentine	-	-	676
Vansittart	-	-	676
Verelst	-	-	676
Worcester	-	-	716

21,354

## In the Year 1769.

## 36 Ships Abroad.

Ankerwyke	-	-	676
Anson	-	-	657
Britannia	-	-	676
Cruttenden	-	-	663
Duke of Albany	-	-	676
Devonshire	-	-	657
Deptford	-	-	676
Duke of Kingston	-	-	676
Duke of Grafton	-	-	804
Duke of Cumberland	-	-	716
Earl of Catham	-	-	676
Earl of Lincoln	-	-	676
Earl of Middlesex	-	-	657
Earl of Ashburnham	-	-	679
Fox	-	-	632
Granby	-	-	786
Glatton	-	-	676
Havannah	-	-	676
Hector	-	-	688
Hampshire	-	-	696
Lioness	-	-	693
Lord Holland	-	-	676
Lord Camden	-	-	707
Nottingham	-	-	701
Neptune	-	-	656
Norfolk	-	-	662
Osterley	-	-	642
Ponsonby	-	-	676
Pigot	-	-	676
Plassey	-	-	663
Prince of Wales	-	-	716
Royal Charlotte	-	-	669
Speke	-	-	720
Speaker	-	-	702
Talbot	-	-	657
Triton	-	-	637
			<hr/>
			24,572

## 30 Ships taken up.

Admiral Pococke	-	-	666
Bridgewater	-	-	804

## 19 Ships at Home.

Asia	-	-	657
Clive	-	-	687
Calcutta	-	-	632
Duke of Richmond	-	-	656
Dutton	-	-	676
Essex	-	-	632
Grosvenor	-	-	679
Grenville	-	-	676
Horsenden	-	-	666
London	-	-	676
Lord North	-	-	761
Pacific	-	-	668
Queen	-	-	804
Salisbury	-	-	657
Sea Horse	-	-	676
Shrewsbury	-	-	676
Tilbury	-	-	643
Thames	-	-	676
York	-	-	679
			<hr/>
			12,877
			<hr/>
			58,803

85

## In the Year 1770.

## 35 Ships Abroad.

Admiral Pococke	-	-	666
Bridgewater	-	-	804
British King	-	-	663
Bute	-	-	657
Duke of Kingston	-	-	676
Duke of Cumberland	-	-	716
Duke of Gloucester	-	-	657
Duke of Portland	-	-	716
Earl of Middlesex	-	-	657
Europa	-	-	676
Earl of Elgin	-	-	687
Egmont	-	-	700
Greenwich	-	-	676
Houghton	-	-	707
Huntingdon	-	-	716





## 292 1773. FIFTH REPORT from the Committee of Secrecy

Hawke	-	-	716
Harcourt	-	-	676
Kent	-	-	757
Lord Camden	-	-	707
Latham	-	-	716
Lord Mansfield	-	-	632
Morfe	-	-	864
Northington	-	-	676
Northumberland	-	-	657
Prince of Wales	-	-	716
Princess Royal	-	-	864
Prime	-	-	864
Royal Captain	-	-	676
Resolution	-	-	804
Stafford	-	-	804
True Briton	-	-	679
Valentine	-	-	676
Vanfittart	-	-	676
Verelst	-	-	676
Worcester	-	-	716

24,826

## 30 Ships taken up.

Ankerwyke	-	-	676
Asia	-	-	657
Calcutta	-	-	761
Cruttenden	-	-	663
Colebrooke	-	-	716
Clive	-	-	687
Duke of Richmond	-	-	657
Deptford	-	-	676
Dutton	-	-	676
Grosvenor	-	-	729
Glatton	-	-	758
Grenville	-	-	666
Godfrey	-	-	716
Horsendon	-	-	666
Hampshire	-	-	696
Lord Holland	-	-	804
Lord North	-	-	761
London	-	-	716
Ponshorne	-	-	676
Pacific	-	-	668
Pigot	-	-	676
Queen	-	-	804
Rockford	-	-	716
Salisbury	-	-	657
Sea Horse	-	-	676
Speke	-	-	726
Shrewsbury	-	-	676
Thames	-	-	676
Talbot	-	-	657
York	-	-	679

20,968

## 13 Ships at Home.

Nottingham	-	-	701
Hector	-	-	688
Havannah	-	-	676
Triton	-	-	637
Granby	-	-	786
Speaker	-	-	702
Earl of Lincoln	-	-	676
Lioness	-	-	693
Earl of Ashburnham	-	-	679
Devonshire	-	-	657
Duke of Grafton	-	-	804
Duke of Albany	-	-	676
Anson	-	-	657

9,032

## 9 Ships building

In the Room of the <i>Plassey</i>	-	804
<i>Royal Charlotte</i>	-	758
<i>Osterley</i>	-	758

Britannia	804
Norfolk	716
Neptune	716
Fox	758
Admiral Watson	758
Marquis of Rockingham	758

6,830

87

61,656

## In the Year 1771.

## 38 Ships Abroad.

Earl of Elgin	-	-	687
British King	-	-	663
Stafford	-	-	804
Verelst	-	-	676
Bute	-	-	657
Morfe	-	-	864
Northumberland	-	-	657
Duke of Portland	-	-	716
Duke of Richmond	-	-	656
Queen	-	-	804
Calcutta	-	-	761
Fork	-	-	679
Salisbury	-	-	657
Asia	-	-	657
Ponshorne	-	-	676
Sea Horse	-	-	676
Glatton	-	-	676
Grosvenor	-	-	729
Ankerwyke	-	-	676
Thames	-	-	676
Pacific	-	-	668
Talbot	-	-	657
Horsendon	-	-	666
Cruttenden	-	-	663
Grenville	-	-	676
Lord North	-	-	761
Deptford	-	-	676
Rockford	-	-	716
Speke	-	-	720
Clive	-	-	687
Colebrooke	-	-	716
Shrewsbury	-	-	676
London	-	-	716
Godfrey	-	-	716
Dutton	-	-	676
Hampshire	-	-	696
Lord Holland	-	-	804
Pigot	-	-	676

26,613

## 36 Ships taken up.

Lioness	-	-	693
Nassau	-	-	716
Nottingham	-	-	701
Royal Henry	-	-	804
Havannah	-	-	676
Osterley	-	-	758
Lord Camden	-	-	707
Granby	-	-	786
Glatton	-	-	758
Duke of Grafton	-	-	804
Earl of Ashburnham	-	-	679
Earl of Lincoln	-	-	676
Fox	-	-	758
Norfolk	-	-	716
Triton	-	-	637
Greenwich	-	-	676
Earl of Sandwich	-	-	804

Prince





## on the State of the EAST INDIA COMPANY.

293

Prince of Wales	-	-	716
Anson	-	-	657
Duke of Albany	-	-	676
Royal Charlotte	-	-	758
Duke of Cumberland	-	-	716
Hector	-	-	688
Marquis of Rockingham	-	-	758
Devonshire	-	-	657
Speaker	-	-	702

## 17 Ships at Home.

Kent	-	-	657
Houghton	-	-	707
Latham	-	-	716
Princess Royal	-	-	864
Hawke	-	-	716
Valentine	-	-	676
Europa	-	-	676
Vanfittart	-	-	676
Resolution	-	-	804
Bridgewater	-	-	804
Huntingdon	-	-	716
Worcester	-	-	716
Northington	-	-	676
Egmont	-	-	700
Harcourt	-	-	676
True Briton	-	-	679
Prime	-	-	864

18,677

## 6 Ships building.

In the Room of the Earl of Middlesex	716
Admiral Pococke	864
Duke of Kingston	716
Royal Captain	864
Duke of Gloucester	758
Lord Mansfield	758

4,676

87

62,289

## In the Year 1772.

## 30 Ships Abroad.

Colebrooke	-	-	716
Shrewsbury	-	-	676
London	-	-	716
Pigot	-	-	676
Lioness	-	-	693
Nottingham	-	-	701
Royal Henry	-	-	804
Havannah	-	-	676
Osterley	-	-	758
Granby	-	-	786
Earl of Lincoln	-	-	676
Greenwich	-	-	676
Norfolk	-	-	716
Triton	-	-	637
Lord Camden	-	-	707
Earl of Ashburnham	-	-	679
Anson	-	-	657
Fox	-	-	758
Nassau	-	-	716
Garton	-	-	758
Duke of Cumberland	-	-	716
Duke of Albany	-	-	676
Duke of Grafton	-	-	804
Royal Charlotte	-	-	758
Hector	-	-	68
Prince of Wales	-	-	716
Earl of Sandwich	-	-	804
Speaker	-	-	702

Devonshire	-	-	657
Marquis of Rockingham	-	-	758

21,461

## 25 Ships taken up.

Kent	-	-	657
Pensborne	-	-	676
Worcester	-	-	716
Prime	-	-	864
Princess Royal	-	-	864
Royal Captain	-	-	864
Latham	-	-	716
Lord Mansfield	-	-	758
Duke of Kingston	-	-	716
Valentine	-	-	676
Huntingdon	-	-	716
St. rmont	-	-	716
Northington	-	-	676
Houghton	-	-	707
Alfred	-	-	758
Duke of Portland	-	-	716
Bridgewater	-	-	804
Egmont	-	-	700
Harcourt	-	-	676
Hawke	-	-	716
Resolution	-	-	804
Beiborough	-	-	864
Europa	-	-	676
Vanfittart	-	-	676
British King	-	-	663

18,375

## 27 Ships at Home.

Morse	-	-	864
Northumberland	-	-	657
Bute	-	-	657
Dutton	-	-	676
Glatton	-	-	676
Stafford	-	-	804
Asia	-	-	657
Thames	-	-	676
Calcutta	-	-	761
Speke	-	-	720
Cruttenden	-	-	663
Sea Horse	-	-	676
Pacific	-	-	668
Horsendon	-	-	666
Grenville	-	-	676
Queen	-	-	804
Salisbury	-	-	657
Grosvenor	-	-	729
Talbot	-	-	657
Lord North	-	-	761
Ankerwyke	-	-	676
Deptford	-	-	676
Rockford	-	-	716
Clive	-	-	687
Codsrey	-	-	716
Hampshire	-	-	696
Lord Holland	-	-	804

19,076

## 4 Ships building.

## New Ship in the room of the True

Briton	-	-	758
D <sup>o</sup> Earl Elgin	-	-	716
D <sup>o</sup> York	-	-	758
D <sup>o</sup> Verelst	-	-	716

2,948

86

61,860

East India House,  
the 5th February 1773.

Cha. Tho. Coggan.





## N° 8.

Agreement made between the Owners of *East India* Shipping, concerning the Limitation of Tonnage. Dated  
12th June 1751.

WHEREAS great Inconveniencies have arisen, as well to the honourable the United Company of Merchants of *England* trading to the *East Indies*, as to all those who are Owners of Ships employed in the Service of the said Company, by building more Ships than the Trade of the said Company require, and each of the Parties have greatly suffered thereby, great Numbers of the said Ships being obliged to be kept at Home for a long Time unemployed, at a very great Expence to the Owners, and some of which being not employed for Two Years and upwards, during which Time the Rigging, Sails, and Stores, have perished, and been rendered unfit for future Service, and the Ships have greatly decayed, which has very much increased the Owners Expences; and by that Means the said Owners cannot let out their Ships so cheap as otherwise they might be able to do: In order therefore to prevent the like Inconveniencies and Expences for the future, and that the said Company may be better supplied with Shipping, we whose Names are hereunder written, who have respectively subscribed this Agreement, being Owners and Proprietors of Stock of the said Company, and also the Owners and Proprietors of Ships employed in the Service of the said Company, have severally and respectively promised and agreed, and do hereby severally and respectively promise and agree, to and with each other in Manner following; that is to say, That we will respectively, to the utmost of our respective Skill and Power, cause and procure the Number of Ships, which now are, and shall hereafter be built for, and employed in, the Service of the said Company, to be reduced as soon as possibly may be, by the Method hereinafter mentioned, to Forty-eight in Number; and that neither of us shall in any Manner of Ways whatsoever, do, or cause or procure to be done, any Act, Matter, or Thing whatsoever, whereby, or by Reason or Means whereof, the Reduction of the Number of the said Ships to Forty-eight in Number, in the Manner and by the Method hereinafter mentioned, shall be frustrated, prevented, suspended, or delayed, in any Manner of Ways, or for any Time whatsoever: And as soon as the said Ships shall be reduced to Forty-eight in Number, that we will jointly and severally, to the utmost of our respective Power, do all that in us respectively lie, that no more than Forty-eight in Number of Ships shall thereafter be built for, and employed in, the Service of the said Company, at one and the same Time; and that we will respectively do all in our respective Power to prevent any Addition to be made thereto in any Manner of Ways, and to prevent any and every Application to the said Company for that Purpose, or any thing relating thereunto, except than as herein is particularly mentioned. And in order that the said Ships may be reduced to Forty-eight in Number as aforesaid, with as much Justice and as little Inconvenience as possibly may be to the Parties concerned, It is agreed, That when any of the said Ships which have or shall hereafter be built for, and employed in, the said Company's Service, shall have performed Four Voyages in the said Service, according to the usual Custom of the said Company in employing of Ships, and the Commander or Commanders of any such Ship or Ships shall happen to die in the last of the said Voyages, or after the Performance thereof shall retire from and discontinue the said Service, as Commander or Commanders of such Ship or Ships, that then and in either of the said Cases, such Ship or

Ships shall not be replaced, and there shall be no Ship or Ships built in Lieu of, or on the Bottom of such Ship and Ships, so performing such Voyages as aforesaid, until such said Ships so aforesaid built for, and employed, and to be built for, and employed in, the said Company's Service, shall be reduced to the Number of Forty-eight Ships as aforesaid, in the Whole: And, in order that this Agreement may not be evaded or frustrated, the Person or Persons who shall have been Commander and Commanders at the Commencement of the Fourth Voyage of all or any such Ship or Ships in the said Company's Service, which shall have performed Four Voyages as aforesaid, shall, before any new Ship shall begin to be built, enter into a Bond with a sufficient Surety of the Penalty of Six Thousand Pounds to the Husband thereof, to secure his continuing Commander of such Ship so to be built, for One Voyage at least, in the said Company's Service, or in Lieu thereof, to pay to the Owners of such said Ship Three Thousand Pounds, unless he shall be prevented by unforeseen Illness, or some inevitable Accident, which shall be clearly made appear to the Satisfaction of the Court of Directors of the said Company. And it is further agreed, That in case the Part Owners of any Ship or Ships built for, and employed in, the said Company's Service, shall at any Time, after One or more Voyage or Voyages, not think such Ship or Ships in a Condition to be refitted for the said Service; and if the Person or Persons who shall have been Commander or Commanders of such Ship or Ships at the Commencement of the last Voyage from *England*, shall happen to be deceased, or shall retire from and discontinue the said Service as Commander or Commanders of such Ship or Ships; or in case any Commander or Commanders of any of the said Ship or Ships shall be dismissed his or their said Service or Services on any Account whatsoever, and the said Ship or Ships shall be then worn out, or not in a Condition to be refitted for another Voyage in the said Company's Service; that then, and in each and every of the said Cases, such Ship and Ships shall not be replaced, and there shall be no Ship whatsoever built in Lieu of, or on the Bottom of such last mentioned Ship or Ships so worn out as aforesaid, until all the said Ships built for, and employed, and to be built for, and employed in, the said Company's Service, shall be reduced to the Number of Forty-eight in the Whole; and the Person or Persons who shall have been the Commander and Commanders of all such Ship or Ships which shall be worn out, or not in a Condition to be refitted as aforesaid, at the Commencement of such said Ship or Ships last Voyage, in like Manner, before any new Ship or Ships shall begin to be built for the said Company's Service, in Lieu of or on the Bottom of such last-mentioned Ship or Ships, shall enter into a Bond, with a sufficient Surety, of the Penalty of Six Thousand Pounds to the Husband of such said Ship or Ships, to secure such Commander and Commanders continuing Commander and Commanders of such said Ship and Ships so to be built, for One Voyage at least, in the said Company's Service, or in Lieu thereof, to pay to the Owners of such said Ship Three Thousand Pounds, unless such Commander or Commanders shall be prevented by some unforeseen Illness, or some inevitable Accident, which shall be clearly made appear to the Satisfaction of the Court of Directors of the said Company





pany as aforefaid. Provided always, and it is hereby agreed, That nothing herein contained is meant or intended to bind the United Company of Merchants of *England*, trading to the *East Indies*, from caufing any Number of Ships to be built for, and employed in, their Service, if the faid Company fhall think neceffary, and fhall have Occafion to increafe the Number of hired Ships in their Service; but in fuch Cafe we do hereby refpectively agree, That we will ufe our utmoft and beft Endeavours, that every fuch Ship which may be fo built for the faid Service, fhall be built upon the Bottom and Bottoms, and to replace the Ship and Ships firft worn out or loft in their Service, regularly in Courfe one after another, from the Day of the Date hereof; and that the Command of fuch Ship or Ships may be given to fome Perfon or Perfons who fhall have been bred in the faid Company's Service. In Witnefs whereof we have hereunto fubfcribed our Names, this Twelfth Day of June,

in the Year of our Lord One thoufand Seven hundred and Fifty-one.

*Simon Rogers,  
Samuel Braund,  
John Hallett,  
Thomas Delamotte,  
Caleb Grantham,  
Thomas Hunt,  
Edmund Godfrey,  
Edward Page,  
Robert Baillie,  
John Pelly,  
David Crichton,  
Aaron Franks,  
Robert Brooke,  
Barrington Buggin,  
Samuel Willfon,  
Richard Crabb,*

*William Black,  
John Pelly, Jun.  
Abraham Wells,  
Joseph Jackson,  
Shearman Godfrey,  
Samuel Jones,  
John Chace,  
John Legg,  
M. Lethieullier,  
Henry Fynes,  
Chas Raymond  
Nicholas Crisp,  
Fra<sup>s</sup> Salvadore,  
Joseph Collier,  
Chas Benyon.*

N<sup>o</sup> 9.

Letter from Sir *Richard Hotham* to the Court of Directors of the *East India Company*.

Honourable Sirs,  
YOUR late unexpected Refolution has made a moft extraordinary Alteration in the Affairs of fuch Ships as are ftationed to *China*. I acknowledge myfelf bound by Charter Party, but any Agreement may be difolved by Consent of the contracting Parties, for mutual Benefit: I do therefore now propofe to you a fresh Tender of my Ship *Royal Captain*; and will agree (provided you will direct to be laden on board of her at *China* as much Goods as fhe can conveniently carry) to bring Home the fame at Twenty Guineas per Ton, being Four Guineas per

Ton lefs than you can have a Cargo brought for from thence, under every poffible Advantage to the Company that the prefent Charter Party can afford.

And I do hope, whatever may have been your Motive for your late Refolution, that you will immediately give my Offer a deliberate Confideration.

I am, honourable Sirs,  
Wednesday Morning, Your moft humble Servant,  
January 13th, 1773. *R<sup>d</sup> Hotham.*

The honourable Court of Directors  
of the *East India Company*.

N<sup>o</sup> 10.

Letter from Sir *Laurence Dundas*, Baronet, to the Chairman of the *East India Company*, communicated to the Court of Directors.

*Moor Park*, 14th January 1773.

Sir,  
I Muft trouble you with this Letter, from a Report that I have heard, that the Directors have (or intend to) come to a Refolution, that the *China* Ships fhall not have Surplus Freight: The Hardfhips to the Owners of large Ships built for the Service of the Company, and the Freight reduced in the Manner you know they are, upon the Faith and Affurances that Surplus Tonnage fhould be given, would be fo great that I cannot allow myfelf to believe that the Directors can come to fuch a Refolution: I entreat to know from you the Truth of this Matter, and that you will be fo kind as to

communicate this Letter to the Directors; for I hope, when they confider the great Hardfhip that this muft bring upon thofe who are concerned in large Ships, and who upon the Affurances of Surplus Tonnage have fitted out thefe Ships at a very great Expence, that Juftice and Equity will prevail with the Directors to refcind any Refolution which muft be ruinous to thefe Ships, I am, with great Regard, Dear Sir,

Your moft obedient, and  
Moft humble Servant,  
*Laurence Dundas.*  
To the Chairman of the honourable  
*East India Company*.





## 296 1773. FIFTH REPORT from the Committee of Secrecy

N<sup>o</sup> 11.

Letter from *Alexander Hume*, Esquire, and Sir *Abraham Hume*, Baronet, to the Court of Directors of the *East India Company*.

Honourable Sirs,

AS we understand that you are come to a Resolution not to allow the *China* Ships to bring Home any Surplus Tonnage; which must very materially affect the Interest of the Owners of the Ships sent out this Season; and as these Ships were taken up and fitted out at a great Expence, upon the Faith of Surplus Tonnage being sent Home in them, and the Owners submitted to a Deduction in the Freight on that Account: The carrying this Resolution into Effect must be attended with such Loss to the Owners of the large

Ships in particular, that we hope, upon Re-consideration, you will order it to be rescinded: And as we further understand, that a Tender, at Twenty Guineas a Ton from *China*, has been offered, we are willing to accept of the Terms proposed in that Tender.

We are,

Honourable Sirs,  
Your very humble Servants,

London, 15th January  
1773.

*Alexander Hume,*  
*Abra. Hume.*

N<sup>o</sup> 12.

Report of the Joint Committee of Correspondence and Shipping.

At a Joint Committee of Correspondence and Shipping  
the 27th January 1773.

THE Committee having taken into Consideration the Application of Sir *Richard Hotbam*, Sir *Laurence Dundas*, and *Alexander Hume*, Esquire, representing the great Losses the Owners of the Ships *Royal Captain*, *Prime*, and *Princess Royal*, will sustain by the Orders given to *China*, respecting the Freight of the Ships Homewards; and being disposed, in Consideration of the reduced *China* Freights of Twenty Shillings per Ton, to afford the Owners all the Relief that the Company can consistently grant; are of Opinion, that the *China* Council be ordered to freight Two of the Ships consigned to them, on Country Voyages to *Fort Saint George* and *Bengal*, or any other Part of *India*, on such Terms as are equal to the Demorage that shall thereby be incurred; and to be returned to *China*, and laden from thence for Europe in 1775.

The said Council to be also ordered, if they shall

be advised, that a Surplus Quantity of Pepper remains at *Bencoolen* sufficient for the Tonnage, to dispatch one of the small Ships now consigned to *China* to the West Coast, with a Proportion of the *China* Ware and Raw Silk, to fill up, and return Home from thence with such Surplus Pepper.

And that Orders be sent to *Fort Saint George*, that the said Presidency do detain one of the Ships now ordered from thence for *China*, if such Ship can be employed on Freight or otherwise, to do it in the most advantageous Manner for the Company's Interest, and afterwards dispatch the same for *China*, to be laden Home from thence in the Year 1775.

And that the *China* Council be ordered to dispose of the Tonnage which would have been put on board the Four above-mentioned Ships, to be laden on the Seven Ships which will remain to be dispatched by them from *China* for *England* in the Season of 1773, notwithstanding the Orders contained in the Court's Instructions to them, dated the 6th Instant.





S I X T H

R E P O R T

FROM THE

COMMITTEE OF SECRECY

APPOINTED TO ENQUIRE INTO

T H E S T A T E

OF THE

*EAST INDIA* COMPANY.

Together with an APPENDIX referred to in the said Report.

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Reported by Mr. ALDERMAN HARLEY on the 26th Day of *April* 1773.

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S I X T H

R E P O R T

FROM THE

COMMITTEE OF SECRECY

APPOINTED TO ENQUIRE INTO

THE STATE OF THE *EAST INDIA* COMPANY.

*The 26th of April 1773.*

The Committee of Secrecy, "appointed to enquire  
" into the State of the *East India* Company; and  
" for that Purpose to inspect the Books and Ac-  
" counts of the said Company; and to report to  
" the House what they find material therein, in  
" respect to the Debts, Credits, and Effects, of the  
" Company, as also to the Management and present  
" Situation of the Company's Affairs, together  
" with their Observations thereupon :

**F**INDING in the Dispatches lately received by  
the Court of Directors from the President and  
Council at *Fort William*, in *Bengal*, several important  
Matters respecting the Revenue of *Bengal* and *Babar*,  
which appear to them highly worthy the Attention of  
the House in the present Juncture, they think it their  
Duty to report the same to the House, in Addition to  
the Report they have already made concerning the Re-  
venues of those Provinces.

And Your Committee find, That the Court of Di-  
rectors having, by their Letter to the President and  
Council at *Fort William*, dated the 28th of August 1771,  
signified their Determination " to stand forth as Duan,  
" and by the Agency of the Company's Servants to take  
" upon themselves the entire Care and Management of  
" the Revenues"—and having therefore authorized and  
required the President and Council to divest *Mahomed*  
*Reza Cawn*, and every Person employed by him, or in  
Conjunction with him, or acting under his Influence, of  
any further Charge or Direction in the Business of the  
Collections—and having expressed their Confidence  
that the President and Council, in the Office of Duan,  
would adopt such Regulations, and pursue such Mea-  
sures, as should at once insure to the Company every  
possible Advantage, and free the Ryotts from the Op-  
pressions of Zemindars and Petty Tyrants, under which  
they have been suffered to remain; and having directed

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them at the same Time to substitute, in the place of  
*Mahomed Reza Cawn*, a Minister to transact the political  
Affairs at the Sircar, and to select for that Purpose some  
Person well qualified for the Affairs of Government, and  
of whose Attachment to the Company's Interest they are  
well assured, and to recommend him to the Nabob,  
and to succeed *Mahomed Reza Cawn* as Minister of the  
Government, and Guardian of the Nabob's Minority—  
and to make him an Annual Allowance not exceeding  
Three Lacks of Rupees—the President and Council  
took the said Orders into Consideration, and have re-  
moved *Mahomed Reza Cawn* from the Office of Naib  
Duan for the Province of *Bengal*, and *Sbitabrey* from  
the same Office for the Province of *Babar*; and issued,  
at the same Time, a Proclamation at *Moorshedabad* and  
at *Patna*, advertising the Removal of those Officers, and  
of the Abolition of the Office of Naib Duan of the  
Provinces; and they directed the Chief and Council of  
Revenue at *Moorshedabad*, and the Chief and Council at  
*Patna*, to take Charge, for the present, of the Office of  
Duan of their respective Provinces, until a proper Plan  
could be settled for the Management of that important  
Business; and they have appointed *Mance Begum*, Relict  
of the late Nabob *Jaffier Aly Cawn*, Guardian of the  
Nabob, and *Raja Goordass*, the Son of *Maharajah*  
*Nuncomar*, Duan of the Nabob's Household, allowing  
to the said *Mance Begum* a Salary of 140,000 Rupees  
per Annum, and to the said *Raja Goordass*, for himself  
and Officers, 100,000 Rupees per Annum.

And Your Committee find, That the President and  
Council have, in consequence of the before-mentioned  
Orders, made several Regulations for the future Ma-  
nagement of the Revenues, and of the Khalsa, or supe-  
rior Office of Revenue; which Regulations are con-  
tained in an Extract of the General Letter from the  
President and Council in the Revenue Department, the  
3d of November 1772, and in the Consultations of the  
Committee



300 1773. SIXTH REPORT *from the Committee of Secrecy*

Committee of Revenue at *Fort William* of the 14th and 28th of May 1772; and in the Proceedings of the Committee of Circuit of the 28th of July and 20th of August 1772, on forming a Plan for conducting the Business of the *Khalsa*; which several Papers Your Committee have thought proper to lay before the House, in this Report; and are as follows; viz.

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

Honourable Sirs,

In our Address by the *Colebrooke*, dated 13th April last, we acquainted you with the State of your Revenues in *Bengal* to that Period, since which we have closed the Account of the Neat Settlements and Collections for the last *Bengal* Year, a Copy of which we now transmit a Number in this Packet. From it you will please to observe, that the total Receipts, including some Deductions written off to Profit and Loss in the *Moorshedabad* Treasury, amounted for last Year to *Sicca* Rupees 1,57,26,576. 10. 2. 1, so that the Balances for that Year are now reduced to Rupees 12,40,812. 7. 15, a great Part of which we shall still hope to realize; and we flatter ourselves, that this Reduction of the Balances, and the comparative View we hope you will take of the *Bengal* Collections for these several Years past, with those of the last Year, will fully satisfy you as to the favourable Success we have met with in the Collection of the Revenues. The *Moorshedabad* Books, that will be transmitted to you by the next Ship, completely balanced, will further elucidate the Statement of the last Year's Revenue, which we have now the Honour of inclosing.

At a Meeting of your Council of the 30th of August, it was unanimously resolved to adopt the Plan proposed by our President and Members of the Committee of Circuit at *Cossimbuzar*, for removing the Seat of the Revenue Business to the Presidency, and for putting this important Branch of your Affairs under the immediate Management of your Governor and Council; in consequence of which we formed ourselves into a Board of Revenue the 13th ultimo; since that Time all Affairs respecting the Collections, or internal Government of the Provinces, have been confined solely to this Depart-

*Bengal* Year.

1175, or 1768, Net Collections	-	-	-	-	1,52,54,856.	9.	4.	3
1176, or 1769, { the Year of Dearth, which was productive of the } { Famine in the following Year                                }	-	-	-	-	1,31,49,148.	6.	3.	2
1177, or 1770 the Year of the Famine and Mortality	-	-	-	-	1,40,06,030.	7.	3.	2
1178, or 1771	-	-	-	1,57,26,576.	10.	2.	1	
Deduct the Amount of Deficiencies occasioned in the Revenue by unavoidable Losses to Government	-	-	-	3,92,915.	11.	12.	3	
					1,53,33,660.	14.	9.	2

It was naturally to be expected that the Diminution of the Revenue should have kept an equal Pace with the other Consequences of so great a Calamity; that it did not, was owing to its being violently kept up to its former Standard. To ascertain all the Means by which this was effected will not be easy; it is difficult to trace the Progress of the Collections through all its intricate Channels, or even to comprehend all the Articles which compose the Revenue in its first Operations. One Tax however we will endeavour to describe, as it may serve to account for the Equality which has been preserved in the past Collections, and to which it has principally contributed. It is called *Najay*, and is an Assessment upon the actual Inhabitants of every inferior Division of the Lands, to make up for the Loss sustained in the Rents of their Neighbours, who are either dead or have

ment, and we shall henceforth address you separately upon all Matters which come under these Heads.

In order to give you a distinct Idea of this Subject, and to make it the more complete, we shall begin by recapitulating the most important Measures that have been lately taken; and of which you have been in part advised in our former Letters.

In our Letter by the *Nottingham*, you were informed of our Intention of letting the Lands throughout the Provinces in Farm upon long and well-regulated Leases; and we are happy to reflect that such a material and principal Mode of conducting the Collections should coincide so entirely with your Sentiments and Orders on the Subject. After the most serious and mature Deliberations on this Point, we determined, in our Proceedings of the Committee of Revenue of the 14th May, to establish a Plan for settling the several Districts upon this Footing, and for the future Government of your Collections. This being the constitutional Ground Work of all our subsequent Measures, and of the System which we have since attempted to build upon it; we have thought it necessary, for your more immediate Attention, to transmit a Copy of it as a Number in the Packet, with our Reasons at large for adopting the Regulations therein laid down.

Before we proceed farther upon this Subject, it may not be improper to premise some general Remarks on the State of the Province at this Juncture.

The Effects of the dreadful Famine which visited these Provinces in the Year 1770, and raged during the whole Course of that Year, have been regularly made known to you by our former Advices, and to the Public by laboured Descriptions, in which every Circumstance of Fact, and every Art of Language have been accumulated to raise Compassion, and to excite Indignation against your Servants, whose unhappy Lot it was to be the Witnesses and Spectators of the sufferings of their Fellow Creatures. But its Influence on the Revenues has been yet unnoticed, and even unfelt but by those from whom it is collected; for notwithstanding the Loss of at least One Third of the Inhabitants of the Province, and the consequent Decrease of the Cultivation, the Net Collections of the Year 1771 exceeded even those of 1768, as will appear from the following Abstracts of Accounts of the Board of Revenue at *Moorshedabad* for the Four last Years.

fled the Country. This Tax, though equally impolitic in its Institution, and oppressive in the Mode of exacting it, was authorized by the ancient and general Usage of the Country. It had not the Sanction of Government, but took place as a Matter of course. In ordinary Cases, and while the Lands were in a State of Cultivation, it was scarcely felt, and never or rarely complained of. However irreconcilable to strict Justice, it afforded a Reparation to the State for occasional Deficiencies; it was a Kind of Security against Desertion, by making the Inhabitants thus mutually responsible for each other, and precluded the inferior Collector from availing himself of the Pretext of waste or deserted Lands, to withhold any Part of his Collections. But the same Practice, which at another Time and under different Circumstances would have been beneficial,





beneficial, became at this period an insupportable Burthen upon the Inhabitants. The Tax not being levied by any fixed Rate or Standard, fell heaviest upon the wretched Survivors of those Villages, which had suffered the greatest Depopulation, and were of course the most entitled to the Lenity of Government. It had also this additional Evil attending it, in common with every other Variation from the regular Practice, that it afforded an Opportunity to the Farmers and Shicdars to levy other Contributions on the People under colour of it; and even to increase this to whatever Magnitude they pleased, since they were in course the Judges of the Loss sustained, and of the Proportion which the Inhabitants were to pay to replace it.

Complaints against this Grievance were universal throughout the Province; and it was to be feared, that the Continuance of it would be so great a Check to the Industry of the People, as to impoverish the Revenue in the last Degree, when their former Savings by which it was supported were gone.

Though Seven Years had elapsed since the Company became possessed of the Dewanny, yet no regular Process had ever been formed for conducting the Business of the Revenue. Every Zemindaree and every Talook was left to its own particular Customs. These indeed were not inviolably adhered to, the Novelty of the Business to those who were appointed to superintend it, the Chicanery of the People whom they were obliged to employ as their Agents, the accidental Exigencies of each District, and not unfrequently the just Discernment of the Collector, occasioned many Changes. Every Change added to the Confusion, which involved the whole, and few were either authorized or known by the presiding Members of the Government. The Articles which composed the Revenue, the Form of keeping Accounts, the Computation of Time, even the technical Terms, which ever form the greatest Part of the Obscurity of every Science, differed as much as the Soil and Productions of the Province. This Confusion had its Origin in the Nature of the former Government. The Nazims exacted what they could from the Zemindars and great Farmers of the Revenue, whom they left at Liberty to plunder all below, reserving to themselves the Prerogative of plundering them in their Turn, when they were supposed to have enriched themselves with the Spoils of the Country. The Mutteseddees, who stood between the Nazim and the Zemindars, or between them and the People, had each their respective Shares of the public Wealth. These Profits were considered as illegal Embezzlements, and therefore were taken with every Caution which could insure Secrecy; and being consequently fixed by no Rule, depended on the Temper, Abilities, or Power of each Individual for the Amount. It therefore became a Duty in every Man to take the most effectual Measures to conceal the Value of his Property, and elude every Enquiry into his Conduct; while the Zemindars, and other Landholders who had the Advantage of long Possessions, availed themselves of it by complex Divisions of the Lands, and intricate Modes of Collection, to perplex the Officers of the Government, and confine the Knowledge of the Rents to themselves. It will be easily imagined, that much of the current Wealth stopped in its way to the public Treasury. It is rather foreign from the Purpose of this Exposition, but too apposite not to be remarked; that it was fortunate such a System did prevail, since the Embezzlements which it covered preserved the current Specie of the Country, and returned it into Circulation, while a great Part of the Wealth received by the Government was expended in the Country, and but a small Superfluity remained for Remittances to the Court of *Delhee*, where it was lost for ever to this Province.

To the original Defects inherent in the Constitution of these Provinces, were added the unequal and unsettled Government of them. Since they became our

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Property, a Part of the Lands which were before in our Possession, such as *Burdwan*, *Midnapore*, and *Chittagong*, continued subject to the Authority of their Chiefs, who were immediately accountable to the Presidency. The 24 Pergunnahs granted by the Treaty of *Plassey* to the Company, were theirs on a different Tenure, being their immediate Property by the Exclusion of the Zemindars or hereditary Proprietors; their Rents were received by Agents appointed to each Pergunnah, and remitted to the Collector who resided in *Calcutta*; the rest of the Province was for some Time entrusted to the joint Charge of the Naib Dewan and Resident of the Durbar, and afterwards to the Council of Revenue at *Moorshedabad*, and to the Supervisors, who were accountable to that Council. The Administration itself was totally excluded from a Concern in this Branch of the Revenue.

The internal Arrangement of each District varied no less than that of the whole Province. The Lands subject to the same Collectors, and intermixed with each other, were some held by Farm, some superintended by Shicdars or Agents on the Part of the Collector, and some left to the Zemindars or Talookdars themselves, under various Degrees of Controul. The First were racked without Mercy, because the Leases were but of a Year's Standing, and the Farmer had no Interest or Check to restrain him from exacting more than the Land could bear; the Second were equally drained and the Rents embezzled, as it was not possible for the Collector, with the greatest Degree of Attention on his Part, to detect or prevent it; the latter, it may be supposed, were not exempted from the general Corruption; if they were, the other Lands which lay near them would suffer by the Migration of their Inhabitants, who would naturally seek Refuge from Oppression in a milder and more equitable Government.

The Administration of Justice has so intimate a Connection with the Revenue, that we cannot omit the Mention of it, while we are treating of this Subject in a general View, although we have already given our Sentiments upon it at large in another Place, to which we shall crave leave to refer.

The Security of private Property is the greatest Encouragement to Industry, on which the Wealth of every State depends. The Limitations of the Powers annexed to the Magistracy, the Suppression of every Usurpation of them by private Authority, and the facilitating of the Access to Justice, were the only Means by which such a Security could be obtained: But this was impossible under the Circumstances which had hitherto prevailed. While the Nizamut and the Dewannee were in different Hands, and all the Rights of the former were admitted, the Courts of Justice, which were the sole Province of the Nazim, though constituted for the general Relief of the Subjects, could receive no Reformation. The Court and Officers of the Nizamut were continued, but their Efficacy was destroyed by the ruling Influence of the Dewannee. The regular Course of Justice was every where suspended; but every Man exercised it, who had the Power of compelling others to submit to his Decisions. The People were oppressed, they were discouraged, and disabled from improving the Culture of their Lands; and in proportion as they had the Demands of Individuals to gratify, they were prevented from discharging what was legally due to Government.

Such was the State of the Revenue when your Commands were received by the *Lapping*, and happily removed the Difficulties which had hitherto opposed the Introduction of a more perfect System, by abolishing the Office of Naib Duan, and authorizing your Administration to assume openly the Management of the Dewannee in your Name, without any foreign Intervention.

In the Execution of these your Intentions, the Points which claimed our principal Attention, as will appear



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by the above Description, were, to render the Accounts of the Revenue simple and intelligible, to establish fixed Rules for the Collections, to make the Mode of them uniform in all Parts of the Province, and to provide for an equal Administration of Justice. In the Steps which we have already taken, we have laboured to attain these Ends; with what Success will be seen hereafter.

The Regulations which we have before mentioned being completed, and the Committee of Circuit appointed, consisting (as we mentioned in our last) of the Governor, Messieurs *Middleton*, *Dacres*, *Lawrell*, and *Grabam*; we published our Intention of farming all the Lands of the Province of *Bengal* in Leases of Five Years, and invited all Persons to make Proposals.

The Committee first proceeded to *Kishenagur*, and there entered on the Settlement of the District of *Nuddea*. The Proposals which were there delivered to them, were expressed in so vague and uncertain a Manner, and differed so widely from each other in Form, that it was impossible to make a Comparison, or to ascertain the proportional Amount of each; and the few only that were intelligible, contained very low and disadvantageous Terms. The Committee were therefore of Opinion, That those Offers should be rejected, and that the Lands should be put up at public Auction, though contrary to the original Intention. To remove all Obstacles that might present themselves, from an Uncertainty in the Bidders, with respect to the more minute Articles of the Collections, and the Grounds on which the Settlement was to be established between the Farmer and Cultivator, the Committee found it indispensably necessary, before the Sale began, to form an entire new *Hustabood*, or Explanation of the diverse and complex Articles which were to compose the Collections. These consisted of the *Afsal* or original Ground Rent, and a Variety of Taxes called *Aboabs*, which had been indiscriminately levied at different Periods by the Government, the *Zemindars*, Farmers, and even by the inferior Collectors; one of these *Aboabs* we have explained above, many of them are incapable of any Explanation.

After the Committee had made a thorough Investigation of the above Articles of the Revenue, they proposed to deduct such as appeared most oppressive to the Inhabitants, or of a late Establishment; at the same time reserving those which were of long Standing, and had been cheerfully submitted to by the *Ryotts*, these being in fact a considerable Part of the *Nett Rents*. Among the former were the Duties arbitrarily levied by the *Zemindars* and Farmers upon all Goods and Necessaries of Life passing by Water through the interior Part of the Country. The *Razee Jumma*, or Fines for petty Crimes and Misdemeanors, were also, agreeably to the humane and equitable Spirit of your Orders, totally abolished, as well as the *Haldarry*, or Tax upon Marriage, which yielded a trifling Revenue to Government, was very injurious to the State, and could tend only to the Discouragement and Decrease of Population, an Object at all Times of general Importance, but more especially at this Period, from the great Loss of Inhabitants which the Country has sustained by the late Famine, and the Mortality which attended it. These several Deductions in favour of the Natives, although the immediate Cause of decreasing the Rent Roll, will doubtless, in time, be productive of the most salutary Effects, as they tend to encourage the Manufacturers and Trade of the Country, to retrieve the Loss of Inhabitants, to free the People from vexatious Prosecutions, and, by promoting the general Ease of the Country, virtually to support and improve its Revenue.

In order to secure the Inhabitants in the quiet Possession of the Lands, whilst they hold them on Terms of Cultivation, and to prevent such Exactions as aforementioned in future, the Committee formed new *Amul-*

*namas* or Leases, in which the Claims upon the *Ryotts* were precisely and distinctly ascertained, and the Farmers restricted from making any further Demands under the severest Penalties. To this End, and to prevent the Farmers from eluding this Restriction, they were ordered to grant new *Pottahs* or Deeds to the *Ryotts*, the Form of which was drawn out by the Committee, and made public, specifying the Conditions on which they were to hold their Land, the separate Heads or Articles of the Rents; and every Encouragement was contained in them to cultivate the Waste Ground, on a moderate and increasing Rent.

Another principal Object with the Committee was to reduce the Charges of Collection as low as possible, from a Conviction that the Retrenchment of improper and unnecessary Expences opens a Source of Increase of Revenue, the most eligible, because the most consistent with the Ease of the Inhabitants. For this Purpose we have formed an uniform and regular Establishment for all the necessary Charges to be incurred in the *Cutcheries* of the several Districts, under positive Restrictions that they shall not be exceeded without our being previously advised. This we doubt not will prove a great Saving to the honourable Company, as it will be the effectual Means of preventing in future all superfluous and unnecessary Disbursements; and we think we may venture to promise, that this Article will be duly attended to, as it will be almost the only Care of the Auditor to prevent every Deviation from it in the Accounts which are to pass his Inspection.

After these previous Steps were resolved on, the Lands of *Kishenagur* were put up to public Auction, and a final Settlement was made for Five Years on an accumulating Increase; for the Particulars of which we must beg leave to refer you to the Proceedings of the Committee, which are now transmitted.

During the Course of the Sale at *Kishenagur*, the *Rajah* of that Place gave in Proposals for farming the whole District, which leads us to the following general Observations on the Subject of *Zemindars* and *Talookdars*, in the Province of *Bengal*.

Where it can be done with Propriety, the entrusting the Collections of the Districts to the hereditary *Zemindars*, would be a Measure we should be very willing to adopt, as we believe that the People would be treated with more Tenderness, the Rents more improved, and the Cultivation more likely to be encouraged; the *Zemindar* less liable to Failure or Deficiencies than the Farmer, from the perpetual Interest which the former hath in the Country, and because his Inheritance cannot be removed; and it would be improbable he would risk the Loss of it by eloping from his District, which is too frequently practised by a Farmer, when he is hard pressed for the Payment of his Balances, and as frequently pre-determined when he receives his Farm.

With respect to the *Talookdars* and inconsiderable *Zemindars*, which formed a Part of the *Huzzon Zelabs*, or Districts which paid their Rents immediately to the general *Cutcherry* at *Moorshedabad*, as well as many others of the same kind in different Parts of *Bengal*, all Arguments have been weighed, whether in Favour of the just Claim Government has upon their Lands for a Revenue adequate to their real Value, or of the *Zemindars* and *Talookdars* in Support of their Rights and Privileges, grounded upon the Possession of regular Grants, a long Series of Family Succession, and fair Purchase. These being duly considered, there occurred to us only the Two following Modes, which could be pursued in making their Settlement. The First was, to let their Lands to farm; to put the Renters in entire Possession and Authority over them, obliging them to pay each *Zemindar* or *Talookdar* a certain Allowance or per Centage for the Subsistence of himself and Family: The Second was to settle with the *Zemindars* themselves, on the Footing of Farmers, obliging them first to enter into all the Conditions of a Farmer's





a Farmer's Lease; Secondly, To pay the same Revenue that could be expected from Farmers; Thirdly, to give responsible Securities; and Fourthly, To admit a Reserve in favour of Government, for making, during the Course of their actual Lease, an exact Husbandry (Valuation from Accounts) or a Measurement of their Possessions, in order to ascertain their true Value at a future Settlement, should the present Accounts be found to be fallacious, or Concealments suspected. We have allowed a Degree of Weight to the Arguments of the Zemindars and Talookdars in favour of their Plea of Right; which, by adopting the First Mode of Settlement, would doubtless be exposed to Risk; for as the Authority given to the Farmers would reduce the present Incumbents to the Level of mere Pensioners, and greatly weaken their Claims as Proprietors, so in the Course of a few long Leases, their Rights and Titles might, from the Designs of the Farmers to establish themselves in their Estates, the Death of the old Inheritors, and the Succession of Minors, be involved in such Obscurity, Doubt, and Controversy, as to deprive them totally of their Inheritance. To expose the Zemindars and Talookdars to this Risk, is neither consistent with our Notions of Equity, nor with your Orders, which direct, "that we do not by any sudden Change alter the Constitution, nor deprive the Zemindars, &c. of their ancient Privileges and Immunities." Another Argument, drawn from the Conduct naturally to be expected from the Zemindars and Talookdars, weighed strongly with us, and proves an Objection to adopting the First Mode. From a long Continuance of the Lands in their Families, it is to be concluded, they have rivetted an Authority in the District, acquired an Ascendancy over the Minds of the Ryotts, and ingratiated their Affections. From Causes like these, if entire Deprivation were to take place, there could not be expected less material Effects than all the Evils of a divided Authority, Prejudice to the Revenue, and Desertion and Desolation to the Lands. Whereas, from continuing the Lands under the Management of those who have a natural and perpetual Interest in their Prosperity, provided their Value is not of too great an Amount, solid Advantages may be expected to accrue; every Consideration then sways us, where it can be done with the Prospect of the Advantage before-mentioned, to adopt the Second Mode in settling with the inferior Zemindars and Talookdars. First, an equivalent Revenue may be thereby obtained, with Security for its punctual Payment; Secondly, the converting them into Farmers, establishes the Government's Right of putting their Lands on that Footing, whenever they shall think proper, the Awe of which must constantly operate to ensure their good Behaviour and good Management; Thirdly, the Clause of Scrutiny, to which they are subjected, will also have the same Tendency, at the same Time that it may be strictly put in force where there is Cause to suspect Concealments, or a Prospect presents of Increase to the Revenue.

Agreeable to these Ideas, the Committee at *Kishenagur* exempted the several Talooks in that District from the public Sale, as the Possessors engaged to abide by such a Settlement, as should be deemed equivalent and just; and an exact Valuation was accordingly made of their Lands. It was however found, that the Terms offered by the Zemindar of *Kishenagur*, as before-mentioned, were not equivalent to the Expectations the Committee had Reason to entertain from the public Auction of the separate Farms, and the Faith of Government having been already engaged to such Farmers, whose Offers had been formerly accepted: For these Reasons, joined with the well known subtle and faithless Character of the Zemindar, it was determined to reject his Proposals, and to give the Preference to the Offers of the Farmers, which were more advantageous to Government.

The Settlement of *Kishenagur* being concluded, a fixed Dewan was chosen by the Committee, to be joined with  
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the Collector in the Superintendancy of the Revenues, conformably to our established Regulations before referred to, and Instructions were accordingly given him for his Guidance.

We have been thus explicit in relating the Transactions of *Kishenagur*, both as these will serve to point out the various Effects of our previous Determinations, as well as the Motives which gave Occasion to those which were superadded by the Committee, from local or general Observations; and to convey an Idea of the Plan, on which the Settlement of the whole Province will be formed, of which that of *Kishenagur* may be regarded as the Model.

The Province of *Radshahy*, and the Huzzoor Zelahs, were taken next into Consideration, and the same Regulations established, previous to their Settlement, as at *Kishenagur*; public Advertisements being made for receiving Proposals for the farming the different Pergunnahs in *Radshahy*, and a proper Time limited for their Delivery. The Terms given in for the whole of the Western Division were examined, and the Offers of the Farmers and Zemindar accurately compared. Those of the latter were found more advantageous to Government: A Settlement for Five Years was accordingly concluded with the *Ranny Bowanny*, the Zemindar of that District, whose Substance, Credit, and Character, rendered the Conditions of her Offer the more desirable, especially as she consented to the Committee's Plan of subdividing the Lands into Fourteen Lots, or Farms, and engaged to deposit the Farmers' Cabooleats or Agreements, as a collateral Security with her own, for the punctual Payment of her Rents. No other Proposals being given in for the Eastern Division of *Radshahy*, it was in like Manner farmed to the Zemindar, whose Knowledge of, and long established Reputation in, the Country, enabled her to make more advantageous Offers, for this also, than any other Person; and we doubt not but we shall realize the whole of the Revenue from these important and extensive Districts, which will receive an additional Advantage, besides a Reduction of the Expence of the Collections, in being thus united under their hereditary and ancient Proprietor.

The Huzzoor Zelahs, and the inferior Zemindaries and Talookdaries, bordering on *Moorshedabad* and *Radshahy*, were also settled on the same Plan, a Preference being always given to the Offers of the hereditary Possessors, as before observed. But as it would take up too much of your Time to descend to a minute Detail of these numerous Settlements, we must take the Liberty of referring you to the Proceedings of the Committee of Circuit: You will therein notice, that we have appointed Five additional Collectors to superintend the Revenue of those Districts: It was with some Reluctance, we found ourselves under the Necessity of increasing the Number of these Appointments; they were rendered unavoidable, by the Intricacy of those Parts of the Huzzoor Zelahs, which have been thus distributed amongst them; but we hope that the Liberty which we have given to the Farmers, who may be so disposed, to pay their Rents immediately to the Sudder, or Head Cutcherry, will in Time enable us to reduce those Establishments.

In the Intervals of public Business, the Committee were employed in deliberating on the Steps referred to them, which were proper to be taken for carrying into Execution your late Orders by the *Lapwing*, where you declare your Intention of "standing forth as Dewan, by the Agency of the Company's Servants to assume the entire Management of the Revenues," leaving it to us to plan and execute this important Work, "by adopting such Regulations, and pursuing such Measures, as should at once insure to the Company every possible Advantage."

The First Consideration was, Whether the Board of Revenue at *Moorshedabad* should be abolished, and the  
Business



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Business of the Collections, in all its Branches, put under the Management of the Members of your Administration at the Presidency; and after allowing due Weight to every Argument that occurred, we agreed unanimously with the Committee, in the Necessity of this last Measure, which has accordingly been since carried into Execution; we take the Liberty of laying before you the Grounds upon which we have ventured to make this Alteration, in the flattering Hopes that it will meet with your Approval.

As the Administration of Justice, and the Collection of the Revenue, are by far the most important Objects of Government, they certainly claim the first Attention of your President and Council; especially at a Time when so many weighty Matters, intimately connected with them, are entrusted by you to our Investigation and Judgment, and when the State of the Country requires timely, well digested, and spirited Measures. While the controuling and executive Part of the Revenue, and the Correspondence with the Collectors, was carried on by a Council at *Moorshedabad*, the Members of your Administration had not an Opportunity of acquiring that thorough and comprehensive Knowledge of the Revenue, which can only result from practical Experience; but as your late Orders tend to establish a new System, enjoin many new Regulations and Enquiries, which could not properly be delegated to a subordinate Council, it became absolutely necessary, that the Business of the Revenue should be conducted under our immediate Observation and Direction.

This Change, we trust, will afford great Relief to the Inhabitants of the Provinces, in opening to them a more ready Access to Justice, inasmuch that Appeals from the Decisions of the inferior Courts may now be made directly to the Presidency, whereas formerly they were first transmitted to the Council at *Moorshedabad*, and from thence an Appeal lay to us.

Another good Consequence will be the great Increase of Inhabitants, and of Wealth, in *Calcutta*, which will not only add to the Consumption of our most valuable Manufactures imported from Home, but will be the Means of conveying to the Natives a more intimate Knowledge of our Customs and Manners, and of conciliating them to our Policy and Government.

Besides the Reasons above urged for the Dissolution of the Council of *Moorshedabad*, we must beg leave to add this further Argument, in Reply to the Objection which may possibly be made to it, as repugnant to your Commands of the 30th June 1769. We now conceive them, however, to be superseded by your later Orders, and the discretionary Powers you have given us in your Letter by the *Lapwing*. Nevertheless we should have thought ourselves indispensably bound to have adhered to the Spirit of them, so far as they could be made to coincide with the new System of the Dewanny, but we found them totally subverted by it.

While *Moorshedabad* remained the Seat of your Collections, every Consideration required the Establishment of a Council to superintend them, as it was a Trust every way too great for an Individual. On these Grounds alone, we presume, your Orders for forming such Councils at *Moorshedabad* and *Patna* were framed; but when the Office of Naib Duan was abolished, and you had declared your Resolution to place the Collections under the immediate Charge of your own Servants, there remained no Reason for continuing that Department of the Revenue at such a Distance from the Observation of your Governor and Council, and the Removal of the Collections to the Presidency; as it left us no Business for an inferior Council, of course rendered their Continuance, and the Charges attending such an Establishment, needless. We will indulge ourselves therefore with another Hope, that an annual Saving of some Lacks of Rupees, will be derived from this Alteration, although we are well aware of the

Expence and Inconvenience which ever attends Innovations of all Kinds, on their first Institution.

As the Reasons for the Removal of the Khalsa are treated on very largely in the Proceedings of the Committee of Circuit of 28th July, and contain many Observations on the Nature of the Revenue in general, which are too voluminous to be inserted in the Body of this Letter; we wish to recommend these to your particular Attention.

The Plan which we have formed for conducting the Business of the Khalsa, or superior Office of the Collections, will go a Number in the Packet.

The more regular Administration of Justice was also deliberated on by the Committee of Circuit, and a Plan was formed by them, which afterwards met with our Approbation. We cannot give you a better Idea of the Grounds on which this was framed, than by referring you to a Copy of it, together with a Letter from the Committee to the Board on the Occasion; both of which make Numbers in this Packet, and we earnestly recommend them to your Perusal; requesting to be assisted with such further Orders and Instructions thereon, as they may require, for completing the System which we have thus endeavoured to establish on the most equitable, solid, and permanent Footing. We hope they will be read with that Indulgence, which, we are humbly of Opinion, is due to a Work of this Kind, undertaken on the plain Principles of Experience and common Observation, without the Advantages, which an intimate Knowledge of the Theory of Law might have afforded us. We have endeavoured to adapt our Regulations to the Manners and Understandings of the People, and Exigencies of the Country, adhering as closely as we were able to their ancient Usages and Institutions: It will be still a Work of some Months, we fear, before they can be thoroughly established throughout the Provinces; but we shall think our Labours amply recompensed, if they meet with your Approbation, and are productive of the good Effects we had in View.

Our President returned to *Calcutta* about the Middle of September; Mr. *Middleton* remained at *Moorshedabad* to take Charge of his Appointments; and the other Three Members of the Committee of Circuit proceeded to *Dacca*, where they are now employed in making the Settlement of that Province and the adjacent Districts, after which they will continue their Tour to the remaining Divisions on the Eastern Side of *Bengal*; and we hope to transmit the further Particulars of their Proceedings, by one of the Ships of this Season, together with a complete Statement of your Revenue for the following Five Years.

Besides the general Plan before-mentioned for regulating the new System of conducting the Revenues, and the several other Points therein referred to, the Committee of Revenue at the Presidency, composed of the remaining Members of your Council, were employed in preparing the Settlements of the Districts of *Houghly*, *Midnapore*, *Beerbhoom*, *Jessore*, and the *Calcutta* Lands; these, together with the Districts allotted to the Committee of Circuit, complete the whole of *Bengal*, excepting *Burdwan*, where the Lands are already let in Farm on Leases of Five Years, which do not expire till the End of the *Bengal* Year 1182.

In consequence of the public Advertisements for making the Settlement of *Houghly*, a Number of Proposals for farming the Lands were delivered in, and after an exact Scrutiny was made into them, those which appeared to be the most advantageous to Government were accepted. It was originally intended to have let them in small Farms, but the Offers for larger Lots being much higher than the others, we were tempted to prefer them: There were likewise many Talookdarries and petty Zemindarries in this District, the Possessors of which represented to us the Length of Time they had held their Lands, and the wretched Condition they would be reduced to, were they now to be deprived





prived of them, as they engaged to pay to Government an increased Rent in proportion to their Value; we were induced by the same Motives as actuated the Committee of Circuit in similar Instances, to continue to them their hereditary Possessions. In one or two of the Pergunnahs some Deductions were found necessary to be made, on Account of the particular Degree in which they had suffered by the late Famine: but a favourable Increase being added to the other Pergunnahs, we have Reason to be satisfied with the good Success which has attended the Settlement of *Houghly* and its Dependancies.

The Settlement of *Beerbhoom*, *Bissenpoor*, and *Pacheat*, has also been effected upon an increasing Revenue, on a Plan similar to the other farmed Lands.

The Districts of *Jeffere* and *Mahomed Shaky* are settled on Terms advantageous to Government, as appears by the Accounts delivered in by Mr. Lane, a Member of our Board, who was deputed to accomplish that Business; and a full Representation of his Proceedings is recorded in our Consultation of the 10th August.

By the Proceedings it appears, that the *Calcutta* Lands have been completely farmed; but as some of the Farmers have flown off from their Engagements, and absconded, and the Execution of the Title Deeds with the rest is delayed, we have hitherto been prevented from finally adjusting this Business; we shall therefore defer transmitting a further Statement of these Lands till the next Ship, as well as that of *Midnapore*, the Settlement of which is now in great Forwardness.

In pursuance of your positive Injunctions, we have been endeavouring for some Time past to collect the fullest Information concerning the Salt Business in *Bengal*, that we may be enabled to form such Regulations as shall appear the best calculated for securing the Duties of Government upon that Article, and for the general Benefit of the Trade; for our Proceedings in these Matters, so far as we have hitherto been able to effect, we refer you to the Consultations now transmitted, and particularly to that of the 7th October; and as this Subject is one of the first that will fall under our Consideration, we expect in our next Advices to furnish you with a complete State of it.

The *Houghly* disputed Balances of Salt, which have been a Matter of Contention and Difficulty for these Two Years past, we have at length happily adjusted, as recorded in our Proceedings of the 1st October.

The *Bukshbunder*, or Customs of *Houghly*, as well as those of the *Pachetra* at *Moorshedabad*, have not been let to farm, but continue to be collected by the Officers of Government, in order that no Obstacles may occur in new modelling this Source of your Revenue, agreeably to your Instructions: At present we wait for Advices and further Lights from the Committee of Circuit at *Dacca*, concerning the *Shawbunder* or Head Custom House in that District; being furnished with these, we shall proceed to form one general and uniform Plan for the Collection of Duties, which will be duly transmitted for your Information.

The humane Attention shewn in your Commands of the 30th June 1769, and recommended in many of your Letters since that Date, to the Rights of the Zemindars, who have inherited Lands from their Ancestors, encourages us to solicit your Compassion for the ancient Proprietors of the Twenty-four Pergunnahs, or *Calcutta* Lands, which became the Company's Zemindarry by the Treaty of *Plassey*, and from which they were consequently dispossessed. A small Part of these Lands were before that Time united with the Zemindaries of *Burdwan* and *Nuddea*, whose Zemindars are amply provided for: The other Zemindars and Talundars have continued since that Time in a State of extreme Indigence, some of them have large Families to maintain. It has been the usual Rule of the Mogul Government, when any Zemindar was divested of Authority, to allow him a Subsidance out of the Rents of his Zemindarry, proportioned

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to the Annual Income of it; this Proportion commonly amounted to One-tenth: We would not recommend so large an Allowance for these People; we are persuaded that they will be contented with a much more moderate Income, and receive it with Gratitude. As this Indulgence has been extended to all the other Zemindars in both the Provinces, since they were placed under your Government, we have judged that this Representation of the Case of those who alone have been excluded from it would not be unacceptable to you.

As the Settlement of the Province of *Babar* had been made for a Term of Years, and therefore did not require any immediate Alteration, we shall wait to finish the whole of our Regulations in *Bengal* before we attempt any Innovations in that Province. The only Point on which we think we can give you any previous Intimation of our future Proceedings in those Parts, is, that we deem it proper to unite the Collections with those of *Bengal*, and establish the same Regulations in both Provinces, as soon as we can do it with Convenience, and without adding to our present Embarrassments.

We are, with great Respect,  
Honourable Sirs,  
Your most faithful humble Servants,

Fort William,  
3d November 1772.

(Signed) Warren Hastings,  
R<sup>r</sup> Barker,  
W<sup>m</sup> Aldersey,  
Thomas Lane,  
Rich<sup>d</sup> Barwell,  
James Harris,  
H. Goodwin.

Fort William, the 14th May 1772.

At a Committee\* of Revenue; PRESENT,

The honourable Warren Hastings, Esquire,  
William Aldersey,  
Philip Milner Dacres,  
Thomas Lane,  
Richard Barwell,  
James Harris,  
James Lawrell,  
Henry Goodwin,  
John Graham,

} Esquires.

Read and approved the Proceedings of the 10th Instant.

It has already been resolved† in Consultation of the 16th ultimo, to let the Lands of the Province in Farm, and for long Leases; and this Resolution has been communicated to the Court of Directors in the last General Letter: This, therefore, being the Ground Work of our Deliberations on the general Measures which are to be taken for the future Settlement of the Collections, it may not be improper in this Place to assign the Reasons which have induced us to form these Resolutions.

There is no Doubt that the Mode of letting the Lands in Farm is in every respect the most eligible: It is the most simple, and therefore the best adapted to a Government constituted like that of the Company, which cannot enter into the Detail and Minutiae of the Collections. Any Mode of Agency, by which the Rents might be received, is liable to Uncertainty, to perplexed and inextricable Accounts, to an Infinity of little Balances, and to Embezzlements; in a word, both the Interest of the State, and the Property of the People, must be at the Mercy of the Agents; nor is it an Object of trivial Consideration, that the Business of the Service, already so great, that much of it is unavoidably neglected, would be thereby rendered so voluminous,

\* This is a Committee of the whole Board of Council, and their Determination final.

† The Resolution alluded to does not appear on the Consultation of 16 of April.



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and the Attention of the Board so divided, that nothing would be duly attended to; the current Affairs would fall into irrecoverable Arrears, the Resolutions upon them be precipitate and desultory, the Authority of the Government set at nought, the Power which it must necessarily delegate to others would be abused, and the most pernicious Consequences ensue, from the Impossibility of finding Time to examine and correct them: That such would be the Case, we with Confidence affirm, since we already experience the Existence of these Evils in part, from the great Increase of Affairs which has devolved to the Charges of this Government, and the Want of a reduced System, no less than from a Want of immediate Inspection and Execution: This is a Point well worth the Attention of the Board, in every Proposition that may come before them, as essentially respect the Constitution and general Interests of the Company.

To let the Lands for long Leases is a necessary Consequence of letting them: The Farmer who holds his Farm for One Year only, having no Interest in the next, takes what he can with the Hand of Rigour, which, even in the Execution of legal Claims, is often equivalent to Violence: he is under the Necessity of being rigid, and even cruel; for what is left in Arrear after the Expiration of his Power, is at best a doubtful Debt, if ever recoverable; he will be tempted to exceed the Bounds of Right, and to augment his Income by irregular Exactions, and by racking the Tenants, for which Pretences will not be wanting, where the Farms pass Annually from one Hand to another; What should hinder him? He has nothing to lose by the Desertions of the Inhabitants, or the Decay of Cultivation: Some of the richest Articles of Tillage require a Length of Time to come to Perfection; the Ground must be manured, banked, watered, ploughed, and sowed, or planted: Those Operations are begun in one Season, and cost a heavy Expence, which is to be repaid by the Crops of the succeeding Year: What Farmer will either give Encouragement or Assistance to a Culture of which another is to reap the Fruits?

1st. The only general Principles to guide our Determination on this Point are, that the Leases be not too short, for the Reasons above recited; nor too long, lest the Farmer should acquire an Influence so great in the Lands as to injure the Rights or Authority of his Successor, or lest the Knowledge of their Value be confined to the present Possessor, and lost to others. We are of Opinion that a longer Term than Six Years might be liable to these Objections, as a shorter than Three would not answer the Ends proposed by farming the Lands. There are no valid Reasons for assigning a Preference to any one particular Term of Years above another, within these Extremes of Three or Six, since the Causes which might operate in favour of any Period for one Place, from the Consideration of the Soil, Crops, or any other local Accidents, would not hold good in others; but we are of Opinion that, for the Sake of Regularity, and for facilitating the Course of Business, the same Term of Years, and the same Period for their Commencement, should be fixed for all the Farms throughout the Province; and, where the Lands are already in Farm, that the Leases be extended, so as that the whole Leases of the Province may fall at one Time.

2d. The Intent of this Regulation is to free the Accounts of the Revenue from Intricacy, to prevent Disputes between the Farmers, and to guard against the Hazard of Losses by their Negligence or Embezzlements.

3d. The

The Discouragements which the Tenants feel from being transferred every Year to new Landlords are a great Objection to such short Leases—They contribute to injure the Cultivation, and dispeople the Lands; they deprive the industrious Ryott of those Aids known by the Appellation of *Tuccaabee*, so essentially necessary to enable him to purchase Cattle, Seeds, and Utensils of Husbandry, which a more permanent Farmer will ever find it his Interest to supply, as a Means of promoting an increased Cultivation; and they of course prove an unsurmountable Obstacle to bringing into an Arable State the immense Tracts of Waste Land which overspread this fertile Country.

The Defects of short Leases point out, as a necessary Consequence, the opposite Advantages of long Farms.

From these the Farmer acquires a permanent Interest in his Lands; he will for his own Sake lay out Money in assisting his Tenants in improving Lands already cultivated, and in clearing and cultivating Waste Lands; he will not dare to injure the Rents, nor encroach in One Year on the Profits of the next, because the future Loss which must ensue from such a Proceeding will be his own; the Tenants will grow familiarized to his Authority; and a mutual Attachment is at least more likely to proceed, from a long Intercourse between them, especially when their Interests are mutually blended, than from a new and transitory Connection which is ready to expire before it can grow into Acquaintance.

Such are the Arguments which have occurred to us in support of the two Points on which we have already determined; namely, to dispose of the Lands to Farm and on long Leases.

We are happy to reflect that the Commands of our honourable Masters, in many of their late General Letters, but especially strongly inculcate the same Opinion.

The Board now proceed to the final Consideration of the Measures requisite for the Settlement of the Collections, and are agreed in the following Resolutions:

1st. That the Farms shall be let for the fixed Term of Five Years, to commence from the 1st of this Instant, Bylaac 1179, or the 10th April 1772.

2d. That the Farms shall consist of entire Purgunnahs, provided they do not exceed the Annual Amount of One Lack of Rupees; in which Case they shall be divided into such equal Proportions as shall reduce the Amount of each considerably below that Sum, unless the acknowledged Responsibility and good Character of the Farmer shall support his Pretensions to rent the whole Purgunnah; and that all Villages or Portions of Lands, which have been hitherto let in separate Farms, shall be re-annexed to the Purgunnahs to which they originally belong.

3d. That





3d. The Farms and Usages peculiar to each District, and the present and improveable State of their Lands, require a local Inspection; they cannot be known with any Degree of Certainty by remote Observations, or the interested and superficial Scrutinies of the Natives; a Part of the Administration itself being on the Spot will run less Hazard of being deceived in Intelligence, or disappointed in their Investigations; they will be better able to hear and redress any Grievances which the Inhabitants may prefer to them, and to form such particular Regulations as may be necessary for the Exigencies of each District, or even to superadd others to those, which shall be generally and previously resolved on.

4th. This requires no Remark.

5th. The Reason for excluding these Districts from a local Inspection, are, Their Proximity to *Calcutta*, the Unimportance of the Few which are distant from it, and the Want of Time to include the Whole in the same Mode of Settlement.

6th. The Term "Supervisor" was properly suited to the original Commission, which was to examine, inspect, and report—This Office has been long since annulled; but we apprehend that the Continuance of the Name, and of many of the Residents, in the same Stations which they now fill as Collectors, may have misled even our honourable Masters, who were never regularly advised of the Change, into the Opinion that the first Commission still subsisted. As the Business of the Gentlemen stationed in the Districts is solely to superintend and collect the Revenue, they can only be properly styled Collectors—so much depends on the just Application of Names, that we urge this Alteration with a thorough Conviction both of its Utility and Necessity.

7th. The Propriety of this Regulation will require no Argument; we doubt of its immediate Efficacy as a Check on the Collectors; but this, in Time, and by the Addition of such further Regulations as Experience shall recommend, we hope may be in a great Measure accomplished. In the mean time the Appointment of a Dewan will be a certain Means of counteracting that improper Influence which the Banyans of the Collectors are ever eager to assume in the Management of their Employ; and it will provide against the Loss of Rents, and Confusion of Accounts, which the frequent Removals of the Collectors would otherwise unavoidably occasion—as the Dewan will be fixed to the Office, and of course able to keep the Business always in Train, notwithstanding any Charges which may take place in his District.

8th. This Regulation is founded on the same Principle, and is only a Continuation of the preceding.

9th. We consider this as the greatest Security that we can give to the Farmer for the Rights and Profits of his Farm; and of course the most powerful Encouragement to those, who are solicitous of obtaining Farms, to make Proposals for them adequate to their real Value, which would otherwise depend on the Justice and Attention, or on the Rapacity, Indolence, and Caprice, of the Collector, were the Liberty to be allowed him of disturbing the Farmer, and seizing his Ryots, whenever he thought proper.

3d. That a Committee of the Board shall be appointed to go on a Circuit through the Province, and to form the Bundibust or Settlement at the Sudder Cutcherry of each District.

4th. That the said Committee shall consist of the President and Four Members from the Board; viz.

Messrs. *Middleton*,  
*Dacres*,  
*Lawrell*, and  
*Graham*.

5th. That the Settlement of the Districts of *Houghly Hedgelee*, *Calcutta Purgunnahs*, *Burdwan*, *Midnapore*, *Beerbhoom*, *Bissenpoor*, and *Pacheat*, shall be determined by the remaining Members of the Board.

6th. That as the Company have determined to stand forth as Duan, the Servants employed in the Management of the Collections shall be henceforward styled "Collectors," instead of the present Appellation of "Supervisors."

7th. That a fixed Dewan shall be chosen and nominated by the Board, who shall be joined with the Collector in the Superintendancy of the Revenues—That he shall keep separate Accounts of the Collections, according to the established Forms of the Country, counter sign all Orders circulated in the Mofussel, all Receipts granted to the Farmers, and all Invoices and Accounts transmitted to the Sudder.

8th. That the Collector shall not use his own private Seal in the Execution of the Business; but that a General Seal be struck, with a proper Inscription, in the Name of the Company, as Dewan of the Provinces; and that One be lodged with each Collector, to be by him affixed to all public Deeds and Orders, where the Custom of the Country, and Rules of the Service, render it necessary. And wherever this Seal is affixed, the Collector shall attest it with his Name.

9th. That neither the Collector nor Dewan shall send Seapoys, Peons, or any other Persons with Authority, into the Lands belonging to the Farmers, excepting only on such Occasions as shall indispensably require it, for the Maintenance of the Peace, or the immediate Execution of Justice, in which the Authority of the Farmer shall be insufficient; that on such Occasions a Warrant under the public Seal, and signed by the Collector, shall be given in Writing to the Officer employed, and be recorded in the judicial Proceedings, with the Reasons for issuing it; but that no Person be summoned on ordinary Occasions, except by a Tullub Chitty to the Farmer, or Order requiring him to produce the Person summoned in a certain Space of Time.

10th. That





10th. Having provided for the due and unmolested Exercise of the Farmer's Authority, the Rights of those who are subjected to it claim our next Attention. We cannot devise any Law which, in our Opinion, will be so likely as this to free the Ryott from undue Exactions. The Observance of it must be left to the Care of the Collectors.

11th. This Article also will necessarily prove a great Encouragement to the Farmer, who will be under no Necessity to conceal the Profits of his Farm, nor be compelled to rack his Tenants for the Means of purchasing an Exemption from further Claims of the Mutafiddees and Officers of the Government; a Practice of ancient and univereal Standing, and which no Vigilance of the Collector, whatever may be the Degree of his own Integrity, can, in our Judgment, prevent, if the Farmer is still liable to fresh Demands upon him as often as the Government of the Collector shall judge the improved State of his Lands can afford it. The long Term of his Lease furnishes an Inducement to the Farmer to improve his Lands; but the Fruits of his Labour, and the Returns of his Advances, must be insured to him, or he will be the Sufferer by the Attempt.—The Faith of the Government thus pledged, will be a present Ease to the Farmer, and may add to the Increase of Cultivation and Revenue.

12th. This is a Continuation of the 10th Article, and of equal Ease both to the Farmer and the Ryott. It has been the constant Practice of the Mogul Government, on the slightest Pretence, to authorize the Exaction of new Taxes from the Zemindars and Farmers. In this impolitic Conduct the View of remote Consequences was lost in the Temptation of instant Gain. The Principals, thus taxed, having a fair Pretext to indemnify themselves by an Assessment of the Tenants, have never failed to extort from them a much greater Amount than that themselves have been obliged to pay; every dependant Agent of the Collections endeavours on such Occasions to get his Share also of the general Embezzlement, by which the poor Ryott is disheartened, and often disabled from attending to the Culture of his Lands, which requires Money, as well as Labour, to bring it to Perfection.—When the Husbandman knows exactly what he has to pay, and is sure of being left in the undisturbed Possession of that Superfluity which his Industry can acquire, he will chearfully apply himself to the Tillage and Improvement of his Lands.—No Man will labour who is denied a Share in the Fruits of his Labour.

13th. The trivial Presents which the Custom of the East has in all Countries, as the Debts of Vassalage, and the Rights of Office or Power, are in themselves undeserving of Notice were they to extend no further: But the same Practice runs through every Degree of Subordination, till the Amount becomes a weighty Grievance.—This also, like other Levies on the Principal, is reclaimed with accumulated Extortion on the Ryotts, who are taxed as often as the Zemindar or Farmer has Occasion to perform these expensive and ostentatious Acts of Duty.

14th. The Propriety of this Regulation needs no Remark; it is necessary to make it public, with every other Condition to which the Farmer will be required to subscribe.

15th. This Article is proposed only as a Point of present Speculation; it will rest with the Committee to carry it into Execution if it shall be found practicable, and not attended with too heavy a Charge.—The obvious Advantages expected in these Appointments are, the obtaining an exact Knowledge of the Farmer's Receipts, which form the gross Value of the Lands.

The Assurances given the Farmer in the 11th Article, and the Clause in this, which excludes the Mohrir from

10th. That the Farmer shall not receive larger Rents from the Ryotts than the stipulated Amount of the Potahs, on any Pretence whatsoever; and that for every Instance of such Extortion, the Farmer on Conviction shall be compelled to pay back the Sum which he shall have so taken from the Ryott, besides a Penalty equal to the same Amount to the Sircar: And for a Repetition, or a notorious Instance of this Oppression on his Ryotts, the Farmer's Lease shall be annulled.

11th. That the Farmer's Payments to Government shall in like Manner be ascertained and established, and no Demand be made upon them above what shall be expressed in the Doul, or Rent Roll, delivered them with their Lease.

12th. That no Mhatoots or Assessments, under the Name of *Mangun*, *Baurie Gundee*, *Sood*, or any other Aboal or Tax, shall be imposed upon the Ryotts; and that those Articles of Aboal, which are of late Establishment, shall be carefully scrutinized, and at the Discretion of the Committee, abolished, if they are found in their Nature to be oppressive and pernicious.

13th. That all Nazzars and Salamies, which are usually presented at the first Interview as Marks of Subjection and Respect, be totally discontinued, as well to the superior Servants of the Company and the Collectors, as to the Zemindars, Farmers, and other Officers.

14th. That the old Farmer shall settle his Accounts with such of the Ryotts as are forthcoming, in the Presence of the new Farmer or his Agents, and the Balances which shall be proved shall be on Account of the new Farmer.

15th. That a Mohrir, or Writer of Accounts, shall be appointed on the Part of the Government to every Farm, who shall take an Account of all the Receipts of the Rents with the Farmer, and transmit the same Monthly to the Collector at the Sudder Cutcherry of the Province, but without any Authority to interfere in the Collections.

16th. That





from all Authority, will prevent his being obnoxious to the Farmer.

16th. We have deemed it sufficient for the present to confine this Restriction to Grain alone. It ought perhaps to extend to all the Necessaries of Life.—Of all Monopolies these are the most pernicious; and whatever the Collector, who, in Effect, is the chief Ruler of the Country, trades in, will be a Monopoly in spite of all our Endeavours to prevent it.

17th. If the Collector, or any Persons who partake of his Authority, are permitted to be the Farmers of the Country, no other Persons will dare to be their Competitors.—Of course they will obtain the Farms on their own Terms. It is not fit that the Servants of the Company should be Dealers with their Masters.—The Collectors are Checks on the Farmers.—If they themselves turn Farmers, what Checks can be found for them? What Security will the Company have for their Property, or where are the Ryotts to look for Relief against Oppressions?

18th. Every Precaution ought to be taken, and every Restriction laid on the Collector, that shall prevent his Interest from clashing with the Duties of his Employ.

It is to be feared, that the Farmer, who has the Demands of Government and the Collector at the same Time to answer, will be too apt to avail himself of such a Situation to elude those of the former.—The Collector will naturally incline to allow a Preference to his own Claims, unless it be supposed that all Men are Proof against the Temptations of private Interest, and will seek that of their Employers at the Hazard of losing their own Fortunes.—We forbear to enlarge on this Subject; we are convinced that many of the Gentlemen who hold these Stations are Men of Probity and Honour.—We must regard them all as such till Proofs of the contrary can be obtained: But it is the Duty of Government to lay such Restraints on the natural Licentiousness of Mankind, as shall make the Interest of Individuals coincide with their Duty:—To presume that all Men are possessed of Integrity, and to trust entirely to this Principle, is to leave a Door open for every Species of Depravity; for many will abuse the Confidence thus tacitly reposed in them; their Example will influence others; and, under the specious Appellation of Perquisites, the most flagrant Corruption will be admitted, even by Men whose natural Principles, without such a Bias, would receive the Offer of them with Abhorrence.

19th. The Design of this Regulation appears in the Introduction to it.—We venture to offer it as one of the most salutary Expedients which can be adopted, whether for the Ease of the Farmer and of the Ryotts, for the Security of the Revenue, or for the Prevention of Oppression.—The only Losers by it will be the Money Lenders.

The Proceedings of the Court Martial on Captain Mackenzie, and the other Enquiries made on that Occasion, may serve to shew how necessary it is to free the Land from the Evils of Usury and accumulated Interest, which is rarely less than 3, and often as high as 15 per Cent. per Menssem, which, with Monthly Accumulation and Fees to Agents, Banyans, Peons, and Seapoys, may amount to 200 per Cent. per Annum: Every Rupee thus squeezed from the People is in Effect taken from the Government, which can receive from the People no more than they have to give.—We lament that it is not in our Power wholly to repress this Evil: The only way by which such an End could be accomplished, would be the absolute Prohibition of all Loans, or, which would, in Effect, prove the same, by refusing the Aid of Government to the Recovery of them: But

16th. That the Collector be forbid, on Pain of Dismission from his Office, to be concerned, directly or indirectly, in the Purchase or Sale of Grain.

17th. That no Peshcar, Banyan, or other Servant, of whatever Denomination, of the Collector, or Relation or Dependand of any such Servant, be allowed to farm Lands, nor directly or indirectly to hold a Concern in any Farm, nor to be Security for any Farmer; that the Collector be strictly enjoined to prevent such Practices; and that if it shall be discovered that any one, under a false Name, or any Kind of Collusion, hath found Means to evade this Order, he shall be subject to a heavy Fine, proportionate to the Amount of the Farm, and the Farm shall be re-let or made Khafs: And if it shall appear, that the Collector shall have countenanced, approved, or connived at a Breach of this Regulation, he shall stand, ipso facto, dismissed from his Collectorship; neither shall any European, directly or indirectly, be permitted to rent Lands in any Part of the Country.

18th. That it be given in especial Charge to the Committee, to find out some Means of preventing the Practice of lending Money on exorbitant Usury, by which the Ryotts are often involved in heavy Debts, without the Hope, or scarce the Probability, of Relief; and not only the Fruits of their Industry, but often the Farmers Dues (which, in Effect, are those of the State) become the Property of the Money Lenders. That in the mean time the Collector be forbid, on Pain of Removal from his Office, either to lend Money himself, or to suffer his Banyan, or any other of his Servants or Dependants, to lend Money to the Zemindars, Talookdars, Farmers, Ryotts, or any other Person whatever, within the District of which he shall have Charge. That in like Manner the Zemindars, Talookdars, Shiedars, and other Officers of the Government, be forbid to lend Money to the Ryotts: And that all Debts contracted contrary to the Tenor of this Order, after the Publication of it, shall be void: That this Restriction is not to prevent the Farmer from affording the usual and necessary Aids of Tuccabee to the Ryotts, but that the Premium of such Advances be fixed at Two per Cent. per Menssem, and Payment received, not in Kind, but in Money.

19th. And to relieve the Farmer from the Necessity of borrowing Money for the Payment of his Kists or Instalments; that the Kistbundee for the ensuing Leases be so regulated, as that Kists may be made payable at the usual Periods of the Harvest, proportioned to the estimated Quantity and Value of the Crops, and as local Circumstances shall direct.



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the Remedy appears desperate; and although many obvious and valid Reasons may be urged in Support of it, and it might be easily proved, that no ill Effects could proceed from it with respect to the Revenue, yet we fear to adopt it without the last Necessity.—The proposed Regulation strikes at the principal Root of the Disorder; the rest we wish to leave to the Effects of a more settled Government, and to a regular Establishment of Justice.

20th. The Chakaran Lands are Portions of Ground allotted to certain of the Inhabitants, whose Office it is to preserve the Peace of the Country, and to guard it, against common Robbers, an Establishment common to all Parts of *India*, and of a very ancient Institution. It is unnecessary to add any thing further concerning this Article, it being only preparatory to some future Regulation.

21st. The Zemindarree Chokies are Places of Custom erected in various Parts of the Province on the Banks of the Rivers, they are included in the farmed Lands, and the Farmers extort what they can get from the Passengers. It is one of the greatest Oppressions of the Country, and the principal Obstruction to Trade.—These Considerations induced the honourable Court of Directors to direct their Suppression, and in the 27th Paragraph of their General Letter of the 10th of April 1771; and we are happy to be made the Instruments of so wise and equitable an Injunction.

22d. A preparatory Regulation.

23d. A preparatory Regulation.

24th. The Reasons for this Regulation are expressed in the Regulation itself.

20th. That to enable the Committee to fix the necessary Establishments in each District for its Safeguard and Protection, and preserving Peace and Tranquillity, the Collector be instructed to prepare and have in Readiness accurate Accounts of the Chakaran Lands, together with a Detail of the Purposes for which they have been allotted, and their Opinion of the Number of Land Servants it will be necessary to retain for the Service above expressed.

21st. That all Zemindarree Chokies shall be abolished, and none kept but such as immediately depend on the Government under the Puchuttera, Buckshbunder, and Shahbunder, subject to such Regulations as shall be hereafter established.

22d. That Orders be sent through the Channel of the Board of Revenue to the Collectors, to publish the Substance of the above Resolutions, with Lists of the Pergunnahs respectively under their Charge, or other Divisions proposed for Farm by the 2d Resolution: And to advertise for sealed Proposals, from such as are willing to take Farms, to be delivered in at the Sudder Cutcherry of each District, by the 1st of Lawan, or 10th of July, excepting the Provinces of *Nuddea* and *Jeffore*; the Proposals for the former of which to be delivered in at *Kishnagur* the 1st of Assar, or 10th of June; and for the latter the 5th of Assar, or 15th of June.

23d. That Orders be also sent to the Collectors to prepare an exact and explicit Rent Roll of each Farm, arranged in Pergunnahs, together with full Accounts of all Charges, Sedder, and Mofussul, accompanied with an Explanation of their Use, and Reasons for their being deemed necessary. To render the Rent Roll more perfect, they are further to prepare a separate Account, tracing the Jumma of each Farm to the highest Value it has ever stood at, and assigning the Cause of its Decrease to the present Standard.

24th. That as the Supervisorship of *Dacca*, not only from the Extent of its Limits and the Magnitude of its Revenue, but also from its being entirely composed of a Multitude of inconsiderable Zemindarrees of Taalues, appears to be a Charge of too complicated a Nature to be managed by the Chief at *Dacca*, at the present Seat of its Residence, with proper Care and Success; and as it appears further, that many of the subsidiary Districts, annexed to the other Supervisorships, are in their Situation so distant and scattered, as to be liable to the same Inconveniencies, the Committee shall be authorized so to regulate the *Dacca* Province, and those subsidiary Districts, as to bring them into a proper Compass for the Management of a Collector, and within the Scope and Efficacy of these Regulations.





## on the State of the EAST INDIA COMPANY.

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Fort William, the 28th May 1772.

At a Committee of Revenue; PRESENT,

The honourable *Warren Hastings*, Esquire,  
*William Aldersey*,  
*Philip Milner Dacres*,  
*Thomas Lane*,  
*Richard Barwell*,  
*James Harris*,  
*James Lawrell*,  
*Henry Goodwin*,  
*John Graham*,

} Esquires.

The Board further deliberating on the Regulations entered on the Proceedings of 14th, agree to add the Three following ones.

## Additional Regulations regarding the Settlement.

That such Farmers as desire it, shall be permitted to pay their Kists immediately into the Treasury of *Calcutta*, instead of the Sudder Cutcherry of the District; but in such Case, the Payments shall be made in ready Money, not in Bills; nor shall a longer Delay be allowed in the Payment, after the Expiration of the stipulated Term of the Kist, than Twenty Days from the most distant Parts of the Province, and a proportionate Time for the rest.

That the Offices and Forms which are now established, for the Administration of Justice in the Districts of the Province, shall be examined and new regulated, upon such a Footing as shall be most conducive to the Security of Property, and the general Ease of the People; by facilitating the Access to Justice, by expediting its Decrees, and rendering equal Right to all Men. If the Party in any Cause shall not be satisfied with the Decree of the Court of the District, he shall be allowed an immediate Appeal to the Governor in *Calcutta*, where the Cause shall be re-heard, and finally decided, by Courts duly constituted for the Purpose.

That all Persons shall have Access to the Papers of the Jumma Waffil Baukee, at the Sudder Cutcherry of each District, and at the Collector's Office in *Calcutta*.

Resolved, These be also translated into the *Bengal* and *Persian* Languages, and sent to *Moorshedabad*, with Directions to add to the Advertisement, That all Persons shall have Access, at the Sudder Cutcherry of each District, to the Rent Roll, and Jumma Waffil Baukee Accounts.

Revenue Department.

Fort William, 3d November 1772.

To *Moorshedabad*.

(A true Copy.)

Signed

*Alexander Higginson*, Secretary.*Cossimbuzar*, the 28th July 1772.

## Extract Proceedings of the Committee of Circuit.

The honourable Court of Directors, in their Letter per *Lapwing*, Paragraph 21, declare, "their Determination to stand forth as Dewan, and by the Agency of the Company's Servants, to take upon themselves the entire Care and Management of the Revenues." By what Means this Agency is to be exercised we are not instructed, but, by the Confidence which the Sentence immediately following expresses "in the Conduct and Abilities of the Board to plan and execute this important Work," their Orders are clearly implied, that the Board shall plan and execute it, by such Means as their own Judgment shall suggest, for the Security and Improvement of the Revenue, and for the Ease and Happiness of the People. This Inference is further confirmed by the following Words; "and we trust that in the Office of Dewan you will adopt such Regulations, and pursue such Measures, as shall at once ensure to us every possible Advantage, and free the

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"Ryotts from the Oppression of Zemindars, &c." We have thought it necessary to enter thus minutely into the Investigation of the Intent and Expectation of our Employers, because it will be scarce possible to proceed in a Work of this Nature, without deviating from the Orders which they have formerly laid down for our Conduct. They have been pleased to direct a total Change of System, and have left the Plan and Execution of it to the Discretion of the Board, without any formal Repeal of the Regulations which they had before framed and adopted to another System; the Abolition of which necessarily includes that of its subsidiary Institutions, unless they shall be found to coincide with the new.

In the Consideration of the Subject before us, the first Point of Enquiry is, Whether the Business of the Dewannee shall be conducted as it hath hitherto been, in Part by the Agency of the Company's inferior Servants, constituting a Board of Revenue at *Moorshedabad*, or be put under the immediate Controul of the Members of their Administration? We shall not hesitate to determine in Favour of the latter: The Revenue is beyond all Question the first Object of Government, that on which all the rest depend, and to which every other should be made subservient. There must be a controlling Power in this Department, it cannot be partially delegated; but, in whatever Hands it is lodged, it must be absolute and independant. But the superior Council, which is constitutionally the controlling Power, having no Cognizance nor Connection with the inferior Department, can have no Knowledge of what is transacted but from the Information of the Board of Revenue; which, however fair and impartial, cannot possibly convey that intimate Intelligence which arises from daily Practice and a direct Communication with the Servants of the Revenue: Without such an Intelligence, what Authority can the Administration possess in the Affairs of the Collections, or with what Confidence can they issue any Orders for their Improvement, impressed as they must be, with the Consciousness that they are but imperfect Judges of Matters on which they dictate to others better informed? In Effect all Authority and Command will rest with the Board of Revenue; all Appeals for Justice from the Provincial Courts must, in regular Course, be made to the Council of Revenue, and from them to the President and Council in *Calcutta*. The common People, unused to such a multiplied Process of Judicature, impatient of Delays, and taught to look up to the first Department of Government for the Redress of their Wrongs, will be continually violating the Precision of our Rules, and running to the Presidency on every Occasion of Complaint: If their Causes have not passed through the Second Court, they must be sent back to *Moorshedabad*, and from thence the litigious will come with Appeals to the Presidency. Thus an Inhabitant of *Anwanpoor*, if he thinks himself aggrieved, must make his Complaint to the Cutcherry at *Kishenagur*: Having gone through all the due Forms and necessary Delays of that Court, if he is dissatisfied with the Decree, he will carry his Appeal to the City; there too he must go through the same Forms, the same Attendance, to obtain a Second Hearing, and a Second Decree; this also not proving satisfactory, his last Resource will be in the Government of *Calcutta*, which will put a final Period to his Cause. Thus, after the Loss of many Months, which might have been usefully bestowed both to himself and the State in the Cultivation of his Land, and the Care of his Family, after having made a Journey of more than Two hundred Miles, and spent perhaps more than the Amount of his Claim in suing for the Recovery of it, he will most probably be cast a Third Time, for want of Evidence, as it is not probable he will be able to persuade any Persons, uninterested in the Success of his Suit, to go through the same tedious Prosecution of it with him, and as unlikely (by any Mode hitherto discovered) that he will make good his Right without it.

Such



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Such would be the Case of the poor Plaintiff, supposing that Justice were regularly administered in these Forms: But we know that hitherto it hath been quite otherwise, and that they have been productive of no other Effects, but to assemble Multitudes of discontented Suppliants, from all Quarters of the Province, who croud our Streets and harrafs us with Clamours for Redress, and as often with as loud Reproaches for being denied it. As yet no better Expedient has been found for relieving them, than to refer them back to the Collectors, with Injunctions to enter into a fresh Examination of their Complaints, and to decide finally upon them; an Expedient which few submit to, till convinced by a long fruitless Attendance that no other Resource is left them. But few are the Instances of Redress obtained by this way, and much fewer of the Letters even being delivered; as the timid Sufferers rather chuse to put up with all their Losses, than expose themselves to the Collector or his Muttasuddies, by exhibiting the Proofs of their Appeal from his Justice, or of their Complaints against his Person.

We do not pretend to hope for a total Removal of these Evils, by any Mode which is now offered to our Choice, but we are sure they will be less frequent and less grievous, if the Appeals are made at once to the Supreme Court, without any intermediate Delays.

From all these Reasons, the Committee are of Opinion, that the Revenue in all its Branches be put under the immediate Controul of the President and Council at the Presidency: Such a Change, independant of the Advantages which we hope to derive from it, in establishing a more regular Plan of Business, and acquiring a practical Knowledge and Command of the Collections, will be productive of many other important Consequences.

The numerous Officers and Retainers of the Khalsa, and of the new Courts of Judicature, with all their Families, Domesticities, and Dependants, will increase the Demand for the Necessaries and Conveniencies of Life, and of course require a Number of Tradesmen, Artisans, and Market People, to supply it. This vast Influx of People will be drawn to *Calcutta*, and with it a great Increase of Wealth. The Consequence of the Presidency will be much improved with its Population, as it will lessen that of *Moorshedabad*, which will no longer remain the Capital of the Province, having nothing to support it but the Presence of the Nabob, and a few Families of Consideration, who, possessing valuable Property on the Spot, will of course chuse to continue there. The Consequence of the Nabob himself will sink in proportion, and the Eyes of the People will be turned to *Calcutta*, as the Centre of Government, and to the Company as their Sovereign.

Their Manners, by a constant Intercourse, will by Degrees assimilate with ours, and breed a kind of new Relation and Attachment to us. This too will open a new Source of Trade, advantageous to the Mother Country, by the Consumption of its most valuable Manufactures: Nor is this the mere Suggestion of Fancy, since we already see, that in their Habits, in their Equipages, in the Furniture of their Houses, in their Buildings, and in short in every thing where their Religion and the Difference of Climate will permit it, they begin to affect the Fashions of the English.

In enumerating the Defects of the present System, we omitted to mention the Insecurity of the public Treasury, and the public Records of *Moorshedabad*, an open and straggling Town, which a few desperate Decoits might enter with Ease, and plunder at Discretion, before any Force could be collected to repel them. An Event of this Kind is not the less improbable from its not having yet come to pass. The Town of *Calcutta* is not only sheltered against such Dangers, but the Fort offers a most complete Security, both for public and private Property, under all Circumstances.

It is certain that such a Change as we have here proposed, is liable to its Inconveniencies; all Innovations are subject to them: We own, we foresee many Difficulties and Impediments to their being carried into Execution; which we hope will only affect ourselves, in the additional Labour which it will require to remove them; the only Inconvenience of any great Importance which occurs to us is, that which may arise from the undetermined Jurisdiction of the Mayor's Court; and the Embarrassments to which it may subject our Management of the Revenues: This we mention only as a possible Event, which can only proceed from a more litigious Spirit than we have hitherto known to prevail in the Members of that Court; and we hope, by proper Cautions and judicious Regulations, may be prevented. But this is a Subject of itself too copious to admit of our enlarging upon it further in this Place; it may be sufficient to remark, that no inconsiderable Branch of the Collections (we mean those of the *Calcutta* Pergunnahs) have been quietly conducted by Cutcherries, established in *Calcutta* for these Fifteen Years past, without meeting with any Interruption from the Mayor's Court, or clashing in any Instance, that we recollect, with its Authority.

Resolved, That it is the Opinion of this Committee, that the Board of Revenue at *Moorshedabad* be abolished, and that the Court of the Khalsa, with all the Offices appertaining thereto, be transferred to the Presidency, and placed under the Charge and Direction of the President and Council.

*Cossimbuzar*, 20th August 1772.

Extract of the Proceedings of the Committee of Circuit, on forming a Plan for conducting the Business of the Khalsa.

The Committee having thus premised the Arrangements which appear to them necessary for the future Management of the *Huzzoor*\* *Zillas*, proceed to lay down such Regulations as they judge will be requisite, for conducting the general Superintendance of the Revenue System at the Presidency, and the Business of the Khalsa in its Detail.

The Dewanny may in the first Place be considered as composed of Two Branches.

- 1st. The Collection of the Revenue:
- 2d. The Administration of Justice in civil Cases.

For regulating the latter, a separate Plan has been already framed, and only waits the Approbation of the Council for its being carried into Execution.

The former having been entirely subdivided into Collectorships, under the Agency of the Company's Servants, the Controul and Superintendance to be exercised by the President and Council will consist chiefly in issuing the necessary Orders to those Collectors, in inspecting, auditing, and passing their Accounts, and in occasionally visiting their Districts for the Purpose of making local Investigations and Enquiries into the State of them, and into the Collectors Discharge of their Duty to the Public, and their Employers. The Committee are of Opinion, that this weighty and important Trust can be no where so properly lodged, as in the Body of the Council at large. The honourable the Court of Directors have indeed recommended the Mode of Committees; but nothing being so essential to the Success of the Revenue System, as Expedition in deciding upon all Points of Reference, and in issuing the consequent Orders, and as a Committee, being only authorized to prepare Matter for the Sanction and Approbation of the Council at large, must necessarily occasion Delay in this Particular; this Committee think it will always be for the Interest of the Company to profit from the Counsel and Services of every Member of their Administration, in so capital an Object of their Affairs. For conducting the general Controul

\* Small Districts near *Moorshedabad*.





Controul therefore of the Dewanny, and for managing the Detail of the Business of the Khalsa, the following Regulations are proposed:

That the whole Council shall compose a Board of Revenue, who shall assemble Two fixed Days in each Week, or oftener if Occasion requires, for transacting the Business of this Department:

That the whole Council shall also be styled Auditors of the Dewanny; and that it shall be the Duty of One of the Members, in weekly Rotation, to report upon all Accounts received from the Collectors, in which he shall check all unauthorized Charges, and remark upon all Excesses of the Annual Estimates in those Charges which are authorized:

That the Auditor of the Week shall complete the Report upon all Accounts received within his Week, and that on the last Thursday of every Month there shall be a Meeting of the Board, for the sole Purpose of passing all the Accounts of the Month preceding:

That as the President and Council have thought proper to establish provincial Dewans, to act jointly with the Collector, in all the Districts there shall be a principal Muttesedee appointed to superintend the Conduct of those Dewans, to receive from them the Accounts in the *Bengal* Language, and to issue to them a Counterpart of the Orders which the Board of Revenue shall from Time to Time expedite to the Collectors:

That this Officer shall be styled the Roy Royan, and that he shall attend at the Meetings of the Board of Revenue, to make Reports, to answer to all Enquiries, and to receive occasional Instructions:

That it be recommended to the Board to confirm Rajah *Rajebullub*, the Son of the late Rajah *Doloobram*, in the Office, and to grant him the Title of Roy Royan: He is a young Man of very promising Abilities, and we think will do Credit to the Appointment:

That the Business shall consist in receiving and examining all the Accounts transmitted in the *Bengal* Language, in comparing the Remittances of the Revenue with the Chelans or Invoices, in directing the Payments to be made into the Grand Treasury, in realizing the Collections of the Farmers who may avail themselves of the Privilege of paying their Rents at *Calcutta*, in preparing all Grants and Sunneds, and in expediting all Perwannas to the Provincial Dewans, and shall be conducted by a Member of the Council in Monthly Rotation, and the Roy Royan:

That on all these Points, and such others as may occur in the Detail of the Business, the Roy Royan shall report daily to the honourable the President, and receive his Instructions:

That he shall next wait upon the superintending Member of the Khalsa, and report to him, intimating, at the same Time, such Instructions as he may have received from the President, that he may jointly attend to their being carried into Execution, as well as such other Business as the superintending Member shall think proper to direct; and that the superintending Member and the Roy Royan shall make their joint Report of every thing that shall be transacted, in this Detail, at each Meeting of the Board of Revenue:

That to enable the Roy Royan to discharge that Part of his Duty which empowers him to transmit a Counterpart of the Board's Orders to the Dewans, a Company's covenanted Servant, with One or more Assistants, shall be appointed Translator to the Khalsa, whose Duty it shall be to attend every Day, on the breaking up of the Board of Revenue, and translate into the Persian Language the Substance of the Orders issued to the Collectors; with such Translations the Translator shall wait upon the superintending Member of the Khalsa, who will take Care that the Roy Royan expedite his Orders to the Dewans, conformably thereto, under the public Seal of the Dewannee, reserving regular Copies:

That it shall further be the Duty of the Translator of

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the Khalsa to translate, and enter in a Book, all the Letters received by the Roy Royan; which Book shall be laid before the Board every Day of their Meeting:

That a Company's covenanted Servant (with a competent Number of Assistants) be appointed to the Office of Accountant General of the Dewannee, the Detail of whose Duty shall be as follows;

1st. To keep the general Books of the Revenue according to the Form at present established, or such other as may hereafter be prescribed.

2dly. To keep besides, the following subsidiary Books, to be laid before the Board at every Meeting of the Council in the Revenue Department;

One Book containing the Settlement of each Province, with an abstract Account of the whole;

One Book containing the Kistbundee of each District, with one general Abstract of the whole;

One Book containing the Estimate of Charges on each District, with an Abstract of the whole;

One Book containing the Account current Kistbundee (or the current Demands, Receipts, and Balances) of each District, with the general one for the Sudder, compiled from those of the Districts;

One Book containing the daily Receipts, Issues, and Balance of the Treasury;

One Book containing the Register of Pauts, and Bills of Exchange, according to the Form it is now kept in at *Moorshedabad*:

3dly. To prepare Monthly, in English, by means of One of his Assistants, an Account current Kistbundee of the Huzzoor Jashil, and also the Cash and other Monthly Accounts, so that the Transactions of that Collection made, fall under the Board's Inspection in the same Manner as those of the Districts under the Collectors:

4thly. To report the Balance of Treasury every Day to the honourable the President and the superintending Member of the Khalsa, to prepare all Orders for making Payments into the grand Treasury to be signed by the Board, and to receive and deposit Receipts for the same, from the Sub-treasurer of the Presidency:

5thly. To report from Time to Time to the superintending Member of the Khalsa, the Bills and Pauts as they become due, and obey such Orders as he may in consequence receive for realizing their Amount:

6thly. To attend the Weekly Auditor with such Accounts as are received from the Collectors, and assist him in auditing the same as above specified; and, further attend the Monthly Meeting of the Board of Revenue for passing Accounts:

7thly. To correspond with the Collectors for rectifying Errors in the Accounts, under the Orders of the Auditor of the Week.

That it be recommended to the Board to confer this Office on Mr. *Charles Crofts*, the present Accountant of the Board of Revenue, whose Diligence and Practice in that Business, and the particular Instructions of the honourable Court of Directors, justly entitle him to that important Charge.

That the following Offices shall be established for conducting the Business of the Khalsa, according to these Regulations:

1st. Roy Royan's Office.

To this Office, all Accounts, Statements, and Papers whatever, are to be first transmitted, and from thence distributed to the proper Office, after having been received by the superintending Member of the Khalsa, and the Roy Royan. All other Offices are to furnish whatever Papers are required by this, and to be considered as subordinate to it. In it the superintending Member of the Khalsa and the Roy Royan will preside, and its further Establishment will be as follows:

One Deputy to the Roy Royan.

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Two Mohrirs or Writers.

2d. Moonsee's Office.

In this Office will be kept Copies of all the Letters received and sent by the Roy Royan, and there will be required for the Service of it Four Persons:

Two to attend the Roy Royan;

Two to attend the Translator of the Khalsa.

3d. Karkoon's or Accountant's Office.

In this Office will be kept all Accounts of Settlements, Kistbundeas, the several Monthly Accounts of the Districts, the General Accounts of the Year, and other necessary Papers. The Servants employed in this Office are to be under the Orders of the Accountant General, to assist him in comparing and examining the *Bengal* Accounts with those of the English, in keeping the Treasury Account, and in striking the daily Balance of it, and of the current Receipts of the General Account current Kistbundee. Copies of all Chelans are also to be sent into this Office from the Treasury, attested by the Khazanchy. The Establishment required for this Office will be as follows:

One Karkoon,

One Naib,

One Head Mohrir,

} for examining and checking all Accounts, and adjusting the General Accounts of the Year:

One Mohrir for keeping the Accounts, Settlements, and Kistbundeas, and the General Abstract of them:

One Mohrir for keeping the Monthly Accounts, Receipts, and Disbursements of the Districts, the Estimates of the Annual Charges, and an Abstract of them:

One Mohrir for keeping the Monthly Account current Kistbundy of the Districts:

One Mohrir for forming the General Account current Kistbundy, and striking its daily Balance:

One Mohrir for preparing the Sudder Treasury Accounts, and striking its daily Balance:

One Mohrir for keeping the Register of Bills and Pauts, and collecting them when due.

4th. Sherista Amaunut and Mauzoolie, or Office of Inspection.

It will be the Business of this Office to examine and adjust all Accounts that may be referred to their Inspection, particularly those of dismissed Officers of the Revenue and old Farmers. It will be especially useful in assisting the Court of Appeals in all Causes which come before them, relative to Exactions, Extortions, or unjust Demands, in the Collection of the Revenue. The Officers required for it will be,

One Sheristadar;

Three Mohrirs.

5th. Zemeen Naveesee, or Register Office.

In this Office all Grants or Sunneds for Zemindarrees, Talookdarrees, and other public Services, are to be prepared, formed, and registered; and the Committee think it would be of much public Utility, if all Transfers of landed Property, Mortgages, &c. were in like Manner ordered to be registered here, within a limited Time from the Date of the Deed, and deemed invalid without such Ratifications, unless it shall be thought still more adviseable to establish an Office for this particular Purpose, at the Cutcherry of every District. The Officers required for keeping this Registry will be,

One Sheristadar,

Two Mohrirs.

6th. Huzzoor Tashil Office.

In this Office the Collections will be made of all those Districts whose Farmers avail themselves of paying their Rents at *Calcutta*, and in it the same Set of Monthly Accounts will be prepared as are forwarded from the Collectors of the Districts. In this Office the Naib of the Roy Royan will preside, with the following Officers under him:

One Karkoon:

Two Mohrirs for keeping the Accounts of the Settlements, and the Account current Kistbundee:

Two Mohrirs for keeping the Seat or Receipts, and the Monthly Accounts.

7th. Khazana, or Treasury Office.

All Remittances of the Revenue will first be received into this Treasury, for the Sake of examining it with the Chelans, and from hence it will be conveyed into the Grand Treasury, as before regulated. The Treasury Account is to be formed in this Office. All Chelans are to be kept in it, but Copies to be delivered, attested by the Khazanchy, into the Office of the Karkoon. The Establishment of the Treasury will be,

One Duroga,  
One Mushriff,

} Sine Cures (if continued) in virtue of their Appointment from Court:

Servants. {  
One Khazanchy,  
Five Mohrirs,  
Five Podars,  
One Jemautdar,  
Five Peons.

8th. Canoungoe's Office\*.

The Nature and Services of this Office are fully explained on the Proceedings of the *Moorshedabad* Council of Revenue, the 2d July 1771; the Committee are of Opinion, that their Utility is almost totally suppressed, from the Change which has taken place in the Revenue System: Out of Tendernefs, however, to the ancient Form of Government, and Deference to the Grants which they hold for their Office from the Court of *Debly*, the Committee think the Head Canoungoes may be continued, either receiving their present Reforms, or whatever may be considered as an adequate Pension; but that all the Dues allotted for the Support of their Officers in the Districts may be attached, and those Officers enrolled among the Monthly Servants of each Cutcherry. Thus the Government will still reap the Benefit of their Knowledge and Experience in carrying on the Business, whilst a considerable Saving will be produced from the Resumption of the Dues they have hitherto received.

9th. The Nazir's Office.

This Office consists of Peons employed in summoning the Dependants of the Khalsa, in pressing Payments and other like Services, and of the other menial Servants of the different Offices, who are under the Instruction of the Nazir: The necessary Establishment will be,

One Nazir,

One Naib,

Three Mhirdas,

Twenty-five Peons,

Seven Dufferbunds, or Office Keepers,

Five Ferafhes,

Two Ghereallies,

Four Mussalhees.

These to be paid Monthly Wages, instead of Fees, which are to be abolished.

That the Accounts of all these Offices, as also those of the Districts, shall be kept in the *Bengal*

\* The Office of Canongoe is of Royal Institution, of long Standing, and in many Places hereditary. It is frequently executed by a Deputy, though the Emoluments are enjoyed by Principals, who are generally Absentees. In some Districts it has been long abolished. The Canongoes have usually had the Care of the Sudder and Mofussul Records; and all Papers attested by the Canongoe are received as authentic, and decisive in all Disputes relative to Lands, their Boundaries, or Property of that Nature.





Language, as being more exempt from Errors, Omissions, and Inaccuracies, than the Accounts kept in *Persian*:

That the Register Office will, however, be an Exception from this Rule, the Papers of which will continue to be kept in both Languages:

That there shall be Three Keys of the Dewannee Treasury, One to be kept by the honourable the President, One by the superintending Member of the Khalsa, and One by the Roy Royan:

That the Dewannee Seal shall be lodged with the superintending Member of the Khalsa, and to be affixed to the Letters and Perwannas expedited by the Roy Royan; and that the Roy Royan shall also sign to all such Letters and Perwannas:

That a proper House shall be prepared for accommodating all these Offices, and depositing the old Records, to be known by the Appellation of the Khalsa:

That another House, adjacent if possible to the Khalsa, shall be prepared for the Office of the Accountant General of the Dewannee:

That the Collections of *Burdwan*, *Midnapore*, *Chittagong*, and the *Calcutta* Pergunnahs, shall be comprehended in this Plan of General Superintendence; their Remittances shall be made to the Dewannee Treasury; and their Accounts shall be kept by the Accountant General, but in a Set of separate Books.

Revenue Department,

Fort William, 3d November 1772.

Alexander Higginson, Secretary.

And Your Committee find, That, upon the 29th Day of August 1772, the Governor and Council, in their separate Department, concurring with the Committee of Circuit, in the Propriety of the several Appointments above-mentioned, resolved to confirm them.

And Your Committee find, That the President and Council have agreed to allow to Rajah *Rajabullub*, as Roy Royan of the Khalsa, 60,000 Rupees per Annum,

which, with 190,000 Rupees per Annum granted to the Begum, and 100,000 Rupees per Annum granted to Rajah *Goordas*, make the 300,000 Rupees per Annum, which the Court of Directors permitted them to allow to the Person appointed by them as Minister of the Government, and Guardian of the Nabob's Minority.

And Your Committee find, That the Committee of Circuit being of Opinion, that the written Engagements hitherto entered into by the Farmers of Lands, have not been drawn up with sufficient Exactness and Precision; and having considered this as the principal Source of the Oppressions, which have been too frequently exercised on the Ryotts, they have settled the Form of the Aumulnama, or Lease, to be granted by Government, and of the Cabooleat, or Agreement, to be entered into by the Farmer, and ordered the same to be made public at the Cutcheries: And for the Information of the House, Your Committee have thought proper to annex to this Report, Copies of these Instruments, N<sup>o</sup> 1.

And Your Committee find, That the Committee of Circuit, for the like Purpose of preventing Oppressions exercised by the Farmers on the Ryotts, have settled the Form of the Pottas or Leases to be granted by the Farmers to the Ryotts; and for the Information of the House, Your Committee have added, in the Appendix to this Report, Copies of these Instruments, N<sup>o</sup> 2.

Your Committee have also added, in the Appendix to this Report, N<sup>o</sup> 3, Copy of the Instructions, settled by the Committee of Circuit, to be given, for the future, to the Duan of each Province or District; which will explain to the House the Nature and Powers of that Office.

Your Committee have also thought proper to add the following Statement of the Revenues of *Bengal* and *Babar*, similar to that contained in their Fourth Report, for the Year ending in April 1772; and also an Account of the Company's Bond Debt, at this Presidency, when the last Ship came away.





STATE of the *BENGAL* REVENUES, shewing the Gross Receipts of the respective Revenues, and the Charges of Collection, &c. Charges from May 1771 to April 1772; being a Continuation of the former Account.

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	Gross Revenues in the Province, as appears in the Bundoobust.	Charges col- lecting allowed the Zemindars or Farmers.	Nett Balance to be received.	Gross Collections.	Charges col- lecting paid by the Company.	Jaghire to Lord <i>Clive</i> .	Tributes, Sti- pends, and Allowances.	Nett Revenues, exclusive of Commission.	Commission paid on the Revenues.	Nett Revenues.
	£. ft.	£. ft.	£. ft.	£. ft.	£. ft.	£. ft.	£. ft.	£. ft.	£. ft.	£. ft.
<i>Calcutta</i> and <i>Pergunnahs</i> -	—	—	—	161,076	29,737	29,096	—	102,243	—	—
<i>Burdwan</i> - - -	—	—	—	589,443	114,313	—	—	475,130	—	—
<i>Midnapore</i> - - -	—	—	—	114,553	5,250	—	—	109,303	—	—
<i>Chittagong</i> - - -	—	—	—	67,987	7,118	—	—	60,869	—	—
<i>Muxadavad</i> - - -	2,481,400	267,155	2,214,245	2,003,831	67,432	—	709,054	1,227,345	—	—
<i>Bahar</i> - - -	—	—	573,571	557,456	95,995	—	—	461,461	—	—
								2,436,351		
								10,125		
Duties on Salt and Beetle Nut - - -					—	—	—		—	—
				£. ft.	319,845	29,096	709,054	2,446,476	66,311	2,380,165

By the last Quick Stock received from *Bengal*, dated 1st November, 1772.

Debt at Interest - - - £. ft. 1,416,912.

East India House,  
24th April 1773.

Errors Excepted.

John Annis,  
Assistant Auditor of Indian Accounts.



*on the State of the* EAST INDIA COMPANY.

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Your Committee were desirous of adding a General State of Receipts and Disbursements at this Presidency, to April 1772, but they found it impossible to form the same, as the general Books of the Presidency for that Period are not yet transmitted.

The Proceedings of the Committee of Revenue, in order to form new Regulations for managing the Salt Trade, which are referred to in the foregoing Letter of the 3d of November, are imperfect; and therefore Your Committee have thought it right to omit bringing them down in this Report, and to wait till the Receipt of the

next Advices, when the Committee of Revenue have promised to transmit a complete State of this Business.

Your Committee have found, among the Papers already arrived, important Information respecting the Judicatures of *Bengal*, besides what is mentioned in the foregoing Papers, which Information they have omitted to bring down in this Report, as it will make a Part of a Report on the State of Judicature in that Country, which they are now preparing, and which they intend to lay before the House without Delay.





## A P P E N D I X.

N<sup>o</sup> 1.

Aumulnama given to the Farmers of *Nuddeah*.

1st. **T**HE Pergunnah of — having been let to you in Farm for the Term of Five Years, you are to pay the Malguzzary at *Kissen Nagur*, agreeably to the Rates of the Pottah and Kistbundy of the Chucklah :

2dly. You are not to usurp or take Possession of any Lands under the Denomination of Chakaran, Ddwoler, Bermoter, Mahateram, Khana, Barry, Chyrate, &c. exclusive of the original Revenue Land in the Mofussel :

3dly. Whenever any Chakaran Lands are resumed, you are to pay the Maguzzary upon them, including the Batta :

4thly. The Government having granted Remission of Bazy, Jumma, and Holdarry Morocha, you are to collect no Impositions of this Sort, nor of Salammy, Holdarry, or Morocha, from the Mofussel :

5thly. You are to give immediate Information of hidden Wealth, and of Effects escheatable to Government, from a Defect of Heirs, as well as of all Murders, Thefts, and Robberies, which may be committed :

6th. You are to be constantly watchful and circum-spect with respect to the Chokies, and Limits of each Division and Sub-division, and make a timely Report of every Thing that may occur :

7th. You are to make no new Grants of Bermoter, &c. without a Sunnud from the Presence; nor are you to cut down Trees :

8th. Should any Part of the Bazee Zemin be left without legal Heirs to possess it, and that it be clandestinely held or enjoyed by another, you are to make a Report of the same to the Presence, in order to its being resumed. If any Heir should afterwards prove his Title to the Ground, you are to put him in Possession of it, on his producing a fresh Sunnud for the same :

9th. Upon all Lands cultivated by the Ryotts, in the Mofussel, you are to collect the original Jumma of the last and foregoing Year, and the Aubuab which has been established in the present. On no Account you are to demand more :

10th. You are to encourage the Cultivation of all

deserted and waste Lands; and for such Portion of Lands, as the Ryats voluntary undertake to cultivate, you are to give them Pottah on satisfactory Terms, agreeable to which you are to receive their Rents. The Rents of such Grounds as are cultivated by Ryats without any Pottah, you are to collect according to the Rates of the Pergunnah. You are not to force the Jumma of those who have deserted, upon the remaining Ryats :

11th. You are to let the Rates of the former Malguzzary, and the Pottah for the present Year's Cultivation, be the Standard of your Collections from the Ryats; should it be known that you exact more, you will not only have to repay the Ryats the Sums which you have so exacted, but also make a proportional Forfeiture to Government; and if it is represented, that you a Second Time are guilty of any Oppression on the Ryats, your Farms shall then be made Khas, and you shall pay a Fine to Government :

12th. You are to *adjust your Kistbundy with the Ryats, according to the Season of the Harvest, and not make untimely Demands on them, to put them to an Expence of Interest :*

13th. You are not to levy any fresh Tax of MANGUN, MAHOTE, BATTa, or Sood, from the Ryats :

14th. You are *not to receive any Nazeer, or Selammy, or Parbanny, from the Ryats in the Mofussel, nor give any yourself to any Person :*

15th. The INTEREST upon the Tucarry advanced to the Ryats in the Mofussel, you will receive at the Rate of Two Rupees per Cent. per Month, and let the Tucarry be repaid in Specie, not in Kind :

16th. A Mohreer having been appointed with you in Behalf of the Government, you are to suffer him to take comparative Accounts of your Sherif-tabund; by no Means make any secret or clandestine Collections. Should this be proved, you will not only have to pay what you have so secreted to the Government, but also be fined proportionably. Whatever Sheristadar may be appointed by the Government, he will only take compara-

tive





give Account of your Sheristah; he will have no Concern in the Management of the Business, or with the enforcing Regulations:

17th. If there are any outstanding Balances due from the Villages, you are to make an equitable Adjustment of them, agreeable to the Accounts, in the Presence of the Ryats, on the Spot. For the Balance so adjusted, you are to draw out a Kistbundy, agreeably to which, let it be paid:

18th. For the Jumma at which you have taken your Farm you are to be responsible to Government. You are to make no Complaints of Inundations, Dryness of the Season, Waste Land, or of Desertion; all Losses incurred by these Accidents will be your own. On the other Hand, if by promoting Cultivation and Agriculture, you can by any legal Means reap any Advantage from your Farms, *you have Nothing to pay to Government exclusive of the Malguzzary*; that Advantage will be your own:

19th. Should any of the Revenue Land be incroached upon by the River, on its being properly enquired into, and ascertained in the Mofussel, you shall be allowed a proportional Abatement for it: If, on the other Hand, the River leaves an Addition of a fresh Quantity of Land which is cultivated, it shall be ascertained, and taken by Government:

20th. Attending to the Preservation and Prosperity of the Country, you shall pay up the Malguzzary. Whenever you shall relinquish your Farm, you shall

give in a Huftabood of its then State, agreeably to the Rates of the Pottah and Jumma at which you took it; you shall even give an Account of what Improvements you have made in Cultivation:

21st. You are to give the Ryats a Dachilla for every Kist which they pay, and after clearing Accounts with them at the End of the Year, a Farcutty or Acquittance:

22d. The former Pottah\* of the Ryats having been *disapproved*, you are to collect them all from the Ryats, and tear them. A new Form of a Pottah has been established at the Presence, agreeable to which Form you are to distribute Pottahs to every Ryot:

23d. To resume the Subject of the 9th Article, regarding the Affeel, and the Abuab†; whatever Jumma was formed in the Year 1172‡ by the Affeel and Abuab, and the Abuab, which agreeably to the Records of the Suddeer, has been accumulated thereon since the Year 1173||, those being consolidated together, what Jumma they may now form, you are to let that be the Standard of your Collections: On no Account you must demand more.

The Cabooleat, or Agreement, given by the Farmers of *Nuddeah*, is exactly in the same Terms with the Aumul Nama, *mutatis mutandis*.

\* Lease.

† Additional Tax, not the Afful or Ground Rent.

‡ 1765.

|| 1766.

## APPENDIX, N° 2.

### Pottah for Ryotty Land.

**F**OR the Jumma and Ground which you hold in the Village of — in the Pergunnah of — a Pottah for the present Year is now made out, and given you, containing the different Rates, as specified underneath; which you are to pay, and not more. No Demand of Mhatoote, Puncheek, or Dereenck, will be made upon you. The Haldarry upon Marriages, and Bazee Jumma of the Sudder, have also been remitted; these you will not have to pay. Whatever you was before in Possession of, and the Ground, together with the Trees upon it, which before belonged to you, that you are now to keep possession of, and, exerting yourself towards Cultivation, pay your Rent agreeable to the Kistbundy. For the *Bengal Year 1179*.

### Rates to be paid.

The Afful Jumma for each Begah of Ryotty Land, according to the Rates of the Pergunnah.

Abuab according to whatever may be the Rates of the Chucklah and Pergunnah.

### Pottah for Pykasht Land.

For the Jumma and Ground which you before held in the Village of — in the Pergunnah of — a Pottah for the present Year is now made out, and given you, containing the different Rates, as specified underneath; which you are to pay, and not a Cowrie more. No Demand of Mhatoote, Puncheek, or Dereenck, will be made upon you. Whatever Land and Trees before belonged to you, you are to keep Possession of, and, exerting yourself in Cultivation, pay your Rents according to the Kistbundy. For the *Bengal Year 1179*.

### Rates of the Pykashtah.

Afful of each Begah of Pykashtah Land, according to the Rates of the Pergunnah:

Abuab according to the Rates of the Chucklah and Pergunnah.

## APPENDIX, N° 3.

### Instructions to Der Syng Roy, Duan of Nuddeah.

**T**O Der Syng Roy Health.—You having been appointed by the Committee, Dewan of the Pergunnah of *Aukerah*, &c. the Zemindary of *Maba Rajah Kishen Chund Behader*, in Behalf of the Company, the following Articles are laid down as Directions for your Conduct.

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1st. All the Lands have been farmed out for the Term of Five Years, commencing from the 1st of Byfack 1179, equal to the 10th April 1772.

2dly. You having been appointed Dewan, you are, in Conjunction with the Collector, Mr. *Jacob Rider*, to collect the Kists from the Farmers, agreeably to the Bundibust



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buft which has been concluded by public Outcry, and remit them to the Sudder. You are also, both for the Security of the Revenue, and agreeable to the established Custom, to keep a separate Account of the Collections. And all Orders which may be issued into the Mofuffel, all Receipts given to the Farmers, and all Accounts and Papers whatever, which may be transmitted to the Sudder you are to sign.

3dly, The Collector is not to circulate any Orders in the Mofuffel under his own Seal, but under the Dewanny Seal of the Company. The Seal must remain with him, and according to the Custom and Mode of transacting the Government's Business, he will affix the Seal to all the Company's Papers, and attest them with his own Hand.

4thly, No Sepoys, or Peons, &c. are to be sent by the Collector, or yourself, into the Districts of the Farmers, except when the Power of the Farmers is insufficient to enforce Justice, or maintain the Peace of the Country; in which Case One Person may be sent with a Writing under the Company's Seal, and signed by the Collector and yourself. And all Circumstances on which People have been so sent, you are to register in the Adawlet Proceedings. Whenever it is requisite that any Person should be sent for, it must be done through the Izadar, by sending the Tallub Chitry to him, requiring him to send the Person wanted to you.

5th. The Izaradar are on no Account to demand more from the Ryotts than what is mentioned in their own Pottah and Cabaoleat, and in the Pottah of the Ryotts. Should it be proved that they have received more, they must not only refund what they have so taken, but also pay a proportional Fine to Government. If they are a second Time guilty of any Oppression on the Ryotts, their Farms must then be forfeited; on this Occasion do you be watchful and circumspect.

6th. Agreeable to the Terms of their Pottah and Kistbundy, the Izaradars are to pay their Revenues. You are not to demand more of them.

7th. You are to levy no Aboab, or fresh MUTHOTE of Mungun, Sood, &c. from the Ryotts.

8th. No Nudzeers or Selammys are to be taken, either by the Collectors or any other Gentleman, their Mutsuddies, or any other Servants of the Government, nor by any Aumils, Zemindars, Izaradars, or any other Dependant. This Practice has been entirely abolished.

9th. The old Farmer is to settle his Accounts with the Ryotts on the Spot, in the Presence of the new Farmer, and for whatever Balances is outstanding the new Farmer is to be responsible.

10th. With every Farmer a Mohreer must be appointed in Behalf of the Government, who, as well as the Far-

mer, must take an Account of the daily Collections, and transmit his Accounts monthly to the Sudder Cutcherry. He is however to have no Concern with the Management of the Business of the Country.

11th. The Mutsuddies, or Servants of the Collector, nor any of their Relations or Servants, are by no Means whatever allowed to hold a Farm, nor to be concerned with the Farmer, either as his Security or otherwise. Should it be proved that any of them artfully conceal their own Names, and hold a Farm under Cover of another, they shall not only forfeit their Farm, but pay a Fine to Government, proportioned to the Jumma. No European whatever, either in his own Name, or in the Name of another, is allowed to hold a Farm.

12th. No Mutsuddy, Aumil, or Servant of the Collector, nor any Person concerned in the Revenue, is allowed to lend Money to any of the Zemindars, Talookdars, Izaradars, or Ryotts; nor are the Zemindars, Talookdars, or Farmers, to lend Money to the Ryotts. For the Purpose of Cultivation, Tucavy is to be advanced to the Ryotts, at the Rate of Two Rupees per Cent. per Month Interest, which is to be recovered in Specie, and not in Kind.

13th. In order to obviate the Necessity of the Farmers borrowing Money to pay up the Rents, the Kists in the Kistbundy are to be proportioned according to the Season of selling the Grain after the Harvest, by which Means the Malguzzary may be discharged with Ease. Agreeably to this Mode, the Tojee is to be adjusted, and the Rents received from the Ryotts.

14th. All the Zemindary Chokies, excepting the smaller Land Chokies, have been abolished, and only the Chokies of the Nizamut, Syer, Chunacolly, Mahol Pachonterab, Buksh Bunder, and Shab Bunder, are to remain.

15th. Such Farmers as are desirous of paying their Rents at Calcutta, separately from the Pergunnah, may do it.

16th. The Administration of Justice is to be put upon another Footing. At the Cutcherry of every Zillah, there will be a Derogha, &c. appointed, before whom all Causes are to be adjusted and decreed; such Persons as are not satisfied with their Decrees, may take a Copy thereof, and be allowed an Appeal to Calcutta, where their Cause will undergo a Re-examination.

17th. You are to conduct the Business with Integrity and Fidelity, to give in the necessary Papers at the End of the Year, according to Custom, and keep all Professions satisfied and contented with your good Conduct. Whatever Regulations may be hereafter issued, you are to be acquainted with by the Collector, and taking a Translation of them for yourself, carry them into Execution.





S E V E N T H  
R E P O R T  
F R O M T H E  
C O M M I T T E E O F S E C R E C Y  
A P P O I N T E D T O E N Q U I R E I N T O  
T H E S T A T E  
O F T H E  
*E A S T I N D I A* C O M P A N Y.

Together with an APPENDIX referred to in the said Report.

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Reported by Mr. ALDERMAN HARLEY on the 6th Day of *May* 1773.

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S E V E N T H  
R E P O R T  
F R O M T H E  
C O M M I T T E E O F S E C R E C Y

APPOINTED TO ENQUIRE INTO

THE STATE OF THE *EAST INDIA* COMPANY.

*The 6th of May 1773.*

The Committee of Secrecy, "appointed to enquire  
" into the State of the *East India* Company; and  
" for that Purpose to inspect the Books and Ac-  
" counts of the said Company; and to report to  
" the House what they find material therein, in  
" respect to the Debts, Credits, and Effects, of the  
" Company, as also to the Management and present  
" Situation of the Company's Affairs, together  
" with their Observations thereupon :"

HAVING in their last Report laid before the House certain Regulations, concerning the Revenues, transmitted by the last Ships to the Court of Directors, from the President and Council of *Fort William*, which contained also some Matter relative to the Administration of Justice in *Bengal*; and considering it as one of the most important Objects of their Appointment, to report to the House an Account of the State of Judicature in that Country, as the necessary Groundwork for establishing proper Regulations for the future Administration of Justice, they have endeavoured to collect the best Information on that Subject; the Substance of which they now submit to the Consideration of the House.

In this Enquiry, Your Committee have not only perused all the Papers in the Books and Correspondence of the Company, which, as the Servants of the Company informed them, contain any thing material on this Subject, but have also called before them and examined several Gentlemen, in whose Knowledge and Experience they thought they might best confide, in respect of the Time of their Residence, and their Situations in *Bengal*.

In laying before the House the Result of this Enquiry, Your Committee propose to arrange it under the  
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following Heads, into which the Subject seems naturally to divide itself :

- 1st. The State of the Country Judicatures, throughout the Province of *Bengal*, as they subsisted under the ancient Constitution of the Country; or as they have been affected or altered by the Influence of the Company or its Servants.
- 2dly. The State of Judicature existing in the Settlement of *Calcutta*, and in the Factories and Districts depending upon it, partly derived from the Constitution of the Country, and partly established by His Majesty's Charters of Justice.
- 3dly. To state to the House such Provisions as have been made by Law, for the Trial and Punishment, in *England*, of Offences committed by the Company's Servants in *Bengal*; to specify in what Instances these Provisions have been attempted to be carried into Execution, with the Result of the Proceedings; and to submit to the Consideration of the House some Circumstances which appear to Your Committee greatly to obstruct the Efficacy of any Remedy in *England*, as the Law on that Subject is now constituted.

These several Heads appear to Your Committee to comprize every Point material for the Consideration of the House upon this Subject.

Under the first of these Heads, it seems to be a proper and necessary Introduction, to explain, so far as Your Committee have been able to learn, the ancient State of Judicature in that Country, during the Vigour of the Mogul Government; and to trace the gradual Changes in the State of Judicature, from the various Troubles and Revolutions that have lately occurred in that Country: This will naturally lead the Consideration of the House



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House to its most important Object, the Alterations which have been introduced into that System, by the Influence or Authority of the Company, or its Servants; and, consequently, the present Situation of Judicature and Justice in *Bengal*.

In examining into the ancient Constitution of Judicature in *Bengal*, during the Vigour of the Mogul Government, Your Committee chiefly enquired into the following Points;—the Names and Distinctions of the several Courts;—the Judges in each;—the Laws and Rules by which they decided;—under what Controul of Appeal they lay;—under what Influence by the Power of the Government;—and, lastly, the Purity or Corruption that prevailed, as far as Your Committee have been able to discover, in the Administration of Justice in these Courts.

Your Committee find, from the general Account given by the Gentlemen examined before them; and also from that contained in the Books and Correspondence of the Company, that, according to the ancient Constitution of *Bengal*, the Administration of Justice, both in the Capital, and in the several Districts, was distributed into different Branches of Judicature, for the Exercise of Criminal, Civil, Religious, and Revenue Jurisdiction.

The Criminal Court, in every District, was generally known by the Name of the *Phouddary*: The *Zemindar*, or *Rajah* of the District, was the Judge in this Court: His Jurisdiction extended to all Criminal Cases; but it appears to Your Committee, that in such as were of a capital Nature, the Sentence was not to be executed until a Report of the Case was made to the Government at *Moorshedabad*, and their Orders received upon it. The Proceedings in this Court were summary: The most frequent Mode of Punishment, particularly where the accused was a Man of Wealth, was by Fine; and every Fine, imposed by Authority of the Court, was a Perquisite of the *Zemindar* himself, by virtue of his Tenure of the Lands; the natural Effects of this Circumstance, upon the fair Administration of Criminal Justice, appear to Your Committee to have been severely felt, under the ancient Constitution of *Bengal*.

The Court of Civil Jurisdiction, in every District, was generally known by the Name of the *Adawlat*: The *Zemindar*, or *Rajah* of the Province, was the Judge also in this Court: Its Judicature extended to all Causes between Party and Party: The Judge, as a Perquisite of his Office, was entitled to a *Chout*, or Share, of whatever was recovered in his Court, which, as Your Committee have been informed, amounted to a Fourth or Fifth of the whole Value.

It appears to Your Committee, That this extraordinary Circumstance in the Constitution of that Judicature, greatly affected the Confidence of the People in its Justice;—that Parties were very reluctant to resort to this Tribunal; and that hence it has long been a prevailing Practice in *Bengal*, to refer Matters of Controversy to Arbitrators chosen by the Parties.

It appears to Your Committee, That these Judicatures were not guided by any regular System of Law; that the *Khoran* was the only Code, and its Commentators the only Authorities, allowed in that Country; that where these afforded no Rule of Decision, the Customs and Usage of the Country, if applicable to the Case, were the proper Guide; but that the Rules derived from these Sources were in general very loose and uncertain; and that the necessary Consequence of so imperfect a System of Law, rendered the Exercise of criminal and civil Judicature in *Bengal*, in a great Measure discretionary.

The Witnesses examined by Your Committee did not entirely agree, with respect to the Right of Appeal from the Provincial Courts of *Phouddary* and *Adawlat* to the respective Courts of the same Nature at the Capital; but most of the Gentlemen informed Your Committee, That such Appeal certainly lay: They all con-

curred in informing Your Committee, That the Power of the Government often interfered in the Proceedings of the Courts of Justice; that the general Course of Application for Redress, against any Proceedings of the Courts of Justice, was to the Power of the Government, especially where the Party found himself in a Situation to expect its Favour and Protection; and that the Government, upon such Occasions, not only exercised a discretionary Power over the Proceedings of the Courts, but frequently gave such Remedy, or inflicted such Punishment, as they thought proper, without the Interposition of any Judicature.

It appears to Your Committee, That the Want of subordinate Jurisdictions in different Parts of the *Zemindary* Districts, was attended with much Hardship to the lower Class of the People; that such of them only as lived in the Neighbourhood of the Seat of Judicature could have Access to these Tribunals, and that even to these, the Expences attending Suits in the Courts were almost an entire Exclusion of the Possibility of attaining Justice by Law. That, on the other hand, the principal Persons in the several Districts could seldom be brought under the Authority of the Courts, and when they submitted to them, were able to defeat their Justice by means of their Influence with Government.

Your Committee found it the general Sense of all the Accounts they have received respecting these Courts, That the Administration of Justice, during the Vigour of the ancient Constitution, was liable to great Abuse and Oppression; that the Judges generally lay under the Influence of Interest, and often under that of Corruption; and that the Interposition of Government, from Motives of Favour or Displeasure, was another frequent Cause of the Perversion of Justice.

One material Circumstance, that must have greatly tended to encourage the Abuse of this Judicature in these Courts, appears to Your Committee to have been the Want of any judicial Register of their Proceedings; so that there could not exist any authentic Document of their Proceedings, to be the Subject of Review by any superior Authority.

Causes respecting Religion appear to have been distinguished from the ordinary Course of Judicature; Questions of this Nature were not trusted to the Judgment or Discretion of the temporal Judges; in every such Case, the Judge before whom the Question depended was obliged to call in the Assistance of the *Cazee* of the District, and even to submit to his Authority in the Decision of the Cause: And Your Committee find, That the *Gentoo* Subjects enjoyed a similar Privilege with respect to all Cases of a religious Nature, in which Persons of that Persuasion were Parties; for that, in every such Case, it was necessary that the temporal Judge should be assisted by a *Bramin* of the Cast, particularly where the Cause was of such a Nature as might be attended with the Consequence of Forfeiture of Cast.

Your Committee find, That all Causes respecting the Revenue, or the Rents of the Lands, were under the Cognizance of a peculiar Court in every District: It appears, That formerly the *Zemindar* or *Rajah* held the Authority of this Judicature also; but Mr. *Sykes* informed Your Committee, That, for some Years before the Acquisition of the *Dewanee*, this Jurisdiction of the *Zemindar* had gone into Disuse, and had since been exercised by the *Naib Duan*, appointed in every District by the principal *Duan* at *Moorshedabad*; that this Officer decided in all Causes of Revenue; but that Appeal lay from his Decisions to the principal *Duan*.

With respect to the Courts established at the Capital, Your Committee apprehend, That they could not present to the House any Account so satisfactory, as that which is contained in a Letter lately received by the Court of Directors from the Governor and Council at *Fort William*, dated the 3d of November 1772; and Your Committee have inserted an Extract thereof, so far as it relates to the Subject of the Administration of Justice,





Justice, together with the Plan therein proposed for that Purpose; being of Opinion that it contains Materials of great Importance, and deserving the serious Consideration of the House.—Upon the present Subject of the Courts established by the ancient Constitution at the Capital of this Province, Your Committee think it proper to abstract very shortly the principal Substance of the Account given at large of these Courts, in the Letter of the Committee of Circuit to the Council of *Fort William*, transmitted in the above-mentioned Letter to the Court of Directors:

According to that Letter the Courts are as follow:

1st.—The Nazim, as supreme Magistrate, presides personally in the Trials of capital Offenders, and holds a Court every Sunday, called the Roy Adawlat:—Crimes not capital are tried before the Phousdar, but reported to the Nazim for his Judgment and Sentence.

2dly.—The Duan is the proper Judge of all Causes relating to real Estates, or Property in Lands, but seldom exercises this Authority in Person: The Darogo Adawlat Dewannee, or Deputy of the Duan, exercises this Jurisdiction.

3dly.—The Darogo Adawlat al Aalea is the Judge of all Cases of Property, except those which respect Land and Inheritance; and also takes Cognizance of Quarrels, Frays, and abusive Names.

4thly.—The Cazee is the Judge in all Claims of Inheritance or Succession, assisted by the Mustee, who is the Expounder of the Law; and also by the Mohtesib, a Magistrate whose immediate Duty is to superintend the Weights and Measures, and other Matters of Police: The Manner of proceeding in the Cazee's Court is, that after hearing the Cause, the Mustee writes the Fettwa or Law applicable to it, and the Cazee pronounces Judgment accordingly, unless he or the Mohtesib disapproves of the Fettwa; in which Case the Cause is referred to the Nazim, who summons the Ilaas or General Assembly, consisting of the Cazee, Mustee, Mohtesib, the Darogos of the Adawlat, the Monlavies, and all the learned in the Law, to meet and decide upon it, whose Decision is final.

Such appears to Your Committee to have been the System of Judicature, established by the ancient Constitution of *Bengal*; but Your Committee cannot conclude this Part of the Subject without observing, That, so far as they are able to judge from all the Information laid before them, the Subjects of the Mogul Empire in that Province derived little Protection or Security from any of these Courts; and that in general, though Forms of Judicature were established and preserved, the despotic Principles of the Government rendered them the Instruments of Power rather than of Justice, not only unavailing to protect the People, but often the Means of the most grievous Oppressions, under the Cloak of the judicial Character.

Your Committee having enquired in what Manner the English Company or its Servants used to proceed, during the ancient Government, to compel Payment of their Debts from any of the Natives not residing under the British Flag, they were informed by several of the Witnesses, that, where the Debtor was a Person dependant on, or connected with, the Company in the Course of Commerce, and residing (as these Persons generally did) in the Neighbourhood of any of the Company's Settlements, the general Practice was to lay hold of his Person by their own Authority, without applying to any Court or Officer of the Government: That they sometimes ventured to exercise the same Right, even where the Debtor did not fall under that Description; but that this was an Abuse, though generally overlooked by the Government: That, in the former Case, the Government tacitly allowed and countenanced the Practice of seizing and detaining the

Debtor, it being much the Disposition of the Government to give all possible Encouragement to the Europeans, from whose Commerce their Country then derived such considerable Advantages: In Cases where it was not thought prudent to proceed in this Manner, the only Remedy was by Application to the Government: But Your Committee were informed, That there was seldom Occasion to make use of either of these Ways to compel Payment of any Debt to the Company or its Servants; for that the Persons dealing with them reaped so much Benefit from that Connection, that there seldom arose any Dispute between them.

Your Committee were further informed, That the French and Dutch exercised the same Privilege of seizing their Debtors, and had even continued the Practice after the Company's Acquisition of the Dewannee.

Your Committee find, by the Secret Consultations lately received by the *Lapwing*, That this Practice having been lately prohibited by the President and Council, the French, in very strong Terms, remonstrated against this Order, as a Violation of a Right which they had always held and exercised under the Country Government; but that the President and Council denied this Pretension, and insisted that the French should have Recourse to the Courts of Justice to compel Payment of their Debts: But Your Committee do not find that this Dispute had been brought to a Conclusion.

Your Committee having laid before the House this succinct View of the ancient State of Judicature in *Bengal*, now proceed to state the Result of their Enquiry, with respect to the Alterations it has undergone since the Decline of the Mogul Government, and the Introduction of the Company's Influence in *Bengal*.

Mr. Sykes (who from the Time of his Residence and his different Situations in *Bengal* had the best Opportunities of Information on this Subject) informed Your Committee, That, in his Opinion, during the first Period of *Meer Jaffier's* Government, although he had been raised to the Nabobship by the Power and Influence of the English, the Administration of Justice continued in its former Course, without any Interruption or Alteration from that Power, which had made the Revolution: That, during the Government of *Cassim Ally Cawn*, the English Influence began to operate, not only in consequence of the Revolution itself, accomplished by their Power, but because from that Time many English, with or without the Consent of the Presidency, dispersed themselves over the Country, and engaged in its interior Commerce, which often led them to interfere with the Judicature and Government of the Country (in which his Evidence is much confirmed, by several Letters, printed from the Country Correspondence, in the Appendix to the Third Report of the Committee appointed to enquire into the Nature, State, and Condition, of the *East India* Company, and of the British Affairs in the *East Indies*; and which are to be found in the Appendix to that Report, N<sup>o</sup> 23, 24, 27, 32, 37) that besides, *Cassim's* Attention was so much turned to the Increase of his Revenue, that he gave very little Regard to the Administration of Justice, or to the Maintenance of that Part of his Authority against the Encroachments of the English Subjects residing in his Territories, further than was necessary for securing the Collection of his Revenues.

The Third Revolution made by the English, in restoring *Meer Jaffier*, necessarily added to their Power and Influence in the whole Administration of Government in *Bengal*, and of course rendered the Administration of Justice in the Judicatures of the Country very liable to be swayed or influenced by any Servant of the Company, whose Situation gave him an Opportunity, and whose Interest afforded him Incitement, to interfere in any of their judicial Proceedings.

Mr. Keir informed Your Committee, That since the Establishment of the English Power in *Bengal*, on its present Footing, the Banyans of English Gentlemen, wherever they reside, entirely govern the Courts of Ju-



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dicature, and that they even frequently sit as Judges in these Courts.

Mr. Jekyl, upon the same Subject, said, That whilst he was at *Patna* in 1771, the Members of the Company's Council sat alternately in the Revenue Court at that Place, together with the Rajah.

But though these successive Revolutions, entirely accomplished by the English Power in *Bengal*, necessarily rendered their Influence very operative in the Affairs of the Government; and although it appears to Your Committee, from the Perusal of several Letters, printed in the Appendix to the before-mentioned Report of the Committee appointed to enquire into the Nature, State, and Condition, of the *East India* Company, and of the British Affairs in the *East Indies*, that the Gomastahs of the Servants of the Company frequently assumed to themselves the Exercise of Judicature; yet it does not appear that any Alteration in the legal Constitution of the Judicatures of the Country was made before the Acquisition of the Dewannee.

But Your Committee find, That since the Acquisition of the Dewannee, some Alterations have been made, and a Variety of Regulations proposed, respecting the Administration of Justice; but as to the Effect, Your Committee are not able to give the House any satisfactory Information.

Mr. Sykes, who was appointed Resident at the Durbar in October 1765, informed Your Committee, That immediately upon entering into that Office, he applied to the Government for the Establishment of some new Courts of Judicature, but without proposing any Alterations in those already established; that having observed that the poor Inhabitants were, in general, unable to obtain Justice in the ancient Courts, he recommended to the Ministers at *Moorshedabad* to establish there, and in each of the Provinces, a Court for the Decision of all Causes, not exceeding the Value of 500 Rupees; that this was accordingly carried into Execution; the Court at *Moorshedabad* consisting of Twelve Persons of the best Character, appointed by the Administration, with adequate Salaries; and the Provincial Courts constituted in the same Manner, but consisting only of Six Judges; that all these Judges were bound by the most solemn Oath to administer Justice uprightly, and not to receive, directly or indirectly, any Emolument whatsoever, beside their Salary, in the Exercise of their judicial Function; that they sat by Rotation, Three at a Time, and Appeal lay from these Courts in the Provinces to that at *Moorshedabad*.

Mr. Becker informed Your Committee, That he found such a Court existing at the Time of his Appointment to be Resident at the Durbar, in January 1769; but Your Committee cannot help observing, that no Notice is taken, in the Dispatches lately received from the President and Council at *Fort William*, of any Court now existing at *Moorshedabad*, which was established since the Acquisition of the Dewannee.

Mr. Sykes added, That, during the Time of his continuing Resident at the Durbar, no other Alteration was made, respecting the Courts of Judicature; for that it had been determined and directed by the Company, that whilst they made necessary Reforms, they should adhere as much as possible to the Forms of the established Government.

Mr. Becker, who succeeded Mr. Sykes in January 1769, as Resident at the Durbar, informed Your Committee, That he allotted One Day in every Week to inspect the Proceedings of the Supreme Courts at *Moorshedabad*; he added, That, as Resident at the Durbar, he possessed a very extensive Authority, but that he could safely aver he had always used it to promote Justice, and protect the Natives from Injury.

Mr. Verelst, who resided, for some Years, as the principal Servant of the Company, in the Provinces of *Chittagong* and *Burdwan* (ceded by *Cossim Ally Cawn*) before he became President of *Bengal*, in his Evidence upon this Subject observed to Your Committee, That,

before the Acquisition of the Dewannee, it had been found by Experience, that it was very possible to maintain the Forms of the ancient Country Judicatures, and at the same Time correct many Abuses which had crept into the Administration of Justice; for that the Company had followed this Plan, and seen its Efficacy in those Provinces which had been ceded to them in the Year 1760, by *Cossim Ally Cawn*; and that therefore the Select Committee at *Calcutta* had resolved to pursue the same Course, with respect to all the other Provinces, upon the Acquisition of the Dewannee.

Such is the Account that the above-mentioned Servants of the Company have given Your Committee, of the various Steps they have taken in their respective Departments; but it does not appear to Your Committee what Effects may have thence resulted towards the better Administration of Justice.

Your Committee will now state the Substance of some of the most material Letters that passed between the Court of Directors, the Presidency at *Fort William*, the Council of Revenue at *Moorshedabad*, the Naib Duan, and the Supervisors of the several Districts, on the Subject of the proposed Regulations in the Administration of Justice, together with some of the Reports made by these Gentlemen to the Resident at the Durbar, respecting particular Cases occurring in their respective Districts, following the Order of the Dates.

In a General Letter to the Select Committee at *Bengal*, 16th March 1768, the Court of Directors recommends to them, "to endeavour to introduce Laws of Inheritance, and as near as possible to the Spirit of the Laws of this Country; particularly, to endeavour to abolish the Power of seizing the Effects of those who die without Children; and to introduce the Right of bequeathing by Will; referring to their Judgment how far this could be done, consistent with the Claims of the Rajahs and Landholders, and the established Customs of the Country."

Your Committee find, That in the following Year superintending Commissioners were appointed to the several Districts of the Province, not only to watch over the actual Administration of Justice in the Courts, but also to enquire into all the Defects and Abuses in their Constitution or Practice, and to report their Observations thereon.

The Instructions of the President and Council, communicated by the Resident at the Durbar to the Supervisors of the several Districts, after observing the Degree of Corruption to which the Courts of Judicature were degenerated, and particularly the mischievous Consequences of allowing arbitrary Fines, and the Compromise of Offences, direct the Supervisors "to check every such Composition, and in Matters of Property to recommend Arbitration as much as possible; and to inculcate into the Minds of the People, that their only Object is to provide for their Relief and Happiness; — that in capital Cases the Sentence should be referred to the Resident at the Durbar, and by him to the Minister, to approve or mitigate it, according to the Nature of the Case; — that they should establish Registers of all Causes and Determinations, to be lodged in the principal Cutcherry of the Province, and that an authenticated Copy be transmitted to *Moorshedabad*; — that they endeavour to reform all the Corruptions which have encroached on the primitive Rights of the Mahomedans and Hindoos, particularly in respect of the arbitrary impositions of Fines; — that all Persons claiming any judicial or religious Authority should be summoned to produce their Sunnods, and that Registers of these Sunnods be kept, in order to prevent any from exercising a judicial, because a lucrative, Function, who is not appointed by Government, if a Mahometan, or elected by his Cast, if a Hindoo; — that the Forfeiture of Cast should never be inflicted in any Case but by Sentence of the Bramin, in a regular Process, and upon clear Proof of the Offence; but that, as

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“ the Policy of the Mahometan Government had provided, that where a Hindoo has legally forfeited his Cast, he cannot be restored to it without the Sanction of the Government; that this Principle should be kept up, as a direct Assertion of the Subordination of the Hindoos, who are a very considerable Majority of the Subjects.”

The Court of Directors also sent out Orders to these Commissioners, dated 15th September 1769, directing, “ That they should make strict and speedy Enquiry into the Proceedings of the Courts of Justice throughout their Settlements, and that if any extraordinary Powers have interfered to interrupt the Course and Administration of Justice, they should, without Delay, correct all such Abuses; and in particular directing, that they should procure the entire Abolition of the ancient Custom of withholding, under the Name of Chout, a large Share of all the Property recovered in the Courts; and that if they should find the established Courts so imperfectly constituted, as not to be adequate to the right Administration of Justice, they should apply to the Government, and obtain Firmans for erecting such new Judicatures as should appear most adequate to that Purpose.”

Your Committee find, That these Commissioners accordingly assumed and exercised the Right of superintending and reviewing the Proceedings of the Courts of Justice, in their several Districts; that where any Case of Difficulty or peculiar Importance occurred, they reported a State of the Proceedings to the Resident at *Moorsheedabad*, in order that he might lay it before the Government, and return such Orders as the Nabob, or his Ministers with his Approbation, should direct. This Practice accordingly has prevailed throughout *Bengal*, and appears to your Committee to be the strongest Evidence of the absolute Sway and Controul to which the whole Administration of Government, and particularly the Courts of Justice, have submitted, since the Company's Accession to the Dewannee.

In a Letter from the Select Committee at *Fort William*, dated the 30th September 1769, in answer to a Letter from the Directors, dated 11th November 1768, desiring to be informed, Whether there lay any Appeal from the Two Courts at *Dacca*, the Committee say, “ That these Courts are held on the same Footing as others in the different Parts of the Country, and that Appeals are frequently made from them to the Nabob, and to the Resident at the Durbar, who make proper Enquiry into, and decide ultimately, the Causes so brought before them.”

August 1770.—Letter from the Supervisor at *Nattore*, to the Resident at the Durbar.

In this Letter the Supervisor communicates to the Resident an Account of the Trial of a Woman before the criminal Court of *Bhittoreab*, attended by the proper Officers of the Mahometan and Gentoo Religions, upon a Charge of the Murder of a Woman, and the Destruction of a Child with which she was pregnant, by giving her Medicines to procure an Abortion, and using the most barbarous Means in extracting the Fœtus: He mentions, that this Trial was held publicly in his Presence; that the Fact was clearly proved by different Witnesses upon Oath, and that the Court deemed her deserving capital Punishment; but that they hesitated to pronounce that Sentence, from a scrupulous Regard to the Strictness of the Mahometan Law, which requires the Attestation of a certain Number of Eye Witnesses, and those of the Mussulman Faith, to sanctify a Sentence of Death, even for Murder, and with the clearest Evidence of the Fact.—“ It therefore rests (continues the Letter) with you and the Minister of the Nabob, to determine whether or not it may be allowable to set aside these Obstacles to the Execution of a Punishment, which is forbidden only by a religious Partiality,

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“ incompatible with Equity and the natural Laws of Society.”

October 1770.—*Mahomed Reza Cawn*, having been joined by the Gentlemen appointed to reside at *Moorsheedabad* as a Council of Controul, delivered in a Minute to the Council, desiring Directions in his Conduct in the Administration of Justice: This being transmitted to the Presidency, the President and Council gave it as their Opinion, that the Administration of Justice should be continued on the same Footing as formerly, but that the Council of Controul should interpose as there should be Occasion; adding, that every Transaction relative to the Government should ultimately come before the Council.—The Council of Controul thereupon Resolved, “ That in all criminal Cases throughout the Provinces, the Trials should be transmitted to them, for their Approbation, before the Sentence be executed;—that all Causes relative to Property in Land, and to the Revenue, shall be tried in the Country Government Courts;—that Two Courts should be established by the Council of Controul, consisting of all the Members of the Council, to revise the Proceedings of the Country Courts, and finally to determine thereon.”

February 1771.—Letter from the Supervisor of *Rajeshaby*.

This Letter states, as one of the greatest Grievances in the Administration of Justice, the Venality and Oppression of the Cazees, who, since the Company's Accession, had invented a Variety of new Taxes upon the Ryotts, and established a Mode of Compromise for criminal Offences.

February 1771.—Instructions to the Cazees by the Supervisor of *Rajeshaby*.

These Instructions set out with observing, that the Ryotts had lately been exposed to the greatest Oppression, from the Rapacity and Mal-administration of the Officers of Justice, and therefore establish certain Regulations for their Conduct; some of the principal of which are as follows:—That they hold no Court but in the public Cutcherry;—that they transmit Monthly to the Supervisors an exact Register of all their Proceedings;—that they never demand any Composition for Crimes;—that the Rate of their Fees be stuck up, attested by the Zemindar, on the Wall of the Cutcherry, in the Persian and Bengal Language;—that the Peon apprehending a Prisoner shall not take above Two Annas per Day, besides Victuals; and that, where the Person summoned can give good Security for his Appearance, they should not keep Peons upon his Person;—that if any English Gomastah takes upon him to send Peons and detain Prisoners, or any inferior Officers exercise Jurisdictions beyond their own Precinct, they should take proper Steps to put a Stop to such unwarrantable Practices, and if these do not prove effectual, to give immediate Information to the Supervisor.

February 1771.—Letter of Mr. *Ducarel*, Supervisor of *Purnea*, to the Chief and Council of Revenue.

This Letter contains a Report to the Council of Three criminal Trials; One for the Murder of a Child, in which Sentence of Death had been passed, waiting only for the proper Approbation to be put in Execution; and Two other Cases of Theft and Robbery, for which, by the Mahometan Law, the Criminals were condemned to have One Hand and One Foot cut off; proposing, that in lieu of that Punishment, in these and similar Cases, the Criminals should be sent to the public Works.—The Answer from the Council states, that the ultimate Decision in criminal Cases rests entirely with the Naib Subah, who returns his Sentence to the Officers of the Adawlat; adding, that should the Order of the President and Council, with respect to the Distinction



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inction to be observed between the Dewannee and the Nizamut, admit of the Council's interposing in criminal Cases, they should then take into Consideration the Propriety of the proposed Deviations from the Rules of the Mahometan Law.

March 1771.—Letter of Mr. Rous, Supervisor of *Rajeshaby*, to the Chief and Council of Revenue.

In this Letter he transmits the Proceedings of Two Trials for different Murders. With respect to one of them, he only mentions that the Person accused had been condemned to die, and that Two Persons included in the Charge were acquitted: That the other was the Trial of a Father for the Murder of his Daughter, an Infant of Six Months old, by cleaving its Head asunder; that the Fact was proved according to the Forms of the Mahometan Law, by his own Confession, excusing it as done in a Fit of Despair, on account of some Delay in the Ceremony of his intended Marriage: That by the Authority of one Passage in the Khoran, this Criminal should be punished with Death; but that the latter Commentators, and especially a Society of learned Men, who were employed by the Emperor *Aurengzebe* to digest the Civil and Criminal Institutions of the Khoran, have mitigated the Rigour of this Law, regarding the Destruction of a grown Person as a Punishment more than adequate to the Death of a Child. The Letter concludes with observing, that the peculiar Circumstances of Barbarity in this Case ought, notwithstanding the Lenity of these Authorities, to undergo the severest Punishment.

In the Answer from the Council of Revenue to this Letter of the Supervisor, it is mentioned, that, in consideration of the peculiar Barbarity of the Case, the Naib Subah had pronounced a Sentence in some Degree beyond the Letter of the Law, though not so far as to affect the Life of the Culprit.

4th March 1771.—The Supervisor of *Nuddeah* having complained, by a Letter to the Council of Revenue, of the Bazy Jumma, which was an inferior Office of Criminal Justice, but in its Execution found highly oppressive to the Inhabitants, and recommended the total Abolition of it, mentioning at the same time, that he had by his own Authority put a Stop to the Exercise of that Office till he should receive the Command of the Council upon it. The Answer says: "We are thoroughly convinced, that the Jurisdiction of the Bazy Jumma is every where a Source of great Grievance and Oppression to the Ryotts: We entirely approve of its being abolished; and desire you will accordingly cause Publication thereof to be made throughout the Province, intimating to the Ryotts, that it is a Measure taken for their Relief."

April 1771.—Letter from the Council of Revenue at *Fort William*, to the President and Council in the Secret Department;

Contains a Memorial from the Naib Subah, in obedience to a Desire of the President and Council, that he would lay before them an accurate State of the Distinction between the Offices of the Nazim and Duan. According to this Account, all Questions of Inheritance of Lands, or relating to the Rights and Boundaries of Lands, also all Cases of Complaints of Oppression or illegal Demand upon the Ryotts, and, in general, Cases of Misdemeanor, together with all Questions relative to the Administration of Revenue, fall under the Jurisdiction of the Duan; that Cases of capital Punishment belong to the Jurisdiction of the Nazim.

April 1771.—General Letter to *Bengal* recommends particularly the abolishing the Power of the Judges to

impose arbitrary Fines:—That the Sunnuds appointing the Judges be registered in Form; and that a Record be made of all Sentences in the Courts, one Copy to be kept in the Cutcherry, and the other transmitted to *Moorshedabad*;—that they endeavour to encourage the Natives to refer their Differences as much as possible to Arbitration;—that they endeavour also to persuade the Government to consent to the Abolition of the Chout, exacted by the Courts in Cases of Arbitration.

June 1771.—Letter of the President and Council to the Council of Revenue.

"Although we wish to interfere as little as possible with the Business that appertains to the Nizamut, and established by long Usage in the Country, yet, as we are desirous of checking the arbitrary Proceedings of the Moorish Courts of Justice, from a Duty we owe to the Happiness and Security of the Inhabitants, we must therefore desire that you will give the strictest Attention to prevent Injustice, as much as possible, by your Representation to Government as Occasions offer."

July 1771.—The Report from the Supervisor of *Dinagepoor*.

In this Report the Supervisor states, That having found great Inconvenience from the Want of inferior Courts in different Parts of the Province, whereby the Ryotts on every trifling Cause of Complaint were forced to leave their Habitations, and repair to *Dinagepoor*, he had divided the Province into Districts, and appointed inferior Officers of Justice in each, with Authority to enquire and determine in Cases of Theft and Quarrel, and also of Debt, subject to Appeal, where the Judgment exceeds Five Rupees, to the Sudder Adawlat at *Dinagepoor*, and restrained in their Criminal Judicature not to exceed Three Rupees in their Fines, nor Ten Rattans in their Corporal Punishments.

September 1771.—Representation from the Farmer at *Luckypoor* to the Council of Revenue.

This Memorial complains, That the Officers of the Factory had, in several Instances, obstructed the due Recovery of the Rents, and had even in one Case sent Seapoys and Hircarrahs to beat off the Zemindar's Peons, stationed on a particular Farm to attach the Crop, as the Tenant was in Arrear for his Rent, and refused to pay.

20th December 1771.—Consultation—*Fort William*.

The President and Council having then received the Orders of the Court of Directors, of the 10th of April 1771, wrote Letters to the several Councils and Factories for carrying those Orders into Execution; and therefore directing the immediate Abolition of the Power of arbitrary Fines—The Register of all Sunnuds for Judges—Records of all Sentences in the Courts to be kept in the Cutcherry, and Copies sent to *Moorshedabad*—The Abolition of all Taxes and Duties on litigating Parties; and also of the Chout, in Causes of Arbitration; recommending at the same Time every Encouragement to be given to that Mode of Decision.—In answer to these Instructions, the President and Council received Letters from the Supervisors in the different Districts.

Mr. *Baber*, Supervisor of *Midnapore*, 13th January 1772, informed them, That these Regulations were already anticipated in the Province of *Midnapore*—That all the Judicature in that District was exercised under the Authority of the Resident, and Persons appointed by him, in every Pergunnah—That all Causes arising in inferior Districts were reported to the Resident, and every





every Case duly registered in the Phoufdar's Cutcherry; so that there could be no arbitrary Fines or Impositions, nor any undue Authority exercised, independant of the Resident.

Mr. *Vansittart*, Chief of *Patna*, in his Answer, mentioned, That the Chout had been some time abolished, according to the Orders of the President and Council; but that they allowed in lieu thereof Two Annas to be levied, not only for defraying the Charge of the Judicature, but as a proper Check upon Litigiousness: In Reply to which, the President and Council directed the entire Abolition of this Duty, as a Remnant of the Chout, which the Court of Directors had ordered to be absolutely abolished.

Mr. *Stewart*, Resident at *Burdwan*, in his Answer, observes, That the Course of Decisions by Arbitration was found dilatory, undecisive, and unsatisfactory; and that the Inhabitants were become very averse to that Manner of Proceeding, preferring greatly the established Cutcherries, especially whilst under the Superintendence of a Company's Servant; that, in his Opinion, the Abuses in the Administration of Justice were to be imputed rather to the corrupt Principles of the Mahometan and Gentoo Judges, than to any Defects in the Laws, or in the Regulations of the Courts; and that therefore these Grievances could not be in any way so well redressed as by a strict Superintendence of the Company's Servants in their several Jurisdictions.

30 December 1771.—Representation of *Mahomed Reza Cawn*.

In this Memorial he remarks, That throughout all *Hindostan*, in case of Theft, Robbery, or Murder, the Zemindar of the Province (or the Zemindar and Aumil together, where they have a joint Authority) is bound to produce the Murderer or Thief, and the Effects; and are liable to be called themselves to account, if they fail in this Duty.

January 1772.—Letter from the President and Members of the Judicial Court of Cutcherry at *Fort William*, to the President and Council.

Contains a State of the Proceedings in a Bill of Complaint for Debt, exhibited in that Court, by one *Taggarnaut* Sircar, against one *Moodyram* (whom he had followed from *Patna*) but afterwards dismissed, notwithstanding which the Plaintiff had desired a fresh Summons against the Defendant; and that, in Compassion to his distressed Situation, they had accordingly granted a fresh Summons, and that the Cause was then at Arbitration; and desired their Commands relative to the future Proceeding.—The President and Council ordered their Secretary to direct the Court, That if this Suit was for Money lent in a private Capacity, it might be decided by them; but that if it related to the Rents of Lands, it must be referred to the Council at *Patna*.

February 1772.—Letter from Mr. *Bentley*, Chief at *Luckypoor*, to the President and Council, dated *Islamabad*.

Gives his Opinion, That there would be Inconvenience in the entire Abolition of the judicial Fees, by affording too much Encouragement to Litigation, whereby the Charges of the Cutcherries to Government would be greatly increased; and that though discretionary Fines ought not to be allowed, yet under proper Regulations, adapted to the Degree of Offence, that Mode of Punishment seems the best; that it seems absolutely necessary to appoint subordinate Powers of Judicature, for the Protection of the poor Inhabitants residing at a Distance from the Metropolis of the District; that the Mode of Arbitration was, in general,

very difficult; as few Persons chose to undertake that Office; and that, to carry it into general Practice, it would be necessary to make the Natives, when called upon to act in that Character, liable to certain Fines on Refusal or Neglect.

March 1772.—Letter from the Chief and Council at *Patna* to the President and Council.

—Mentions it as the Custom of that District, to oblige Persons, chosen Arbitrators, to undertake the Office, unless they can give a sufficient Excuse.

April 1772.—Letter from Council of Revenue at *Moorshedabad* to the President and Council.

This Letter incloses a Memorial from the Naib Duan, on the Subject of Arbitration, accurately distinguishing such Causes as are proper for that Mode of Decision, and such as must be decided by the Courts of Judicature according to the Law: Of the latter Kind, he states all Disputes of Inheritance, Property, Purchases, Assignments, and the like; that these Cases depending upon the Laws of the Scriptures, according to the Orders of the Almighty and his Prophet, cannot be proper Subjects of Arbitration, for the Right must be decided according to the Precepts of the Law, and common Arbitrators cannot be proper Judges thereof: That Cases of Misdemeanor, or Offence by one Subject to another, cannot be referred to Arbitration, but must be judged and punished by the proper Officers of Justice, and much more especially Crimes of a higher Magnitude must undergo the Judgment of the Law itself: That on the other hand, in Cases of Debt, Account, or other Commercial Concern, Arbitration is the best Mode of Decision: That he had accordingly issued Orders to the Officers of the Courts of Justice in the several Districts, that in all Matters of Debt, Trade, petty Quarrels, and ordinary Occurrences, where the Parties are willing to refer, they should appoint Arbitrators, and that Registers be duly kept in the Court of Adawlat of all Causes decided in that Way.

The Letter of the Council of Revenue represents the Necessity of restricting the Orders relative to Arbitration to such Cases specified for that Purpose in the Naib Duan's Memorial; for that it would be productive of the greatest Dissatisfaction in the Country, if that Mode of Decision was to be substituted in the Place of judicial Determinations, in such Cases as fall under the fixed Principles of the Mahometan Law: That such a Measure would be regarded by all the Mahometans as an Infringement on their Religion and Customs, would excite great Discontent and Apprehension, and perhaps be liable to an obstinate and inflexible Opposition.

In the Answer from the President and Council to the Council of Revenue, they entirely assent to the Distinction proposed in the above Letter; declaring that all Cases of Inheritance, Marriage, or other Matters for which the Mahometan Law has made Provision, and likewise all Matters respecting Inheritance, and the particular Laws and Usages of the Casts of the Gentoos, should be decided by the established Magistrates, assisted by the proper Persons of the respective Religions, according to the Laws and Usages of each.

The Council of Revenue, in a Letter to the President and Council, May 1772, inclosed a Remonstrance of the Naib Duan, respecting that Part of the Instructions in the last Letter of the President and Council, which directed, that in Cases of the Inheritance of the Gentoos the Magistrates should be assisted by the Bramins of the Cast to which the Parties belong; in that Memorial, the Naib Duan strongly remonstrates against allowing a Bramin to be called in to the Decision of any Matter of Inheritance, or other Dispute of Gentoos.—That since the Establishment of the Mahometan Dominion in *Hindostan*, the Bramins had never been admitted



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to any such Jurisdiction : That to order a Magistrate of the Faith to decide in Conjunction with a Bramin would be repugnant to the Rules of the Faith, and an Innovation peculiarly improper in a Country under the Dominion of a Mussulman Emperor : That where the Matter in Dispute can be decided by a Reference to Bramins, no Interruption had ever been given to that Mode of Decision ; but that, where they think fit to resort to the established Judicatures of the Country, they must submit to a Decision according to the Rules and Principles of that Law, by which alone these Courts are authorized to judge : That there would be the greatest Absurdity in such an Association of Judicature, because the Bramin would determine according to the Precepts and Usages of his Cast, and the Magistrates must decide according to those of the Mahometan Law : That in many Instances the Rules of the Gentoo and Mussulman Laws, even with respect to Inheritance and Succession, differ materially from each other.

Your Committee also find, That in several Letters from the different Chiefs to the President and Council, on the Subject of Arbitration, they state considerable Difficulties as occurring in any regular Establishment of that Mode of Decision, as well from the Reluctance of Parties to refer, and of Persons chosen Arbitrators to undertake the Office, as from the subsequent Delays that have been found in the Execution of it ; and therefore concluding, that the Introduction of that Plan of Decision, in Cases proper for it, must be the gradual Work of Time, assisted by the Encouragement of the Company's Servants, and could not be brought into Practice by any Establishment of Authority.

Your Committee find, by the last Dispatches from *Bengal*, That a Committee of Circuit was established last Year, consisting of the President and Four other Gentlemen of the Council, for the Purpose of making an exact Scrutiny into the State of the Revenues and Judicatures in the several Districts of the Province : That, in consequence of this Appointment, the Committee of Circuit have proposed a Plan for the Administration of Justice, which is inserted at Length in the Appendix to this Report, N<sup>o</sup> 2 : Some of the most material Propositions are,

1<sup>st</sup>, That in each District Two Courts of Justice should be established, One by the Name of Mofussul Dewannee Adawlat, or Provincial Court of Dewannee, for Civil Causes ; the other for all Crimes and Misdemeanors, by the Name of Phouddarry Adawlat, or Court of Phouddarree ; the only Civil Causes excepted from the Jurisdiction of the Dewannee Adawlat to be the Right of Succession to Zemindarrees and Talucedarrees, which are to be left to the Decision of the President and Council.

2<sup>dly</sup>, That in the Dewannee Court the Collector of each District shall preside, on the Part of the Company, in their Quality of King's Dewan, attended by the Provincial Dewan, appointed by the President and Council, and the other Officers of the Cutcherry ;—that in the Phouddarry Court the Cazee and Mufftee of the District, and Two Maulavies, shall sit to expound the Law, and determine upon the Charge ; but that the Collector shall attend to the Proceedings of this Court, to see that they are properly conducted, and the Decision fair and impartial, according to the Evidence ; and that no Cause shall be heard and determined but in the open Court regularly assembled.

3<sup>dly</sup>, That in like Manner, Two superior Courts shall be established at the Chief Seat of Government, under the Denominations of the Dewannee Sudder Adawlat, and the Nizamut Sudder Adawlat ; that the former shall receive Appeals from the Provincial Dewannee, of any Causes not exceeding 500 Rupees, the President with Two Members of the Council presiding therein, attended by the Duan of the Khalsa and other Officers of the Cutcherry ; that the latter shall have Cognizance to revise all the Proceedings of the Phouddarry Courts ;

that a Chief Officer of Justice, appointed by the Nazim, shall preside in this Court, by the Title of Darogo Adawlat, assisted by the Chief Cazee, the Chief Mufftee, and Three capable Moulavies, but under the Superintendence and Controul of the Company's Chief and Council.

4<sup>thly</sup>, That there be also Two Courts of Adawlat established at the Seat of Government, on the same Plan as those of the Districts ; in the Dewannee Court a Member of the Council to preside, and in the Phouddarry another Member of the Council to superintend ; these Duties being performed by the Members in Rotation.

5<sup>thly</sup>, That Causes, not exceeding Ten Rupees, be decided finally by the Head Farmer of the Pergunnah to which the Parties belong.

6<sup>thly</sup>, That complete Records of all Causes shall be kept in the Dewannee Court, and Copies of them transmitted, Twice a Month, to the Supreme Civil Court, through the Channel of the President and Council.

7<sup>thly</sup>, That there shall be a Time fixed for the Limitation of Suits and Complaints.

Upon this Point it is observed, that, both by the Mahometan and Hindoo Laws, and by the Usage of the Country, all Claims which have laid dormant for Twelve Years, whether Land or Money, are invalid.

8<sup>thly</sup>, That the Custom of Chout, or any Commission on Money recovered, as well as all heavy arbitrary Fines, be abolished.

9<sup>thly</sup>, That the Practice of Individuals exercising Authority over their Debtors, be entirely abolished.

10<sup>thly</sup>, That in all Cases of Account, Debt, and the like, it shall be recommended to the Parties to submit their Cause to Arbitrators, whose Award shall be made a Decree of the Dewannee Court.

11<sup>thly</sup>, That complete Records shall be kept of the Phouddarry Court, and transmitted Twice every Month to the Supreme Criminal Court, through the Channel of the President and Council ; but that the Proceedings in capital Trials are to be transmitted as soon as closed ; that this Court shall have Power to punish by Fine or Imprisonment, or to inflict corporal, but not capital Punishment ; that in capital Cases the Trial, with the Opinion of the Court, being transmitted to the Supreme Criminal Court, and having obtained their Confirmation, shall be ultimately referred to the Nazim for his Sentence.

Your Committee find, That these Regulations were approved of by the President and Council, at a Consultation at *Fort William*, 21<sup>st</sup> of August 1772.

Your Committee have now gone through all the Materials they are able to lay before the House, with respect to the ancient Constitution and present State of Judicature in *Bengal* ; they proceed now to the Second Head of this Enquiry, The Judicatures existing at *Calcutta* : In treating of which, they will first lay before the House an Account of the Courts derived out of the Constitution of the Country, and, secondly, of those established by His Majesty's Charters of Justice.

#### Of the Courts established at *Calcutta* and its Dependencies.

Until the Charter of Justice granted to the Company, in the Thirteenth Year of his late Majesty, the only Courts of Justice that existed in *Calcutta* were derived out of the Constitution of the Country, and nearly similar to those that have been explained above.

Soon after the Establishment of the Settlement at *Calcutta*, near the End of the last Century, the English Company obtained from the then Nabob, the Zemindary Rights of the District around that Settlement ; by which they became the Zemindar of that District, with all the Rights incident to that Office, amongst which, as stated above, is the Criminal, Civil, and Religious Jurisdiction of the District.

Mr.





Mr. Gregory, after explaining to Your Committee the several Country Jurisdictions, added, That the Company exercises these several Jurisdictions within the District of *Calcutta*; and that he understood this was in consequence of their being the Zemindar of the District.

The Zemindarry Courts established in *Calcutta* are—the Foudary, for the Trial of Crimes—the Court of Cutcherry, for Civil Causes—and the Collector's Court, for Matters of Revenue.

The original and proper Nature of these Courts has been stated above: Your Committee will now state such Circumstances as are peculiar to the Zemindarry Courts at *Calcutta*.

The Criminal Court tries all Crimes committed by the Natives, and, in this Respect, has a concurrent Jurisdiction with the Court of Oyer and Terminer, established by the Charter of Justice; One Judge only sits in that Court, appointed by the Governor and Council.

Mr. Russell informed Your Committee, that formerly One of the Council was always appointed to this Office, but that since the Increase of other Business in the Council, this Duty has been intrusted to Junior Servants, One of the Council being appointed Monthly to superintend.

In capital Cases, Three Members of the Board sit as Judges in this Court, and before Execution of the Sentence the Proceedings must be laid before the Governor and Council.

The Civil Court consists of several Judges, also appointed by the Governor and Council, out of the Junior Servants, but seldom more than One actually sits: This Court has Jurisdiction of all Causes between Natives, and also (as Mr. Whittal informed Your Committee) in Causes between a Native and an European, where the latter is Plaintiff; but in this Case, the Native may remove the Cause into the Mayor's Court.

The Rule of Judgment in these Courts is supposed to be the Customs and Usage of the Country; and where no Custom or Usage applies, it is the Discretion of the Judge. Formerly the Chout (the Fourth Part of every thing recovered) was an allowed Perquisite in the Civil Court, but on a Representation to the President and Council, it was abolished.

Appeal lies from the Civil Court to the Governor and Council.—The Custom of sending Causes to Arbitrators prevails in this Court, as in the other Districts of *Bengal*; and, as Mr. Whittal informed Your Committee, is often done without the Consent of either Party.

Your Committee find, That in April 1771, a Dispute arose between Mr. Purling, Zemindar at *Calcutta*, and Mr. Rous, Supervisor at *Rajeshaky*, with respect to the Right of the Zemindar at *Calcutta* demanding Two Persons, residing in the District of *Rajeshaky*, to be sent Prisoners to *Calcutta*, to answer to certain Suits there exhibited against them; the Supervisor refused to allow this Claim, insisting, that the Jurisdiction of the Zemindarry Court at *Calcutta* did not extend over any of the Dewannee Lands; and therefore desiring that the Plaintiffs should be directed to exhibit their Claim at the Cutcherry of the District: In Reply to this, the Zemindar of *Calcutta* insisted, that it had been customary for that Court to send for Persons, in Cases of this kind, from every District of the Dewannee, and that it would be attended with the utmost Inconvenience to every Person residing at *Calcutta*, if the Exercise of this Jurisdiction should now be interrupted; the Consequence of which would be, the Necessity of going, and carrying Witnesses, to distant Parts of *Bengal*, in order to settle the Disputes necessarily occurring between them and their Gomastahs: That this Jurisdiction had never been contested by the Chiefs of *Paina*, *Dacca*, and *Chittagong*.

These Letters being laid before the Court of Revenue, they determined, that the Jurisdiction of the Zemindary Court of *Calcutta* might extend over all Persons, as Agents or Gomastahs, in the Service of any

English Merchant, or of any Native residing at *Calcutta*; and that as the Persons in question appear to stand in that Predicament, they should be sent to *Calcutta*, to answer the Suit of their Principals.

In the Revenue Court, the Collector appointed by the Governor and Council sits as Judge; and Appeal lies from his Decisions to the Governor and Council; there are inferior Revenue Judges in the Pergunnahs, these are appointed by the Collector at *Calcutta*, and Appeal lays from their Decisions to his Court.

These Jurisdictions being in themselves very defective, and moreover very inadequate to the advanced State of this Settlement, and similar Defects being found in other Settlements of the Company, Application was made to the Crown, in the 13th Year of the late King, for a Charter of Justice.

A Charter was accordingly granted, whereby Criminal and Civil Courts of different Kinds were established at *Calcutta*, and likewise at the Settlements of *Madraspatnam* and *Bombay*; but this Charter being found defective in some Respects, Application was again made to the Crown, on the Part of the Company, for a new Charter of Justice for these Settlements, to be granted on the Surrender of the former Charter.

A new Charter was therefore granted to the Company, dated 8th January 1753, the 26th Year of his late Majesty.

This Charter, which recites its being granted by virtue of Powers vested in the Crown by several Acts of Parliament, grants and ordains, “That there should be for ever thereafter, within the Factory of Fort William in Bengal, One Body Politic and Corporate, by the Name of the Mayor and Aldermen of *Calcutta* at Fort William in Bengal; to consist of a Mayor and Nine Aldermen, the Mayor and Seven of the Aldermen being natural-born Subjects, but the other Two allowed to be Foreign Protestants: And it is further granted, that the Mayor and Aldermen should for ever thereafter be, and are thereby constituted, a Court of Record, by the Name of the Mayor's Court at *Calcutta* at Fort William in Bengal, and that they or any Three of them (the Mayor or Senior Alderman then residing there to be One) may, and they are hereby authorized, to try, hear, and determine, all Civil Suits, Actions, or Plaints, between Party and Party, arising within the said Town or Factory of *Calcutta*, or any of the Factories subordinate thereunto; except such Suits as shall be between Indian Natives, which shall be determined among themselves, unless both Parties consent to the Determination of the Mayor's Court: And this Court is also authorized to try Suits brought against the Company, or by the Company against any Person.

“This Charter also constitutes the President and Council to be a Court of Record, in order to receive, try, and determine, Appeals from the Judgments or Decrees of the Mayor's Court: The Determinations of this Court to be final, if the Value exceed not 1000 Pagodas; but if it exceeds that Sum, the Parties are allowed, within Fourteen Days after such Decree or Judgment is entered of Record, to appeal to His Majesty, his Heirs or Successors, in Council.

“It further gives Authority to the President and Council, or the major Part of them, upon reasonable Cause, to remove any of the said Aldermen, so as there be a Complaint in Writing first exhibited against him, and reasonable Time allowed for his Defence, after being summoned for that Purpose; with Power to any Person, thinking himself aggrieved by such Removal, to appeal to His Majesty in Council.

“The said Charter also establishes a Court for the Recovery of small Debts, within the said Town or Factory of *Calcutta*, and the Factories and Districts subordinate thereto, to be called the Court of Request: This Court to consist of some of the principal Inhabitants (not more than Twenty-four, nor fewer



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" than Eight) to be appointed by the President and Council, and to determine all Suits brought before them, not exceeding the Value of Five Pagodas.

" And the said Charter further grants and ordains the Governor and Council to be Justices of the Peace, and have Power to act as such, and to hold Quarter Sessions of the Peace, and also to be Commissioners of Oyer and Terminer, and General Gaol Delivery, for trying and punishing all Offences (High Treason only excepted) committed within the said Town or Factory, or its subordinate Factories; to proceed by Indictment, or such other Way as is used in that Part of *Great Britain* called *England*, as near as the Circumstances of the Place and Inhabitants will allow.

" The said Charter further grants, That the said Mayor's Court shall have Power to grant Probate of Wills and Letters of Administration."

Your Committee also examined some of the Witnesses, with relation to the Proceedings of these Courts.

Mr. *Whittall* (who resided at *Calcutta* from 1764 to 1770, as a Free Merchant, and also as an Attorney in the Mayor's Court, from which last he was dismissed by an Order of the Court, which was afterwards made a Matter of Complaint to the Court of Directors) informed Your Committee, That although this Court cannot legally issue Process beyond the Bounds of *Calcutta*, or its subordinate Factories, yet that he had known their Process issued to and executed in all Parts of *Bengal*, under special Order of the Governor and Council, granted or refused at their Discretion, and that in all these Cases the Process was sent to One of the Company's Servants; that he understood the Criminal Jurisdiction of the Sessions to have the same Extent as the Mayor's Court, and that he had known Natives sent from every Part of the Country to be tried in that Court; and apprehends an European might be brought in the same Manner from any Part of the Country, except from the Factories belonging to other European Nations.

He said he had known frequent Instances of the Mayor's Court refusing to admit an Appeal against its Proceedings, on Pretence of their being interlocutory only, and not final: He mentioned Three Cases of his own Knowledge (One in 1768, between the Trustees of *Mrs. Philadelphina Gallopine* and the Executors of *Peter Gallopine*; and Two Causes of *John Holme*, Esquire, in 1769) in which the Mayor's Court refused to admit an Appeal, and the Superior Court refused to take Cognizance of it on that Pretence, though in fact, as he informed Your Committee, the Orders made were a Determination of the Cause.

He said he had known Attorneys reprimanded in the Mayor's Court for appealing against its Proceedings: That the Attorneys are limited to Four; that the Judges are not Persons educated to the Law, but any of the Junior Servants.

That he has known the Mayor's Court refuse to take Cognizance of Causes arising within their Jurisdiction, insisting that they had a Right to refuse them—That in 1768 he had heard it frequently declared by some of the Judges on the Bench, That the Mayor's Court had nothing to do with the Laws of *England*, and that the Mayor would not sit there to hear the Law of *England* named; or to that Purport or Effect—That he had often known an Attorney of the Mayor's Court threatened by the Governor, and by several of the Aldermen, for attempting to bring an Action against one of the Company's Servants; and that any Servant of the Company, against whom an Action is intended, often intimidates the Attorney by Threat of applying to the Governor.

Mr. *Russell*, who also resided several Years in *Bengal*, offered to Your Committee, That though the Mayor's Court cannot exercise Jurisdiction over Natives, unless by Consent, the Jurisdiction of Oyer and Terminer extends to Natives as well as Europeans.

Mr. *Becher* considered this Jurisdiction, with respect to Natives, as extending to such only as lived under the British Flag; and informed Your Committee, that where Sentence was pronounced against Natives, the Practice was to apply for the Consent of the Government before it was executed.

Your Committee having examined Mr. *Nutball*, Solicitor of the Company, Whether there had been any Instances, during his Time, of Complaints to the Court of Directors against the Mayor's Court, or any Member of it, for any criminal Mischief in their judicial Function? he informed Your Committee, That he knew but Two Instances in his Time of any such Complaints laid in Form before the Court of Directors—The one by Mr. *Whittall*, an Attorney, the other by Mr. *Jephson*; that the latter not only complained of the Conduct of the Mayor's Court, but of Mr. *Cornelius Goodwin*, the Mayor, acting in his judicial Capacity as a Judge of that Court.

Your Committee have enquired into the Nature of these Complaints, and find, from the Papers relating to them, laid before the Committee by the Company's Servants, and annexed in the Appendix to this Report, N<sup>o</sup> 1, That the Complaint brought by Mr. *Alexander Jephson* (whose Petition to the Court of Directors is dated at *London*, 2d March 1771) contains a Charge against the Mayor's Court, for an illegal and oppressive Abuse of its Process, to detain the Petitioner and his Wife in *Bengal*, after they had obtained Leave for their Return to *England*; and particularly charging, that Mr. *Cornelius Goodwin*, the Mayor, in the Course of the Proceedings, frequently declared, " That they had nothing to do with the Laws of *England* there; that the Laws of *England* were never made for them, and that he would not hear them named while he sat on that Bench." It appears that Mr. *Jephson* would have appealed against the Proceedings of the Mayor's Court, to the President and Council, but that his Appeal was denied, on Account of the Proceedings being only interlocutory: And Your Committee find, That in consequence of this Complaint the Court of Directors (after having taken the Opinions of several eminent Counsel) in their general Letter to *Bengal*, dated the 3d of May 1771, expressed in the strongest Terms their Disapprobation of, and Displeasure at, the Proceedings against Mr. *Jephson*; also particularly reproofing the President and Council for refusing his Appeal, as well as for the erroneous Pretence assigned for that Refusal; enjoining them to receive the Appeal, and enquire strictly into all the Circumstances of his Complaint, and to cause full and ample Justice to be done thereon.

Your Committee find, That at a Consultation held at *Fort William*, 3d January 1772, the President and Council enquired into the Charge made against Mr. *Goodwin*, by Mr. *Jephson*, to the Court of Directors; that they examined Messrs. *Levet*, *Killican*, and *Cater*, Three of the Aldermen of the Court, and who had been present at the Proceedings in which these Words were alleged to be spoken; also Mr. *Morris*, an Attorney of the Mayor's Court, who had been concerned in some of the Proceedings against Mr. *Jephson*; that Mr. *Cater* said, " That he had heard Mr. *Goodwin* on the Bench make use of such Words, or Words to that Effect, but could not charge his Memory with the Time:" That the other Witnesses severally denied that they had at any Time heard Mr. *Goodwin* use such Words, but that they had heard him declare that the Mayor's Court was not a Court of Law, but of Equity; that Messrs. *Reed* and *Jekyl*, who had been also upon the Bench as Aldermen during Part of the Proceedings, did by Letters (on Account of their Absence at *Calcutta*) to the President and Council give their Testimony in like Manner in Exculpation of Mr. *Goodwin*; and that upon this Evidence the Board resolved, " That they found no Reason to consider Mr. *Goodwin* in any Degree culpable;"





"pable;" and directed their Secretary to signify this Resolution to him.

Your Committee find, That the Complaint, at the Instance of Mr. *Whittall*, was laid before the Court of Directors on the 1<sup>st</sup> of March in the same Year 1771: That his Petition complained of having been dismissed from his Office as Attorney of that Court, by an arbitrary and illegal Proceeding of the Court, without any regular Complaint, without any sufficient Allegation, without Evidence upon Oath, and without having had sufficient Time to make his Defence: and also that the Order of Dismission, besides finding him guilty of Misconduct in a particular Cause depending before the Court, contained a general Charge of his having frequently merited the severe Reprehension of the Court, but without specifying any particular Facts.

Your Committee find, That the Court of Directors, (having taken the Opinion of their Counsel also upon this Case) in their General Letter to *Bengal*, 3<sup>d</sup> May 1771, expressed their Disapprobation of the general Charge contained in the Order against Mr. *Whittall*, without any Allegation of Facts to support it, as highly improper, and unbecoming a Court of Justice; and that they recommended it to the Governor and Council to admit Mr. *Whittall's* Appeal, and to act therein as Justice should require.

Your Committee do not find any Account by the last Dispatches of any other Proceedings on these Appeals, but that the President and Council had submitted to receive them, in obedience to the Orders of the Court of Directors.

Your Committee having concluded their State of the *Calcutta* Judicatures, beg Leave to submit to the Consideration of the House some very singular Circumstances in the Constitution of the Civil and Criminal Courts, which seem materially to affect their Independance and their Efficacy.

First, That although the Mayor's Court is intended not only to try Causes between Party and Party, and the Court of Oyer and Terminer and Gaol Delivery to punish the Crimes of private Individuals, but the former also to try Causes in which the Company itself is a Party, and the latter to punish the Offences of any of its principal Servants, yet the Judges of these Courts are removeable from those Offices, by virtue of which they exercise their judicial Functions, at the Pleasure of the President and Council, and that such Sentence cannot be reviewed but by the tedious Mode of an Appeal to His Majesty in Council.

Your Committee submit, whether Courts thus constituted can be considered as free and independant Judicatures, in any Case where the Company is a Party, or where any Member of the Council is prosecuted on a criminal Charge.

2<sup>dly</sup>, That although these Courts, at least with respect to Europeans, are bound to judge according to the Laws of *England*, yet the Judges of these Courts are not required to be, and in fact have never been, Persons educated in the Knowledge of those Laws by which they must decide; but that any Junior Servants of the Company are selected for these important Trusts, affecting the Property, the Liberty, and the Lives, of His Majesty's Subjects in *Bengal*.

It appears to Your Committee, That the Judges of these Courts are justly sensible of their own Deficiency of Knowledge in the Laws of *England*; and that therefore they, as well as the President and Council, have frequently applied to the Court of Directors, to lay particular Points, respecting their Jurisdiction, before Counsel, and to transmit the Opinions of such Counsel to be the Guide of their Conduct. Some Instances of this Kind have been laid before Your Committee, upon Doubts respecting their Ecclesiastical, and also their Criminal, Jurisdiction; particularly, whether the Charter allows them to take Cognizance of Murders, Robberies,

and other Crimes, committed by Europeans, not immediately under the Company's Flag.

Mr. *Russell* informed Your Committee, That he believed there are One or Two Persons now in Confinement, upon the Charge of Offences committed beyond the Limits described in the Charter of Justice, whose Trial is prevented, from Doubts arising with respect to the Powers conveyed by the Charters.

3<sup>dly</sup>, That whatever Doubts have been entertained in *Bengal*, on this Subject, it is clear, by the very Terms of the Charter of Justice, that the Jurisdiction of the Court of Oyer and Terminer, and Gaol Delivery, is restrained to Offences committed within the Town or District of *Calcutta*, and its subordinate Factories: The Consequence of this, in the present Situation of *Bengal*, is, that there are many of His Majesty's Subjects, residing in *Bengal*, neither under the Protection or Controul of the Laws of *England*, nor amenable to the Criminal Judicatures of the Country.

#### Of the Provisions for Prosecutions in *England*.

Your Committee now proceed, in pursuance of their Plan, to state to the House such Provisions as have been made by Law for the Trial and Punishment in *England* of Offences committed by the Company's Servants in *Bengal*; to specify in what Instances these Provisions have been attempted to be carried into Execution, with the Result of the Proceedings; and to submit to the Consideration of the House some Circumstances, which appear to Your Committee greatly to obstruct the Efficacy of any Remedy in *England*, as the Law on that Subject is now constituted.

Your Committee find, That by an Act, passed in the 27<sup>th</sup> of *George* the 2<sup>d</sup>, intituled, "An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of *England* trading to the *East Indies*, and for the Punishment of Offences committed in the *East Indies*, or at the Island of *Saint Helena*," it is provided, "That if any of the Company's Presidents or Council, at any of their principal Settlements, or their Governor or Council at the Island of *Saint Helena*, shall, after the 25<sup>th</sup> of March 1754, be guilty of oppressing any of His Majesty's Subjects within their respective Jurisdictions or Commands, or of any other Crime or Offence contrary to the Laws of that Part of *Great Britain* called *England*, or in force within their respective Jurisdictions or Commands; such Oppression, Crimes, or Offences, may be enquired of, heard, and determined, in His Majesty's Court of King's Bench, within that Part of *Great Britain* called *England*, or before such Commissioners, and in such County of that Part of *Great Britain* called *England*, as shall be assigned by His Majesty's Commission, and by good and lawful Men of the same County; and that such Punishments shall be inflicted on such Offenders as are usually inflicted for Offences of the like Nature, committed in that Part of *Great Britain* called *England*."

And Your Committee find, That by an Act, passed in the 10<sup>th</sup> Year of His present Majesty, intituled, "An Act for better regulating Persons employed in the Service of the *East India* Company, and for other Purposes therein mentioned," it is Enacted, "That if any Person employed in the Service of the Company, in any Civil or Military Station or Office, or claiming any Power, Authority, or Jurisdiction, from the said Company, shall, after the passing of this Act, be guilty of oppressing any of His Majesty's Subjects, or in the Exercise of such Employment or Authority shall be guilty of any other Crime or Offence, such Oppressions, Crimes, and Offences, shall and may be enquired of, heard, and determined, in His Majesty's Court of King's Bench in *England*; and



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“ that such Punishments shall be inflicted on such Offenders as are usually inflicted for Offences of the like Nature, committed in that Part of *Great Britain* called *England*; and that all Offences against this Act may be alledged to be committed, and may be laid, enquired of, and tried, in the County of *Middlesex*.”

Your Committee examined Mr. *Nutball* (who has been Fifteen Years Solicitor to the Company) Whether, during his Time, there were any, and what, Instances of Prosecutions ordered by the General Court, or by the Court of Directors, against any of their Servants, for Misconduct in *India*; and particularly whether there were any, and what, Instances of Criminal Prosecutions founded on the above-mentioned Clauses?—He informed Your Committee, That he knew no Instance of any Criminal Prosecution brought or ordered upon either of the above-mentioned Clauses; and that he had known only Two Instances of any Prosecution ordered against any of the Company's Servants, on Account of Misconduct in *India*, by the General Court or Court of Directors.—That one of these was a Bill filed in Trinity Term 1766, by Order of the Court of Directors, upon the Opinion of the Attorney General and Company's Council, against Messrs. *Johnson, Leycester, Burdett Senior, and Gray*, for an Account and Payment to the Company of divers large Sums of Money, Jewels, and other valuable Things, obtained from the Nabob and his Ministers under the Denomination of Presents, in breach of their Covenants with the Company; that after the Defendant, *Johnson*, had obtained several Orders for Time to answer, and before any of the Defendants had put in their Answers, the General Court, on 6th May 1767, Resolved, “ That the various Prosecutions commenced by Order of the Court of Directors, in the Name of the *India Company*, against their former Servants in *Bengal*, and also all Attachments ordered against the Effects of such Servants, on Account of Presents received before signing the Covenants on the 9th of May 1765, be discharged.”

That the other Case was an Information in the Exchequer, at the Suit of the Attorney General, on Relation of the Company, against Mr. *Bolts* (who had been a Servant of the Company at *Bengal*, and after his Resignation continued an Alderman of the Mayor's Court) for a Discovery and Account of illicit Trade carried on by him in the *East Indies*, after he had resigned the Company's Service, and of the Gains made thereby, and that he might be decreed to pay to the Company after the Rate of 30 per Cent. according to the Statute of 7th of *George* the 1st: That the Defendant put in a Plea and Demurrer to the Information, insisting, that he was an Alien by Birth, and having never been naturalized was not compellable by Law to make any Answer to the Information; that this Plea and Demurrer were argued before the Court in Trinity Term 1772; that the Court over-ruled the Plea and Demurrer, and ordered the Defendant to answer the Information; that the Defendant has appealed to the House of Lords, and that his Appeal was still there depending.

Your Committee further asked Mr. *Nutball*, Whether there were any, and what, Suits or Prosecutions ordered by the Court of Directors against any of their Servants in *India*, not yet commenced? Mr. *Nutball* informed Your Committee, That in February last he received Orders from the Court of Directors to prosecute Lord *Clive*, and a great Number of Gentlemen, who had been in the Company's Service in *India*, to recover very considerable Sums claimed to be due from them to the Company, on Account of the Duties on Salt, Beetle Nut, and Tobacco, and which it was the Opinion of their Counsel were recoverable:—To proceed against Lord *Clive* to recover a Demand of 1½ per Cent. on the Net Duannee Revenues of *Bengal*, which his Lordship received by way of Commission, as Pre-

sident of *Fort William*, for several Months after he had quitted that Presidency; and also against Mr. *Verelst*, in respect of the Commission of the said Revenues received by him when he was President at *Fort William*; and to prosecute several other Persons, who had been in the Company's Service, on whom the Company were advised they had Demands on Account of the Mhatote Tax in *Bengal*—That Three Bills in Equity, of great Length and Nicety, have been prepared against a great Number of Defendants, respecting the Trade and Duties on Salt; and against Lord *Clive* and Mr. *Verelst* separately, to recover the Company's Demands respecting the Commission on the Revenues; that these Bills have been perused and signed by the Company's Counsel; and that fair Copies were immediately to be laid before Mr. Attorney General, for his Approbation, before they are filed:—That a Bill is likewise now before the Company's Counsel, against a great Number of Persons, for Recovery of several large Sums of Money received by them under Colour of the Mhatote Tax, and that these will be filed with all possible Expedition, as soon as it has been approved of by the Company's Counsel and Mr. Attorney General, before whom that Bill is also directed to be laid.

Your Committee examined several of the Witnesses, who were best acquainted with *Bengal*, Whether it was possible to bring Natives from that Country to *England*, to give their Testimony in any Prosecution or Suit to be commenced here for Matters done or arising in *Bengal*; and were informed, by all the Witnesses who spoke to this Point, that though they knew no Obstruction to the bringing over Mahometan Witnesses, but the Length and Expence of the Voyage, they considered it as absolutely impossible to bring over any Witness of the Gentoo Religion; it being one of the established Principles of that Religion, that Water is sacred, and that to defile that Element (which according to their Notion is done by many unavoidable Acts) is a Profanation, for which any Person so offending would forfeit his Cast; that if any Gentoo could be prevailed on to cross the Sea, in order to come to *England*, they must necessarily be Persons destitute of those Principles, which they are taught by their Profession to revere, and therefore unworthy to receive Credit as Witnesses.

Your Committee must also observe, that in many Cases, which might be proper Subjects of Prosecution in this Country, the Testimony of British Subjects, or other Europeans residing in *Bengal*, may be necessary, and that the Difficulty and Expence of bringing over these, or any Witnesses, seems an almost insurmountable Obstruction to the Use and Efficacy of the Statutes allowing Prosecutions in *England* for Offences committed in *India*; and that the same Circumstance equally obstructs the Attainment of Justice by Civil Action of any Nature, for any Injury received or Demand arising in that Country.

Your Committee must further remark, that the Power exercised by the General Court, of putting a Stop to Prosecutions ordered by the Court of Directors, may tend greatly to defeat the Efficacy of the Statutes; as the Person charged, especially where he is, or has been, in any considerable Station in the Company's Service, may have it in his Power, by the Management of his Friends, to contrive, at some time or other, by a Majority of a General Court, to put a Stop to the intended or depending Prosecution.

Your Committee have now submitted to the House all the Materials they have been able to collect upon the Subject of the present State of Judicature in *Bengal*: But as, in the Course of that Enquiry, they were led into some Questions relative to the Rate of Interest allowed in the Courts of that Country, they will conclude this Report by stating to the House the Information they received upon this Subject.

Mr.





Mr. *Becher* informed Your Committee, That in Cases of Mercantile Debts, the Courts sometimes allowed Interest; and that he believed the Rate allowed in such Cases was One per Cent. per Menssem, which he said he considered as the current Interest of the Country in Mercantile Transactions, amongst Men of Probity and Reputation: That he has often heard of voluntary Agreements for a much higher Rate of Interest, even to 3 per Cent. per Menssem, where the Occasion has been urgent, and the Loan for a short Time, and attended with Risk.

Mr. *Manningham* said, He could not ascertain the Rate of Interest which a Court in that Country would allow, but that they would not allow an exorbitant Interest: That the usual Interest given by the Company, when he was in *Bengal*, was 9 per Cent. per Annum; by Europeans, in Accounts with each other, 10 per Cent. per Annum; and by the Natives, he believes, 12 per Cent. per Annum; and that he imagines the *Cutcherry* did not allow beyond that Rate.—Being asked, What Rate of Interest he had known to be taken in the Country? he said, That it was usual for the *Seats*, and other *Shroffs* (Bankers) at *Moorsshedabad*, to furnish the *Zemindars*, when pressed for Money to pay their Rents to Government, at the Rate of 3 per Cent. per Menssem.

Your Committee must observe, That, according to these Accounts, 3 per Cent. per Menssem is a Rate of Interest never given, but in Cases of great Emergency: And, nevertheless, that in the 18th Proposition of the proposed Regulations, lately transmitted from *Bengal* to the Court of Directors (and annexed in the Appendix) after stating, “That the Rates of Interest hitherto authorized by Custom having amounted to the most exorbitant Usury, the following Rates are now established to be received and paid, as well for past Debts as on future Loans of Money; viz. On Sums not exceeding 100 Rupees Principal, an Interest of 3 Rupees 2 Annas per Cent. per Menssem, or Half an Anna in the Rupee: On Sums above 100 Rupees Principal, an Interest of 2 Rupees per Cent. per Menssem: The Principal and Interest to be discharged according to the Condition of the Bond; and all compound Interest, arising from an intermediate Adjustment of Accounts, to be deemed unlawful and prohibited: When a Debt is sued for upon a Bond, which shall be formed to specify a higher Interest than the established Rates, the Interest shall be wholly forfeited to the Debtor, and the Principal only reco-

“ verable: And that all Attempts to elude this Law, by  
“ Deductions from the original Loan, under whatever  
“ Denomination, shall be punished by a Forfeiture of  
“ One Moiety of the Amount of the Bond to the Go-  
“ vernment, and the other Half to the Debtor.”

But Your Committee are inclined to think, that the said Regulations point at such Extortions as particularly appear in the *Moorsshedabad* Consultations of the 18th of February 1772 (of which some Account was given in a former Report of Your Committee) containing Evidence given by sundry Gentoos on Oath, relative to Interest of Money, in the Province of *Rungpore*, in *Bengal*; from whence Your Committee collect, that though the Family of the *Seats*, and others, have taken, for Money lent by them, Interest to the Amount of 3 per Cent. or perhaps in some Cases 3 and  $\frac{1}{2}$  per Cent. per Menssem, Obligations to pay 5 per Cent. per Menssem have been there exacted, and the Borrower compelled to agree to pay the same, because those who have been accustomed to lend at a lower Rate, now refused to supply them with Money; alledging, That if they attempted to recover their Loans from the *Zemindars*, such Attempt would be frustrated by the Power of the Person lending at 5 per Cent.

And from the same Evidence, Your Committee find, That even after an Agreement to pay 5 per Cent. the Debtors have been actually obliged to pay 14 per Cent.; and as these Extortions have probably not been confined to the Province of *Rungpore*, Your Committee think it the more likely these Regulations, just stated, to have been made with a View to repress the same, as evidently inconsistent with the Prosperity of the Country, and highly detrimental to the Revenue received by the Company.

Your Committee have thus reported all they have found material in the Books and Correspondence of the Company, or in any Evidence laid before them, concerning the Judicatures of *Bengal*.—They have made a considerable Progress in their Report concerning the Conduct of the Company's Servants in *India*, in drawing the Bills which were accepted between the 1st Day of March 1771 and the 1st Day of March 1772, and concerning the Conduct of the Company in *England* after the Receipt of them.—And Your Committee will report, with as much Expedition as possible, what they find material with respect to this and the other Objects of their Enquiry.





## A P P E N D I X.

## N° 1.

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

The Petition of *Richard Whittall*, of *Bengal*, now in *England*,

Humbly sheweth,

THAT Your Petitioner having obtained Permission from this Honourable Company to go out to *India* as a Free Merchant, some time in April 1764, sailed for *Bengal*, in order to reside at *Calcutta*; but that, soon after his Arrival, the President and Council there having restricted Free Merchants from trading in the Country; and Your Petitioner being one of the Attornies of His Majesty's Court of King's Bench, petitioned the Honourable the Mayor's Court at *Calcutta* aforesaid, to be admitted to practise in that Court; and was accordingly duly admitted and sworn one of the Attornies thereof, agreeable to the Practice of the said Court, as by a Copy of his Admittance, ready to be produced, will appear; where he, by his Diligence and Behaviour, acquired great Reputation, and by his Practice procured a genteel Income.

That Your Petitioner is informed, that the Mayor's Court at *Calcutta* aforesaid is, by His Majesty's Charter, appointed a Court of Record for hearing and determining all Civil Suits, Actions, and Pleas, with Power to appoint Officers and Ministers; and the Court is enjoined to adhere strictly to the Laws of *England* in all such Matters as should come before them for their Determination; which Charter, after specifying the Authority to the said Mayor's Court to appoint Clerks and Officers, &c. and to do all such other things as may be found necessary to the Administration of Justice, proceeds in the following Manner: "So they from Time to Time give an Account thereof unto the said Company, and so as the same shall be subject to the Approbation, Controul, and Alteration of the said Company, under the Hands of Thirteen, or more, of the Court of Directors of the said Company; whom we do likewise will and ordain to have full Power and Authority to make such Rules and Orders, for the better Administration of Justice, as they from Time to Time shall think fit and necessary; but such Rules and Orders, so to be made by the said Mayor's Court, so far as the same shall not be repugnant to any Rules

" or Orders made by the said Company, or their Court of Directors as aforesaid, shall nevertheless be in force until the same shall be revoked or altered by the said Court of Directors, or any Thirteen or more of them, and Notice thereof given to the said Court."

That about June 1767 your Petitioner was employed by *Patrick McTaggart*, of *Calcutta*, Merchant, as his Attorney, to recover in the Mayor's Court the Sum of 2075 *Arcot* Rupees, which was due to him upon a Bond from *Mary Morgan*, an Inhabitant of *Calcutta*; and your Petitioner, at the Request of the Plaintiff, exhibited and filed a Bill of Complaint in the Mayor's Court there, in the usual Form, on the 26th of June in that Year, against the said *Mary Morgan*; who being summoned, employed *Thomas Morris*, of *Calcutta* aforesaid, as her Attorney in that Suit; and on the 18th of August your Petitioner, by Direction of his Client, took out a Warrant to hold the Defendant to Bail, on the usual Affidavit being made by the Plaintiff; which Warrant, on or about the 21st Day of August, was returned, executed by *Simeon Droz*, Esquire, then Sheriff; who did of his own Accord, and without any Authority from the Mayor's Court, or Notice or Bail given to the said Court, or to your Petitioner or his Client, voluntarily release the said *Mary Morgan* out of his Custody, contrary to the Usages and Customs in such Case generally observed; of which your Petitioner informed the Court, and solicited another Warrant, in order to avoid Litigation with the Sheriff; which Motion the said Court rejected, as will appear by the Record, deeming the Sheriff liable to pay the Debt; and thereupon the Plaintiff made Application to the Sheriff, and informed your Petitioner that the Sheriff was ready, on having a proper Receipt, to discharge the same: And moreover, on the 21st of March 1768, the following Letter was received by your Petitioner from the said Sheriff:

" SIR,

" Please to acquaint me what are the Particulars of Mr. *McTaggart's* Demand on Mrs. *Morgan*, and how much the Whole amounts to.

" I am, Sir,

" Monday,  
" 21st March 1768."

" Your most obedient,

" *S. Droz.*"

" To Mr. *Whittall.*"

That,





That a short Time after, your Petitioner and his Client accidentally met with Mr. *Droz* at the Council House at *Calcutta*, who began speaking upon the Subject; when your Petitioner civilly acquainted the Sheriff, that he having, without Authority or Notice given, of his own Accord discharged the Defendant out of Custody, your Petitioner apprehended he was become liable to the Debt; on which he answered, he would pay it on a proper Receipt being given to him by Mr. *McTaggart*; and that he had taken, or would take, from the Defendant a Mortgage of a Garden to indemnify himself; which Mortgage, it since appears, was actually prepared by Mrs. *Morgan's* Attorney, Mr. *Morris*; and in consequence of this Conversation, the Plaintiff requested your Petitioner to draw up a Receipt, which he accordingly did, as follows:

“ *Calcutta*, 4th June 1768.

“ Received of *Simeon Droz*, Esquire, the Sum of  
“ Two thousand and Seventy-five *Arcot* Rupees,  
“ being the Principal Sum due unto me on a cer-  
“ tain Bond executed by *Mary Morgan*; and also  
“ the Sum of Two hundred and Eighty-six *Arcot*  
“ Rupees and five Annas, being Sixteen Months  
“ and Thirteen Days Interest on the said Bond, at  
“ the Rate of Ten per Centum per Annum, for which  
“ a Suit is depending in the honourable the May-  
“ or's Court, where the said original Bond is filed;  
“ and I do hereby promise to deliver up the said  
“ Bond uncanceled unto the said *Simeon Droz*,  
“ upon his paying me the Costs of Suit in the said  
“ Cause: As Witness my Hand; and I do hereby  
“ further promise to withdraw the Suit on Tuesday  
“ next.

“ *Pat<sup>r</sup> McTaggart*.

And this Receipt was signed by the Plaintiff *McTaggart*, and the Sheriff some time afterwards paid the Money; since which no Instructions were received by your Petitioner from his Client, nor was any Motion made relative to the said Suit; neither was your Petitioner acquainted, till a considerable Time after, that his said Client had received the Sum above specified; nor are the Costs of Suit to this Day paid to your Petitioner, or to his Client, as far as he knows or believes.

That at the Opening of the Court on the 4th of August 1769, Mr. *May*, the Register, read a Report of the Examiner to the Court, “ That Two Witnesses had  
“ been examined in the Cause *McTaggart* against *Mor-  
gan*:” (A Circumstance which indeed happened prior to the Date of the Receipt herein above recited, and they were examined by an Order of Court, by reason of their being about to leave *Calcutta*) Whereupon your Petitioner, as Attorney for the Plaintiff, naturally acquainted the Court, “ That the said Cause was ended: That  
“ he had no Instructions to proceed, the Sheriff having,  
“ without any Authority, released the Defendant out of  
“ Custody when confined for Default of Bail upon a  
“ Warrant, and had actually paid, or agreed to pay, the  
“ Debt for the Defendant, as your Petitioner presumed  
“ the Law in such Case obliged him to do.”

Whereupon Mr. *Morris*, the Defendant's Attorney, informed the Court, “ That your Petitioner had de-  
“ ceived and imposed upon Mr. *Droz*, and had fraudu-  
“ lently and falsely obtained the Payment of the Sum  
“ sued for by Mr. *McTaggart* from Mr. *Droz*, by falsely  
“ acquainting Mr. *Droz*, that the Suit commenced by  
“ Mr. *McTaggart* against the said *Mary Morgan* was  
“ decreed by the Court, and that Mr. *Droz* was oblig-  
“ ed to pay the Amount thereof; and that by such De-  
“ ceit used by your Petitioner only, Mr. *Droz* was in-  
“ duced to pay the same; and that the original Receipt  
“ was wrote as he believed, in the proper Hand-writ-  
“ ing of your Petitioner, and signed by the Complain-  
“ ant: All which he would prove to be true.” Or  
Words to the like Effect: Which were thereupon imme-  
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diately taken down by the Register, and read over to the Court: And although your Petitioner denied the same, or any Part thereof, to be true, except that he drew up a Receipt in Behalf of the Plaintiff Mr. *McTaggart*, and acknowledged the Conversation which passed between him and the Sheriff, when he told him, in the Council House, that he apprehended he was become liable to the Debt, as herein above recited; notwithstanding all this, the said Mayor's Court, without further Debate, after privately consulting one another when sitting upon the Bench, dismissed your Petitioner from acting or practising any longer as an Attorney of their said Court.

A Copy of the Order of your Petitioner's Dismission, as the same stands upon Record, is in the following Words:

“ *Calcutta*, Friday the 4th Day of August, in the  
“ Year of our Lord One thousand Seven  
“ hundred and Sixty-nine.

“ At a Court held;

“ P R E S E N T,

“ *David Killican*, Esquire, Mayor,

“ Messieurs { *Matthew Miller*,  
“ *James Lawrell*, } Aldermen.  
“ *John Batboe*,

“ *Patrick McTaggart* } “ The Register reported, that  
“ against } “ *John Morgan* and *Sebastian*  
“ *Mary Morgan*: } “ *Cordeiros*, Witnesses for the  
“ Complainant, are examined  
“ by Mr. *John Holme*, the late  
“ Examiner of this Court.

“ Mr. *Richard Whittall*, the Complainant's Attorney,  
“ acquainted the Court, that this Cause was ended.  
“ Mr. *Morris*, Attorney for the Defendant, informed the  
“ Court, that this Cause was yet pending, and had ne-  
“ ver been withdrawn, which would appear by a Copy  
“ of a Receipt exhibited in this Cause (the Original pray-  
“ ed for, and admitted to be produced and proved at  
“ Hearing of this Cause) That the Complainant had,  
“ by Deception used, received from *Simeon Droz*, Es-  
“ quire, the Principal and Interest of a Bond of the De-  
“ fendant, sued for by the Complainant in this Cause;  
“ and that was without the Knowledge and Consent of the  
“ Defendant or her Attorney at Law. Mr. *Morris* fur-  
“ ther informed the Court, That the said original Re-  
“ ceipt is wrote, as he believes, in the proper Hand-  
“ writing of the Complainant's Attorney at Law, and  
“ signed by Complainant himself. The Complainant's  
“ Attorney, the said *Richard Whittall*, acknowledging  
“ the same to be an exact Copy of the Receipt drawn  
“ up in his own Hand-writing, and signed by his Cli-  
“ ent, whereby he engages to Mr. *Droz* to withdraw  
“ this Suit on the ensuing Court Day; which the said  
“ Attorney Mr. *Richard Whittall* not only wilfully neg-  
“ lected to do at the next Sitting of the Court, but has  
“ suffered the Suit to remain depending in Court to this  
“ Day. The Court, on due Consideration of this Mat-  
“ ter are unanimously of Opinion, That the said *Richard*  
“ *Whittall's* Method of obtaining the Sum of the  
“ said *Simeon Droz* was an irregular Proceeding, as no  
“ Decree having then passed in Court in favour of his  
“ Client's Demand; that his neglecting to inform the  
“ Court of his having received the said Sum of the  
“ said *Simeon Droz*, and also neglecting to desire the said  
“ Suit then depending to be withdrawn, agreeable to his  
“ Client's Obligation to the said *Simeon Droz* on Receipt  
“ of said Sum, is a manifest Abuse of his Duty as an  
“ Attorney of this Court, an unjustifiable Procedure  
“ with the said *Simeon Droz*, and an Insult to the Au-  
“ thority of this Court; and as the said *Richard Whittall*  
“ has, in the Course of his Transactions of the Business  
“ of his Office, frequently merited and received the fe-  
4 R “ vere



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“ vere Reprehensions of this Court, and as it is too evident that their Admonitions have had no Weight in bringing him to a proper Sense of his Duty in the Discharge of his Office of Attorney of this Court.

“ The Court are now of Opinion, that he no longer deserves their Indulgence, and do accordingly dismiss him from acting any longer as an Attorney of this Court.

“ August 14th 1769.

“ A true Copy.

“ J. May, Register.”

That before the Court adjourned, your Petitioner applied to the Court, and to their Register, for Copies of all the Minutes and Proceedings against him, herein above recited, which however both the Court and Register thought fit to refuse. And on the 22d of August your Petitioner did, by his Attorney, Mr. *George Sparks*, present a Petition to the Mayor's Court, praying for Copies of the above-said Minutes and Proceedings, to be properly authenticated under the Seal of the Court: But the Court would only grant Copies of the Order of Dismissal, signed by the Register, and would not suffer the same to be authenticated under the Seal of the Court; absolutely refusing to grant Copies of the Minutes mentioned in the said Petition, on which he had been actually dismissed: So that no Part of such Minutes appear on Record. Your Petitioner, a little time after, telling the Register, that at some future Period he would be called upon to produce the said Minutes, was answered by the Register, “ That they were not in being.”

In consequence of the above-mentioned Proceedings, and the bad State of Health your Petitioner was then in, he applied to the Governor and Council at *Calcutta* for Leave to return to *England*, and embarked on board the *Anson*, one of the Ships employed in the Service of the said honourable the United Company; and being arrived in *England*, hopes to obtain that Satisfaction, which his Case requires, from this honourable Court.

Your Petitioner therefore hopes, from the Justice of his Case alone, that this honourable Court will afford him an Opportunity of laying before them the Proofs of what your Petitioner hath herein set forth; and that this honourable Court will be pleased to reverse the said Order of Dismissal, and reinstate your Petitioner in his Office of one of the Attornies of the honourable the Mayor's Court at *Calcutta*; for the following

## R E A S O N S.

First, Because your Petitioner, having been duly admitted and sworn an Attorney of the Mayor's Court at *Calcutta*, he presumes he had a Freehold in his Plate, and consequently could not be legally dismissed, without a proper and sufficient Complaint of some Misbehaviour in him, verified upon Oath, with a proper and sufficient Time allowed him for making his Defence; which was not observed; but the said Court proceeded to dismiss him, without any Charge properly exhibited against him, or verified by Oath; without any Time allowed him for making his Defence; without any Proof whatsoever; and without any sufficient Cause alledged.

Secondly, Because the Reasons given in the Order of Dismissal, if true, (which, on the contrary, your Petitioner does not admit) contain no legal Cause of Removal or Dismissal of your Petitioner; for it appears only, that your Petitioner acted as his Duty to his Client required; and if any Deception was used to the said Mr. *Droz*, the Order states, that that Deception was not used by your Petitioner, but by his Client, the Complainant in the said Cause; which Charge against the Complainant your Petitioner by no Means admits. But insists, as the Truth is, that no Deception whatever was used by your Petitioner or his Client to the said Mr. *Droz*; and as to the Charge in the said Order against your Petitioner, for not informing the

Court, that the said Complainant had received the said Sum of Money of Mr. *Droz*, your Petitioner doth aver, That he was not, directly or indirectly, authorized by his Client to withdraw the Suit; nor were the Costs of Suit paid either by his Client or the Sheriff; and no Expences whatever accrued to either Plaintiff or Defendant, nor to the said *Simeon Droz*; and no Person; whatever was prejudiced on that Account.

Thirdly, For that in the said Order of Dismissal, the Causes for which he is therein said to have merited and received the severe Reprehensions of the said Court are not assigned, and which your Petitioner humbly insists ought to have been done, in order to enable the said Company to form a competent Judgment thereof; and that the Silence of the said Order, in this Respect, carries with it this plain Inference, either that no such Causes ever existed, or that the same were so trivial or groundless as not to bear Examination.

And your Petitioner shall ever pray, &c.

*London*,

1st March 1771.

*Richard Whittall.*

To the honourable the Court of Directors of the United Company of Merchants of *England* trading to the *East Indies*.

The Memorial of *Alexander Jephson*, late of *Bengal*, Merchant, but now of *London*,

Sheweth,

That your Memorialist, in the Year 1762, went to *Bengal* under Free Merchants Covenants, by your Permission granted in that Year; and during his Residence there, and in the Year 1766, he married Mrs. *Gallopine*, Widow and Executrix of the late *Peter Gallopine*, of *Calcutta*, whose Estate your Memorialist found in great Confusion, and large Demands against it; and your Memorialist examined and perused his Books of Accounts with as much Care and Attention as they would admit of, they having been very irregularly kept, and no Balance of his Cash Book having been struck for some Years.

That it appeared to your Memorialist, on such Examination, that it was impossible any Judgment could be formed of his Affairs by the State of the Books at the Time of his Death; although it was cruelly reported that Mr. *Gallopine* had died worth Money, which Report has been of great Detriment to the Creditors of the Estate, as well as to your Memorialist; for upon making up the Accounts of the said Estate, your Memorialist found the same greatly insolvent, to the Amount of near a Lack of Rupees; and in consequence of there not being sufficient Assets to satisfy all the Creditors on the Estate, your Memorialist, and his Wife as Executrix, had several Suits commenced against them in the Mayor's Court at *Calcutta*.

That in the Year 1767 your Memorialist and his Wife intended to come to *England*, and had engaged their Passage, but were prevented by the Mayor's Court, who called upon your Memorialist to give Security, on leaving the Country, for the Amount of all the Debts and Demands on Mr. *Gallopine*'s Estate; alledging, that as the Executrix had paid several Debts in full, she ought to pay the Remainder, or make an equal Dividend of the Estate, and that so much as was overpaid of what the Dividend would have amounted to, must be paid out of her own separate Estate: To this your Memorialist answered, in Behalf of the Executrix, that such Debts as were paid were just Demands and not disputed, and were paid by her as they were demanded, before any Suits were commenced, and before it was known that the Estate was insolvent, and on a Supposition that there would be sufficient Assets to answer the whole Demands on the said Estate: Your Memorialist also acquainted the Court, that there was a large Sum of Money due to the Executrix on Account of her Marriage Settlement with Mr. *Gallopine*, which was her own proper





per Money, and settled upon her before her Intermarriage with Mr. Gallopine, and vested in the Hands of Trustees, which Mr. Gallopine afterwards possessed himself of, by being Attorney for One of the Trustees, without the Knowledge or Consent of the Executrix, and thereby your Memorialist became the greatest Creditor: That, as all the Effects had been accounted for, which came to the Hands of the Executrix and your Memorialist, their demanding such Securities from your Memorialist on an insolvent Estate was unjust and contrary to Law, and therefore your Memorialist refused to comply with giving such Securities: The Court then obliged your Memorialist to make an Affidavit in Court, that your Memorialist would stay another Year for the Satisfaction of the Creditors, which your Memorialist was compelled to comply with, or he would have been sent to Prison; which Compulsion has been a great Expence and Loss to your Memorialist.

The Court then promised they would hear the Causes in the Course of the Twelve Months, and that your Memorialist should not be detained any longer on Account of these Affairs.

That your Memorialist gave public Notice for all Persons having Demands on the said Estate to make them on or before the 1st of September, that your Memorialist might not be prevented coming to England the next Year; and, as it appeared the Banyan, who had the Management of Mr. Gallopine's Affairs in his Lifetime, had not given in proper and clear Accounts, and had assured the Executrix that *there would be sufficient Assets to pay all the Debts on the Estate, besides her own Money due by virtue of the Settlement*, your Memorialist, suspecting him guilty of some Fraud, caused a Bill to be filed against him for the Discovery of the Effects, and also to satisfy the Creditors, who still could not be persuaded that the Estate was insolvent, though your Memorialist filed his Account of the Estate in the Mayor's Court in October; and your Memorialist afterwards delivered in all the Books, Papers, and Accounts, belonging to the said Peter Gallopine's Estate, to the Register of the Mayor's Court, by Order of the Court, for the Inspection of the Creditors.

That the next Year, in February 1768, your Memorialist was preparing to come to England; when several of the Creditors, who then had Suits depending in the Mayor's Court, filed a new Bill against the Executrix and your Memorialist; and though they made the Debts amount to about 25,000 Rupees, they drew out an Account of what a Dividend would produce, and again demanded a Security from your Memorialist of about 78,000 Rupees.

That your Memorialist had often attended the Court in the Course of the Twelve Months, and acquainted them that it was his firm Intention to leave Bengal that Season, and presented several Petitions, requesting they would finish the Affairs, agreeable to their Assurances of last Year; also of his having taken a Passage on Board the *Northington*, Captain *Sealy*, who was to sail the latter End of February or Beginning of March, in order to bring them on to a Conclusion, as your Memorialist found he could be of no further Service to the Estate, and his own Affairs requiring his Presence in Europe, besides that his Health had been much impaired: And upon this Bill being filed on the 19th of February 1768, a few Days only before your Memorialist was to embark, the Court issued out a Warrant, called a *Ne exeat Regnum*, which was in the Words following:

"By the honourable the Mayor's Court at Calcutta at Fort William in Bengal:

"To the Sheriff of Calcutta aforesaid, and the District thereof, Greeting:

"Because we have received certain Intelligence that *Alexander Jephson* and *Philadelphia* his Wife, who is

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"Widow and Executrix of *Peter Gallopine*, late of Calcutta aforesaid, Merchant, deceased, propose immediately to depart out of the Jurisdiction, or out of the Reach of the Process of this Court, towards Parts beyond Seas, to the very great Damage of this Court, and of the Suitors of this Court; and this Court being willing and desirous to prevent the same, you are commanded by this Court, that without any Delay you make the said *Alexander Jephson* and *Philadelphia* his Wife personally to come before you, and find sufficient Bail, under a certain Penalty, by you to be reasonably imposed, for which they will answer to this Court, that they or either of them shall not presume or attempt to depart towards Parts beyond Seas, or out of the Jurisdiction, or out of the Reach of the Process of this Court, without the special Licence of this Court, in Contempt or to the Prejudice or Damage of this Court, or of the Suitors thereof; and if this they shall refuse to do before you, then do you immediately commit the said *Alexander Jephson* and *Philadelphia* his Wife to the Prison of Calcutta aforesaid, in the same to be kept in close Custody, until they do this voluntarily; and when you have so taken such Bail or Security, do you certify this Court thereof clearly and distinctly, under your Seal, at the same time returning this Writ to this Court.—Given under the Hands and Seals of *Cornelius Goodwin*, Esquire, Mayor, and of *Mr. David Killican*, one of the Aldermen of Calcutta aforesaid, and under the Seal of the said Court, this Nineteenth Day of February, in the Year of our Lord 1768.

(Signed)

"*Cornelius Goodwin*, Mayor. (L. S.)

"*David Killican*, Alderman." (L. S.)

"(L. S.) *John Home*, Register.

"Take good Bail for Current Rupees Seventy-eight thousand Six hundred Forty-four, and Four Annos, and One Pice."

This Proceeding your Memorialist looked upon as illegal, and would not comply with; in consequence of which your Memorialist was arrested by the Sheriff, by virtue of the above Warrant, and committed to Prison, without being allowed Twenty-four Hours to procure Bail.

Your Memorialist immediately applied to the Governor and Council of Calcutta for Redress, as per the following Letter:

"To the honourable *Harry Verelst*, Esquire, President and Governor, and the &c. Council of Fort William.

"Honourable Sir, and Sirs,

"I beg leave to inform you, that by virtue of an illegal Warrant issued by the honourable the Mayor's Court, under the Hands and Seals of *Cornelius Goodwin*, Esquire, Mayor, and *Mr. David Killican*, one of the Aldermen, I am this Day committed a close Prisoner to the Jail of this Town, which puts me under the disagreeable Necessity of requiring your immediate Protection, as an Inhabitant of this Settlement, under the Protection of the honourable Company, as a Free Merchant, and likewise as a Subject of the King of Great Britain, that I may be properly redressed, and proceed to England in the *Northington*, Captain *Sealy*, agreeable to the Permission you have been pleased to give me.

"I am, with the greatest Respect,

"Honourable Sir, and Sirs,

"Your most obedient Servant,

"In the Jail of Calcutta,

(Signed)

"23d February 1768.

"*Alexander Jephson*."

But they informed your Memorialist, that nothing but Decrees regularly appealed from, were cognizable by them, as per the following Letter:

"To



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" To Mr. *Alexander Jephson*.

" SIR,

" I am directed by the honourable the President and Council to acknowledge the Receipt of your Letter of this Date, and to acquaint you in reply, that your Application to them can only be as Governor and Council, or as a Court of Appeals; in the latter Case, nothing but Decrees in the Mayor's Court, regularly appealed through all the Forms, are cognizable by them: In the former Case, as the Mayor's Court, a King's Court of Record, is no ways dependant on them in their judicial Capacity, nor no ways answerable for their Proceedings, they, as a Governor and Council, have no Right to interfere, even in an illegal Act.

" I am, Sir,

" Your most humble Servant,

" *Fort William*,

(Signed)

" 23d February 1768.

*Simeon Droz*, Secretary."

That the Attorney for your Memorialist, during such Confinement, waited several Times on Mr. *Droz*, the Sheriff, and asked what Bail was required for the Enlargement of your Memorialist and his Wife, who sometimes referred him to the Court, sometimes to the Plaintiffs, and sometimes to the Mayor.

That your Memorialist's Attorney then informed *Cornelius Goodwin*, Esquire, Mayor, and Mr. *Droz*, the Sheriff, he was come to deposit the 78,000 Rupees, the Sum marked in the Writ, in the Company's Treasury, or any other Sum which should be required; but they absolutely refused to accept of such, or any other Security whatsoever.

That the said *Cornelius Goodwin*, in the Course of the Proceedings against your Memorialist in the said Mayor's Court, did frequently declare, that your Memorialist should be detained in the Country; and when your Memorialist's said Attorney stated to the Court the Illegality of such Proceedings, and that they were not agreeable to the Laws of England, he the said *Cornelius Goodwin* declared, *That they had nothing to do with the Laws of England there; that the Laws of England were never made for them; and declared, he would not so much as bear the Laws of England named while he sat upon that Bench*: That the said *Cornelius Goodwin*, Mayor, and *David Killican* and *John Levett*, Two of the Aldermen, had a Conversation with the Sheriff; and your Memorialist's Attorney waited upon the Sheriff, who informed him, that your Memorialist would be released on giving Security for the Money: Whereupon your Memorialist's Attorney, by order of your Memorialist, offered Mr. *Williamson* to be Security, who was then accepted of; but the next Morning the Mayor informed your Memorialist's Attorney, that the Sheriff would not accept of any Security, without an Order of Court, for the Enlargement of your Memorialist and his Wife.

That a Court was then summoned (1st March) at which was present the Mayor, and Messrs. *Lear*, *Killican*, *Cator*, and *Levett*, Alderman, when Bail was again offered by your Memorialist's Attorney; and Mr. *Woodward*, one of the Aldermen, declared in open Court he would be Security for the 78,000 Rupees, which was refused: Whereupon your Memorialist's Attorney and Mr. *Woodward* then asked what Bail was required; but the Court would fix on no Sum; and said *Bail would not be taken, as other Suits and Demands might afterwards be made on the Estate, and that nothing but your Memorialist's Presence in Person, to answer the Causes depending in Court, would be satisfactory*; and your Memorialist received a Letter from the Sheriff to that Purpose (a Copy of which is as follows:)

To *Alexander Jephson*, Esquire.

" SIR,

" I have received your Note, and am to acquaint you in reply, that the Court has acquainted me

" nothing but your Presence, and that of Mrs. *Jephson's*, to answer in Person to the several Causes depending in Court, can be satisfactory to them: In short, I am not, nor cannot take Notice of any thing for your Enlargement, but a special Authority from the Court, directing me to release Mrs. *Jephson* and you. It gives me much Pain to be obliged to conform to Orders of so severe a Nature.

" I am, Sir,

" Your most humble Servant,

(Signed)

" 1st March 1768.

*Simeon Droz*, Sheriff."

On Receipt of which Letter your Memorialist immediately wrote to the Mayor as follows, but received no Answer thereto.

" To *Cornelius Goodwin*, Esquire, Mayor.

" SIR,

" I have just now received a Note from Mr. *Droz*, that he cannot release me on any Account, without an Order from you or the Court: Mr. *Thomas Woodward* and Mr. *William Harwood* will be my Security, to answer to the Decrees against Mr. *Gallopine's* Estate, and this is what I understand is all the Court want; therefore, Sir, I desire you will send Orders to Mr. *Droz* to release me, on these Gentlemen's becoming my Security, or let me know what I am to do, or what is further wanted of me: Those Gentlemen desire to know when you will be at Home, and they will wait on you to justify as my Security. I request your immediate Answer,

" And am, Sir,

" Your most humble Servant,

(Signed)

" *Calcutta*,

" March 1st 1768.

*Alexander Jephson*."

Your Memorialist was therefore to consider himself as a Prisoner for Life, as the Court might always make the same Plea as the present, *That other Suits and Demands might afterwards be made on the Estate*: And as your Memorialist was conscious he had done his Duty in the Management of the Estate; and that these Proceedings were contrary to the regular Course of Law and Justice; and that your Memorialist had no Hopes of ever being redressed in India; and that, by a Continuance there under these cruel Circumstances, it might put a Period to the Life of your Memorialist, who only wanted Justice and Equity to take place: Therefore your Memorialist, having given his Bond to the Sheriff for the Liberty of his House, on the 2d of March left his House, and got into his Boat, with Intent to go on board the *Northington*, having the Governor and Council's Permission, and his Baggage sent on board; but on his Way to the Ship in the River, and near to *Ingillie*, the next Day, the 3d of March, in the Evening, your Memorialist's Boat was boarded by a Military Serjeant and Soldiers, with fixed Bayonets, Pistols, and other Arms; also the Sheriff's Officer with the Silver Oar, who produced the Orders of the Governor and Council to Captain *Sealy*, and all Commanders under the English Protection (a Copy of which Order is as follows:)

" Mr. *Alexander Jephson* and *Philadelphia* his Wife, having fled from Justice, in Defiance of the Laws of the Land, I am directed by the honourable the President and Council to acquaint you, that you are on no Account to receive them on board your Ship; and if they are on board, you are immediately on Receipt of this to deliver them up to the Sheriff's Officer.

" By Order of the honourable the President and Council.

(Signed)

" *Fort William*,

" the 2d March 1768.

*Edward Baber*,

Assistant Secretary."

And





And in this Manner your Memorialist and his Wife were forced back to *Calcutta*, and immediately committed close Prisoners by the Sheriff; and your Memorialist was thereby deprived of going in the *Northington*, which was a very great Loss to your Memorialist and his Affairs.

Your Memorialist was surprized to find the Governor and Council should issue out such Orders, after their Answers to your Memorialist on these Affairs; and your Memorialist addressed them again during Confinement, by Letters dated the 7th and 14th of March, and laid the Case before them; also requested such Letters might be forwarded to this honourable Court; to which your Memorialist received the same Answer as before.

Your Memorialist and his Wife remaining in Prison, many Applications were made to the Court, the Mayor, and Sheriff, for their Enlargement, as there was only One Ship more, the *Admiral Pococke*, Captain *Riddle*, to be dispatched that Season; when the Court at last thought proper to enlarge your Memorialist, on the 18th of March, on giving the same Bail which he had offered before, but which was refused, and Security Bonds to answer the Monies due to the Estates of several deceased Persons, to some of whom Mr. *Gallopine* was Executor, and to others Administrator.

In consequence of these Proceedings, your Memorialist, who together with his Wife are now in *England*, was obliged to leave his Effects in *Bengal* in the Hands of his Bail, for their Indemnification; and having (previous to the issuing the *Ne exeat Regnum*) taken his Passage on board the *Northington*, your Memorialist forfeited his Passage Money, which he had actually paid, and which amounted to near £. 500. although your Memorialist and his Wife came Home in another Ship (the *Pococke*.)

Your Memorialist, since his Arrival in *England*, has employed an eminent Attorney to draw up the Case, and had the then Attorney General, Mr. *De Grey*, and Sir *Fletcher Norton*'s Opinion thereon; who declare the *Ne exeat*, and the Proceedings of the said Mayor's Court, to be illegal, arbitrary, and most oppressive; whose Opinions your Memorialist is ready to lay before this honourable Court, when called for; also, all the other original Letters and Papers relative to these Proceedings; and also is ready to verify the above Charges by Affidavits, or in such other Manner as your Honours shall direct.

Your Memorialist most humbly prays your Honours to take his Case into Consideration; and that an Enquiry may be had into the Conduct and Proceedings of *Cornelius Goodwin*, the late Mayor, and the several other Aldermen of the Mayor's Court at *Calcutta*, whose Conduct, as Judges thereof, have been most arbitrary and oppressive in the Course of the Proceedings against your Memorialist; and to order Home the said *Cornelius Goodwin*, late Mayor, together with *David Killican*, Alderman, and *Simon Droz*, the Sheriff, who have been most active in oppressing and injuring your Memorialist, in order to answer here for the same; forasmuch as your Memorialist cannot hope for any Redress in the Premises in the Mayor's Court at *Calcutta*, and cannot commence any Suit against them here whilst they are Abroad; and that the Bail which your Memorialist was compelled to give to the said Court, for all Demands made upon the Estate of the said *Peter Gallopine*, deceased, who being insolvent, and your Memorialist the greatest Creditor, may be ordered to be discharged, in order that he may be enabled to recover his Effects from *Bengal*; and to grant such further Relief to your Memorialist as to your Honours shall seem meet.

And your Memorialist will ever pray, &c.

London,  
March 1771.  
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Alexander Jephson.

Extract from the General Letter to *Bengal*, dated 3d May 1771, per *Lord Holland* and *Britannia*.

Par. 6. A Petition having been presented to us by Mr. *Richard Whittall*, late one of the Attornies of the Mayor's Court at *Calcutta*, and dismissed from his Office by an Order of the said Court, dated the 4th August 1769;

7. We considered the Merits of the said Petition, and directed a Case to be stated thereon, for the Opinion of Mr. *Sayer*, the Company's standing Counsel; which Opinion is to the following Effect:

"The Dismission of Mr. *Whittall*, from acting as an Attorney of the Mayor's Court, appears, from Mr. *Whittall*'s Case, to be an Order made in a Cause, consequently may be appealed from, and ought to be heard by the Governor and Council; but it is not in the Power of the Directors, of themselves, to reverse any Order made in a Cause. It is not only adviseable, but in my Opinion necessary, for the Directors, in their General Letter to the Governor and Council, to state their Thoughts of Mr. *Whittall*'s Dismission, as to that Part of the Order that declares, without specifying any Particulars of the bad Conduct Mr. *Whittall* was guilty of, Which, in the Course of his Transactions of the Business of his Office, frequently merited, received the severe Reprehensions of the Court.—Such general Charges of Misbehaviour, without Facts, are very gross, and unbecoming a Court of Justice, and have more the Appearance of private Resentment than public Good; especially from a Court whose Orders may be reversed by Appeal. The Directors should recommend to the Governor and Council to admit the Appeal, and act therein as the Justice of the Case shall require."

8. Mr. *Whittall* now proceeds to *Bengal*, on the Ship *Lord Holland*, in order to prefer to you his Petition of Appeal; which we recommend to you to receive, and to take the same into serious Consideration, not doubting but he will receive at your Hands all the Justice which his Case requires; at the same time we do not mean to bias or prejudice your Judgment in the Course of this Proceeding.

10. We transmit you herewith the Memorial of *Alexander Jephson*, on the Behalf of himself and *Philadelphia* his Wife, lately presented to us, complaining of the most cruel Injustice done him by the Mayor's Court at *Calcutta*, and your Refusal of Redress, upon his Complaint exhibited to you, by way of Appeal against that Injustice.

11. Common Sense suggests, that in the Case of an Executor, he ought never to be held to Bail, but where there is the fullest Proof, not only of the Debt claimed to be due, but that he is possessed of Assets belonging to the deceased, applicable to the Discharge of such Debt, which he wilfully withholds, or which are in Danger of being squandered away; much less ought an Executor to be put into Prison, or held to Bail, either upon a *Ne exeat Regno*, or any other Process, when it appears upon his Oath, either upon an Inventory delivered in, or his Answer to a Bill filed against him for Payment of the Demand, that the Estate of his Testator is insolvent; in such a Case it is not to be conceived, that the most erroneous Judgment could suggest such Proceedings as have been put in Practice against Mr. *Jephson*.

12. Equally absurd is it for you to entertain Doubts of receiving Appeals against the Interlocutory Orders or Sentences of the Mayor's Court, in Cases depending before them, because they are not complete Judgments or Decrees; every Order made by a Court of Justice is a Sentence or Decree within the Meaning of our Charter





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ter of Justice, and there is not a Syllable in it that can lead you to suppose, that only final Judgments or Decrees were meant to be the Subjects of Appeal. In this Kingdom, it is every Day's Practice to see Appeals lodged in the House of Lords, and at the Council Board, against Interlocutory Orders of the Courts of Chancery of *England* and *Ireland*, and of the Courts of Justice in the King's Dominions Abroad, in numberless Instances, where there is not the least Decision upon the Merits; frequently upon the Competency or Admissibility of Witnesses, before 'tis possible to know what Evidence they would give, or how far, when given, it would affect the Cause; often upon Orders for Trials at Law, or new Trials, the Event whereof cannot be foreseen.

13. The Facts, stated in the Memorial laid before us, are of so extraordinary a Nature, and the Treatment Mr. *Jephson* and his Wife received, seemed to us so big with Oppression and Injustice, that before we could judge what was fitting to be done thereon, we thought it advisable to lay the whole of the Proceedings before Mr. *Sayer*, the Company's Counsel, for his Opinion; which we transmit to you herewith, together with the Opinions of Sir *William De Grey*, the present Chief Justice of His Majesty's Court of Common Pleas, and of Sir *Fletcher Norton*, formerly His Majesty's Attorney General, and now Speaker of the House of Commons, on Mr. *Jephson's* Case.

14. It is with much Concern and Indignation we observe our Courts of Justice prostituted to such Purposes, as must carry with them not only an indelible Reproach to the Courts themselves, but to that Government by which they were instituted; and that we may entirely acquit ourselves of giving the least Countenance to such illegal Acts, we enjoin you immediately to receive Mr. *Jephson's* Appeal, whenever he shall present the same; that you enquire strictly and minutely into all the Circumstances of his Complaints, and cause full and ample Justice to be done therein.

15. After having thus expressed our Abhorrence of Proceedings, carrying on the Face of them such evident Marks of Oppression, we trust that you will in future prevent any further Complaints of this Nature against yourselves; and that on the present Occasion you will, without Favour or Affection, put in Execution the Advice of our Counsel, if satisfactory Evidence can be obtained of such insolent Declarations being uttered from the Bench, as are laid to the Charge of those sitting upon it, to administer Justice under the Laws of *England*, and those Laws only.

Mr. *Sayer's* Opinion.

Mr. *Sayer* is desired to peruse the Memorial of Mr. *Alexander Jephson*, left herewith; and his Opinion is desired.

Query 1st. Whether the *Ne exeat Regno*, granted by the Mayor's Court against Mr. *Jephson* and his Wife, was legal; and especially, as it appears they were Executors of an insolvent Estate, and that the same issued without any Proof before the Court to warrant such a Proceeding?

Answer. I have read the Memorial of Mr. *Alexander Jephson*; and if there is no Reason to doubt the Facts therein contained, the *Ne exeat Regno* is not only illegal, but the Proceedings relative to Mr. *Jephson* and *Philadelphia* his Wife, under it, are not founded in Justice, but in Wickedness and Outrage. I am satisfied in my own Mind, that neither Mr. *Cornelius Goodwin*, the Mayor, nor Mr. *David Killican*, the Alderman, who signed the Order of the 19th February 1768, for the committing of Mr. *Jephson* and Wife, without the Name of a single Complainant, could consider it as a regular Proceeding in a Court of Justice, but as an Act

of Power, for the Gratification of their private Malice and Resentment.

Query 2d. If the issuing this Writ was illegal, under the Circumstances of this Case, ought not the President and Council to have admitted and received the Complaint made by Mr. *Jephson*, by way of Appeal from the Order of Court by which the Writ issued, which it appears they declined doing; and whether they ought not now so to do, and give the Party Relief? And, upon the whole, what can the Court of Directors do in this Matter, on Mr. *Jephson's* Behalf, and what is advisable for them to do, to prevent such illegal Practices for the future?

Answer. The President and Council ought to have admitted and received the Complaint made by Mr. *Jephson*, by way of Appeal, and reversed every Proceeding relating to this illegal *Ne exeat Regno*; but so far were they from so doing, that, except the Proceedings of the Mayor's Court, nothing could be worse than their Answer to Mr. *Jephson*, of the 23d February 1768, signed *Simeon Droz*, Secretary; and their Order to the Captain of the *Northington*, of the 2d March 1768, signed *Edward Baber*, not to receive Mr. *Jephson* and his Wife on board, but immediately deliver them to the Sheriff. Such Courts of Justice are not only disgraceful to the *East India* Company, but the Nation; and if the Company does not rescue the Inhabitants in their Settlements from such Outrage on their Properties, under the Mask of Justice, *Bengal* will be deserted.

I trust there are Men better qualified for Judges, to be found at *Bengal*, than either Mr. *Goodwin* or Mr. *Killican*; and a very legal and fair Opportunity offers itself of removing one or both of them from the Seat of Justice, which they have so shamefully disgraced.

Mr. *Jephson's* Memorial states as a Fact, That the Proceedings were complained of to the Court as illegal, and not agreeable to the Laws of *England*; and that Mr. *Cornelius Goodwin* declared, they had nothing to do with the Laws of *England* there; that they were never made for them, and declared, that he would not so much as bear the Laws of *England* named, while he sat upon the Bench.

If it can be plainly proved, that Mr. *Goodwin*, Mr. *Killican*, or any other of their Associates, the Judges of the Mayor's Court, used, sitting in Judgment, these Words, or Words to the like Effect, they ought to be removed from being Judges of the Court; and upon a Complaint in Writing in some Person's Name, exhibited against Mr. *Goodwin*, or any other of the Judges, charging the Fact above specified; in Writing, and a reasonable Time given to him or them to make their Defence, and being summoned for that Purpose, if the Fact is proved upon them by at least Two Witnesses, they may legally, and ought, for the Sake not only of common Justice, but common Decency, to be discharged from being Judges of the Mayor's Court, and if possible, by appointing other Judges, prevent the Justice of that Country from being so scandalously administered.

Copy of Lord Chief Justice *De Grey's* Opinion.

There is so much Irregularity, Illegality, and Oppression in this Story, that I scarce know how to believe the Parties concerned in transacting it would admit it to be true. I think several of the Decrees as stated are erroneous, and might be appealed from, the Principle of Law mistaken, some of the Orders of the Court unjust, and the *Ne exeat* illegal. If any of the Parties are in *England*, Actions might be brought against them for their Parts of the Transaction, as far as they were illegal; but before a precise Remedy can be pointed out, it would be necessary to see the particular





lar Proceedings, and to know the Facts with Accuracy, and how far they can be brought home to any Person now in *England*.

An Appeal from this or that Order or Decree, or a Petition for Leave to appeal, would not give a full and adequate Relief, and would be attended with great Expence.

The *India* Company are so desirous of establishing a free Course of Justice in their Settlements, that if the Matter is as stated, I cannot but think a Memorial to them, for a Restitution and Satisfaction, might produce a completer Remedy than a Process at Law.

Copy of Sir *Fletcher Norton*'s Opinion.

I think there may be Cases, where it may be legal to detain a Person in *India*, and to issue Writs of the Nature with the present; but upon this State of Facts, all the Proceedings against Mr. and Mrs. *Jephson* seem to be illegal, arbitrary, and most oppressive; and if there is any Doubt of obtaining Redress by the ordinary Course of Proceedings in this Country, it may be advisable to bring the whole hither by Appeal, or by way of criminal Complaint against the Mayor and others, who have been Actors in these Oppressions.

*Fort William*, 3d January 1772.

At a Consultation; PRESENT,

The honourable *John Cartier*, Esquire, President.

*Samuel Middleton,*  
*William Aldersey,*  
*Philip M. Dacres,* } Esquires.  
*Thomas Lane,*

Messrs. *Reed* and *Jekyll* absent.

The Board being met according to Appointment, to examine into the Charge made against Mr. *Cornelius Goodwin*, by Mr. *Jephson*, in his Memorial to the honourable the Court of Directors; and the several Persons summoned being in waiting;

Mr. *Levett*, one of the Aldermen, is called in, and interrogated as follows:

Did you hear, or were you informed, during the Course of Mr. *Jephson*'s Suit, that Mr. *Cornelius Goodwin*, as Mayor of the said Court, on a Representation being made by Mr. *Jephson* or his Attorney, that the Proceedings of the Court were contrary to the Laws of *England*, did reply, That they had nothing to do with the Laws of *England* there; that the Laws of *England* were never made for them; and did declare, that he would not so much as hear the Laws of *England* named, while he sat upon that Bench; or did you hear him utter Words to that Effect?

In reply to which Mr. *Levett* declares, That, to the best of his Remembrance, he never heard such Words, or any Words to that Purport, uttered. He further begs leave to observe,

"That he is under the greatest Concern to find,  
"that the honourable Board should judge it necessary,  
"in pursuance of the honourable Court of Directors,  
"to put a Question to him, to which he cannot answer,  
"as an un-concerned Evidence; because, had he heard  
"an Alderman upon the Bench, or out of Court,  
"publicly avow Sentiments so unworthy his Character  
"and Station, it would have been incumbent upon him  
"to have accused him before the honourable Board;  
"that he regarded the Neglect of this Duty as so high  
"an Offence and Misdemeanor towards the Public,  
"as to lay a just Foundation for a Charge and  
"Arraignment before the honourable Board; that  
"therefore his Evidence, being so interested in the  
"Question, could have little Weight; whilst, under

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"the Sanction of such a Precedent, an Alderman might  
"hereafter be called upon and examined in Evidence  
"to Matters tending to his own Accusation, by which  
"the Principles of Law and Justice would be violated:  
"That the Proceedings of the Mayor's Court were  
"always public, and the Remedy and Mode of  
"Accusation against an Alderman precisely set forth  
"by the Charter; that therefore the direct Application  
"to us by one aggrieved, and having any Misdemeanor wherewith to charge an Alderman was  
"well known, nor could such an Accuser be at  
"any Loss to find Evidence to support his Charge,  
"without Recourse to the Aldermen themselves;  
"who, by a tacit Approbation, would become equally  
"criminal.

"That he was informed, that he was not summoned  
"as an Alderman of the Court; yet the Question  
"was of such a Nature, that he finds a great Difficulty to separate that Character from the Matter  
"it contained; however, that the Respect due to  
"the Judgment, and the Confidence in the Uprightness, of the honourable Board, readily inclined him  
"to give the Court the fullest Information; but that  
"he hoped, if, upon a Re-consideration, there appeared to them any Irregularity, or undue and unauthorized Exercise of Power and Authority, in  
"their present Proceedings, that they would not be  
"drawn into Precedent, either to the Prejudice of  
"the Judges of the Court, or of the Jurisdiction  
"thereof."

Mr. *Levett* withdraws, and Mr. *Killican*, one of the Aldermen, is called in; the above Question put to him. He declares—That he was on the Bench most Part of the Time the Proceedings against Mr. *Jephson* were before the Mayor's Court; and that he never heard any such Expressions uttered by Mr. *Goodwin*; and adds, that, had he made use of any such Words, he should have deemed it his Duty to have taken Notice of it.

Mr. *Killican* having withdrawn, and Mr. *Cator*, one of the Aldermen, called in, the above Question is put to him; to which he replies:

"I have heard Mr. *Goodwin* on the Bench make  
"use of such Words, or Words to that Effect; but I  
"cannot charge my Memory with the Time."

Question by the Board.—Did you take no Notice of it at the Time?

Answer.—I thought it was a very extraordinary Expression, but I did not take any further Notice of it.

Mr. *Cator* withdraws; and Mr. *Morris*, one of the Attornies of the Mayor's Court, being called in, is interrogated as follows:

Question.—Was you Attorney for *Jephson*, or the opposite Party, in 1768?

Answer.—I was Attorney for many of the Plaintiffs against *Jephson*, and am so still.

Question.—Did you regularly attend the Court during that Time?

Answer.—I do not remember missing any one Time.

The same Question verbatim being then put to Mr. *Morris* as to the other Persons before examined, he replies, "I do not recollect his using such Words—  
"I never heard such an Expression made use of by any  
"of the Gentlemen."

Question.—Nor any Words tending to that Purport?

Answer.—No, to the best of my Remembrance.

Mr. *Morris* withdrawing, Mr. *Droz*, who was Sheriff in the Beginning of 1768, is called in:

Question.—Did you hold the Post of Sheriff in 1768?

Answer.—Part of it.

Question.—Were you Sheriff during *Jephson*'s Suit in the Mayor's Court?

Answer.—I was.

Question.—





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Question.—Did you regularly attend the Court?

Answer.—Not regularly, as my other Avocations would not permit me to do it.

The above Question being then put to him, he replies, "I never heard Mr. *Goodwin* use such Expressions, nor did I ever hear any Person else declare that Mr. *Goodwin* had made use of such an Expression."

Mr. *Droz* withdraws.

Messieurs *Reed* and *Jekyll*, who were on the Bench as Aldermen during Part of the Proceedings against *Jephson*, being absent,

Agreed, That they be addressed by the Secretary in the following Manner:

{ To *John Reed*, Esquire,  
 { To *J. Jekyll*, Esquire.

Sir,

The honourable the President and Council being assembled, to enquire into the Truth of the Accusation laid against Mr. *Cornelius Goodwin*, by Mr. *Alexander Jephson*, in his Memorial to the honourable the Court of Directors, and observing that your Name is in the List of those Aldermen who sat on the Bench some one of those Times when the Proceedings against Mr. *Jephson* were brought before the Mayor's Court, they direct me to send you the following Question, relative to the Knowledge you may have of the Allegation against Mr. *Goodwin*, to which they request the Favour of an Answer:

Whether you heard, or were informed, during the Course of Mr. *Jephson's* Suit, that Mr. *Cornelius Goodwin*, as the Mayor of the said Court, on a Representation being made by Mr. *Jephson*, or his Attorney, that the Proceedings of the Court were contrary to the Laws of *England*, did reply, "That they had nothing to do with the Laws of *England* there; that the Laws of *England* were never made for them;" and did declare, "That he would not so much as hear the Laws of *England* named while he sat upon that Bench;" or Words to that Effect?

I am, &c.

*Resolved*, We defer coming to a final Determination on this Matter, until we receive Messieurs *Reed's* and *Jekyll's* Replies.

Fort William, 7 January 1772.

At a Consultation; PRESENT,

The honourable *John Cartier*, Esquire, President.

*Samuel Middleton*,

*William Aldersey*,

*Philip Milner Dacres*,

*Thomas Lane*,

} Esquires.

Messieurs *Reed* and *Jekyll* absent.

Messieurs *Reed* and *Jekyll* send in the Two following Letters, in reply to that written by our Secretary the 3d Instant.

To the honourable *John Cartier*, Esquire, President and Governor, &c. Council at Fort William.

Honourable Sir, and Sirs,

In a Letter from your Secretary, dated 3d Instant, I have received a Question relative to the Knowledge I may have of certain Words said to have been spoken by Mr. *Cornelius Goodwin*, as Mayor, during the Course of Mr. *Jephson's* Suit in the Mayor's Court of

*Calcutta*, to which your Honour, &c. Gentlemen, desire I will reply.

At so great a Distance of Time from my being an Alderman of the Mayor's Court, I cannot charge my Memory with any express Words spoken by the then Mayor at any particular Time: To the best of my Remembrance I never heard Mr. *Goodwin* speak such Words as are contained in Mr. *Jephson's* Accusation, or Words to that Effect, nor ever was informed that he had spoken such Words: When an Alderman of the Mayor's Court, I do remember to have heard Mr. *Goodwin* assert, that the said Court was rather a Court of Equity than of the common Law, or Words to that Effect, though I never considered such Expression of Mr. *Goodwin* as meaning, or being intended, to pervert the Course of Justice, but merely as his Sentiments on the Mode of proceeding in the Mayor's Court, and of the Powers of its Judges.

Fort William, 6th  
 January, 1771.

I am, &c.

*John Reed*.

To the honourable *John Cartier*, Esquire, President and Governor, &c. Council of Fort William.

Gentlemen,

I have received a Letter from your Secretary, on the Subject of an Accusation against Mr. *Goodwin*, when Mayor for the Town of *Calcutta*, desiring my Answer to the Question, "Whether I heard, or was informed, during the Course of Mr. *Jephson's* Suit, that Mr. *Cornelius Goodwin*, as Mayor of the said Court, on a Representation being made by Mr. *Jephson*, or his Attorney, that the Proceedings of the Court were contrary to the Laws of *England*, did reply, That they had nothing to do with the Laws of *England* there; that the Laws of *England* were never made for them; and did declare, that he would not so much as hear the Laws of *England* named while he sat upon that Bench, or Words to that Effect:" To which in reply I must observe, though I do not recollect the Speech with which Mr. *Goodwin* is charged with to have been made by him, I think it is very likely he or any other Alderman on the Bench, who, as they are not supposed to be fully versed in all particular Matters of Law, might, on an Observation from an Attorney of the Court, that the then discussing Point was not conformable to the Rules of Law, have remarked, that that Court was not to be considered as a Court of Law, and that their Judgment should more properly therefore be directed by the Rules of Equity; and this I apprehend to have been the Scope of what passed, if any Observation of that Kind was made; and has given an Opening of perverting the Meaning to a Design, that could surely never be intended, by a Gentleman who had served so many Years here, and at *Madras*, in both Places as Alderman and Mayor, or do I apprehend such would have passed the more particular Notice of the Court then sitting.

I am, &c.

*Calcutta*, 7th January 1772.

*Joseph Jekyll*.

Mr. *Cornelius Goodwin* also sends in the following Address to the Board.

To the Honourable *John Cartier*, Esquire, President, &c. Council.

Honourable Sir, and Sirs,

I have with great Surprise received from your Secretary an Extract of a Memorial of *Alexander Jephson*, late of *Calcutta*, to the honourable the Court of Directors,





rectors, wherein I am accused of having frequently declared, that he the said *Alexander Jephson* should be detained in the Country; and that when his Attorney represented to the Court the Illegality of the Proceedings against him, and that they were not agreeable to the Laws of *England*, I declared, that the Mayor's Court had nothing to do with the Laws of *England*, and that the Laws of *England* were never made for them; and that I would not so much as hear the Laws of *England* named while I sat upon that Bench.

This is an Accusation dictated by the Falsehood and Malice of the said *Jephson* and his Attorney; the one, for being obliged, not by me particularly, but by the Voice of a very full Court, to give Security to his Creditors before he left the Place, for the Payment of many large Demands made upon him, and which appeared to be justly due; the other of his Attorney *Mr. Whittall*, a Person of a notorious bad Character, who, having been justly dismissed the Court for iniquitous Practices, has maliciously published, as I suppose, this Accusation through Revenge.

You, Gentlemen, are Judges, and know well that the issuing of Writs, or any other Process of the Mayor's Court, does not rest in the Breast of the Mayor, or any other single Member of the Court, but are issued by Order of a Court, in Judgment sitting, which cannot consist of less than Three Members; except in the Case of an Affidavit being made by a Creditor, that the Debtor is about to depart the Jurisdiction of the Court, when the Mayor may order a Summons, returnable immediately, and a Warrant therewith, to issue between the Days of the Sitting of the Court. But in the Proceeding complained of by *Mr. Jephson*, no Writs or Orders were issued, but by Orders of very full Courts, as I would not undertake to do any thing without the Opinion and Advice of as many of the Members as I could possibly get to meet.

As to the Words charged to be spoken by me upon the Bench, I declare it to be false, and that I could never make use of Expressions so inconsistent with my Knowledge and Sentiments, as well as my Duty, both as a Magistrate and Subject of *Great Britain*; besides, if such an Expression had been made use of by me upon the Bench, it would have been incumbent on the Members sitting with me to have taken particular Notice of it.

I hope the Laws of *England* will ever be the Law of British Subjects, whatever Part of the World a Colony of them may be in; and I request you will please to be referred to any of the Members or Attornies of the Mayor's Court, whether they have ever heard me make any such Declaration as I am accused of.

If any further Satisfaction upon this Occasion, than what is herein set forth, may be deemed necessary, I am ready to attend your Honours, and remain with the utmost Respect, &c.

*Corn' Goodwin.*

*Calcutta 3d January 1772.*

The Board, taking into serious Consideration the different Informations given in at their last Meeting, with those now before them from Messrs. *Reed* and *Jekyll*, as likewise *Mr. Goodwin's* Address, are of Opinion, That the Foundation for the Charge against that Gentleman is not supported with the necessary Proofs; that though *Mr. Cator's* Information is very positive, *Mr. Goodwin* has expressed the Words set forth in *Mr. Jephson's* Memorial to the honourable Company, or Words to that Effect, yet they are inclined to believe *Mr. Goodwin's* Meaning, as well as his Expressions, must have been misunderstood by *Mr. Cator*; and to confirm them in that Opinion, the Sentiments of *Mr. Reed* and *Jekyll*, as to what they know of *Mr. Goodwin's* Conduct, and the Idea he entertains of his Duty as an Alderman of the Mayor's Court, seems a convincing Proof that he could never have expressed himself in a Manner so disrespectful to the excellent Laws of his Country; they must further remark, that *Mr. Goodwin* has, for a long Series of Years, been on the Bench, either as Mayor or Alderman of the Mayor's Court, both at *Madras* and *Bengal*; and they conceive no Persons entertaining Notions of so extraordinary a Nature could have acted so long in that Capacity, without making himself notorious and offensive to Government. Instead of which, the Board, in Justice to *Mr. Goodwin*, must remark, they have always considered him as an active and impartial Judge in the Performance of his Duty, and has ever been ready to render Justice to the utmost of his Power.—That it has ever been held as an allowed Fact, that the Mayor's Court at *Calcutta*, as established by the Charter, is a Court of Equity, and not of Law; and *Mr. Goodwin* avowing such his Opinion of its Institution, has been perverted by artful and bad Men to an absolute Defiance to the Laws of his Country; whereas no Individual has given more ready Obedience to them, or been more obedient to Government in general.

The Board cannot dismiss this Subject, without remarking on the Information given in by *Mr. Cator*; and are extremely surprized that *Mr. Cator* should have heard Expressions made by *Mr. Goodwin*, of the Nature of those he is charged with in *Mr. Jephson's* Memorial, without having publicly disavowed the same, or rebuking *Mr. Goodwin* for expressing such—this, either as an Alderman of the Mayor's Court, or a British Subject, it was most undoubtedly his Duty to do, or to have lodged a Complaint against *Mr. Goodwin* before the Board, that an Affair of so serious a Nature might be fully enquired into; that it would appear from this, that *Mr. Cator* has either neglected his Duty as Alderman of the Mayor's Court, or tacitly approved of *Mr. Goodwin's* Sentiments, in the Light he understood them in.

Resolved therefore, That the Secretary be directed to signify the Opinion of this Board on the Nature of his Information; and that he likewise inform *Mr. Goodwin*, that the Board, having as minutely as possible enquired into the Charge alledged against him, find no Reason to consider him in any Degree culpable.

## N<sup>o</sup> 2.

Extract of a Letter from the Governor and Council at *Fort William*, &c.

Copy of the Fortieth Paragraph of the Letter from the Governor and Council in *Bengal*, for the Department of the Revenues, to the Court of Directors, dated 3d November 1772.

THE more regular Administration of Justice was deliberated on by the Committee of Circuit, and a Plan was formed by them, which afterwards met with  
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our Approbation: We cannot give you a better Idea of the Grounds on which this was framed, than by referring you to a Copy of it, together with a Letter from the Committee to the Board on the Occasion; both of which make Numbers in this Packet, and we earnestly recommend them to your Perusal, requesting to be assisted with such further Orders and Instructions thereon, as they may require, for completing the System which we have thus endeavoured to establish, on the most equitable, solid, and permanent Footing. We hope



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hope they will be read with that Indulgence, which, we are humbly of Opinion, is due to a Work of this Kind, undertaken on the plain Principles of Experience and common Observation, without the Advantages which an intimate Knowledge of the Theory of Law might have afforded us: We have endeavoured to adapt our Regulations to the Manners and Understandings of the People, and Exigencies of the Country, adhering, as closely as we are able, to their ancient Usages and Institutions. It will be still a Work of some Months, we fear, before they can be thoroughly established throughout the Provinces; but we shall think our Labours amply recompensed, if they meet with your Approbation, and are productive of the good Effects we had in View.

Copy of a Letter from the Committee of Circuit to the Council at *Fort William*, dated *Cossimbazar*, 15th August 1772.

In the Copy of our Proceedings, which accompanied our Letter of the 28 Ultimo, we intimated our Intention of communicating to you our Sentiments in a future Address, upon the Subject of the Magistracy of this Province, which, though an Appendage of the Nizamut, we considered as not necessarily connected with the Propositions which were then recommended to your Attention, and of too much Importance to be lightly or only occasionally treated.

We now transmit to you the Result of our Deliberations on this Subject, in the inclosed Paper, intituled, "A Plan for the Administration of Justice;" and if it meets with your Approbation, we wish to receive your Instructions for carrying it into immediate Execution.

For the Information of our honourable Employers, it may be necessary to premise, what you will readily perceive, that in forming the inclosed Plan we have confined ourselves with a scrupulous Exactness to the constitutional Terms of Judicature already established in this Province; which are not only such as we think in themselves best calculated for expediting the Course of Justice, but such as are best adapted to the Understandings of the People. Where we shall appear to have deviated in any Respect from the known Forms, our Intention has been to recur to the original Principles, and to give them that Efficacy, of which they were deprived by venal and arbitrary Innovations, by partial Immunities, granted as a Relief against the general and allowed Abuse of Authority, or by some radical Defect in the Constitution of the Courts in being; and these Changes we have adopted with the less Hesitation, as they are all of such a Nature, as, we are morally certain, will prove both of general Satisfaction and general Ease to the People.

The general Principles of all despotic Governments, That every Degree of Power shall be simple and undivided, seems necessarily to have introduced itself into the Courts of Justice; this will appear from a Review of the different Officers of Justice instituted in these Provinces, which, however unwilling we are to engross your Time with such Details, we deem necessary on this Occasion, in Proof of the above Assertions, and in Justification of the Regulations which we have recommended.

First. The Nazim, as supreme Magistrate, presides personally in the Trials of capital Offenders, and holds a Court every Sunday, called the Rôz Adawlut.

Second. The Dewan is the supposed Magistrate for the Decision of such Causes as relate to real Estates, or Property in Land, but seldom exercises this Authority in Person.

Third. The Darogo Adawlut al Aalea is properly the Deputy of the Nazim; he is the Judge of all Matters of Property, excepting Claims of Land and Inheritance; he also takes Cognizance of Quarrels, Frays, and abusive Names.

Fourth. The Darogo, Adawlut Dewannee, or De-

puty of the Dewan, is the Judge of Property in Land.

Fifth. The Phousdar is the Officer of the Police, the Judge of all Crimes not capital; the Proofs of these last are taken before him, and reported to the Nazim for his Judgment, and Sentence upon them.

Sixth. The Câzee is the Judge of all Claims of Inheritance and Succession; he also performs the Ceremonies of Weddings, Circumcision, and Funerals.

Seventh. The Mohtesib has Cognizance of Drunkenness, and of the vending of spirituous Liquors and intoxicating Drugs, and the Examination of false Weights and Measures.

Eighth. The Muftee is the Expounder of the Law. Memorandum: The Câzee is assisted by the Muftee and Mohtesib in his Court: After hearing the Parties and Evidences, the Muftee writes the Fettwa, or the Law applicable to the Case in question, and the Câzee pronounces Judgment accordingly. If either the Câzee or Mohtesib disapprove of the Fettwa, the Cause is referred to the Nazim, who summons the Ijlafs, or General Assembly, consisting of the Câzee, Muftee, Mohtesib, the Darogos of the Adawlut, the Moulavies, and all the learned in the Law, to meet and decide upon it. Their Decision is final.

Ninth. The Canongos are the Registers of the Lands. They have no Authority; but Causes of Land are often referred to them for Decision, by the Nazim, or Dewan, or Darogo of the Dewannee.

Tenth. The Cootwall is the Peace Officer of the Night, dependant on the Phousdarree.

From this List it will appear, that there are properly Three Courts for the Decision of Civil Causes (the Canongos being only made Arbitrators by Reference from the other Courts) and one for the Police and Criminal Matters. The Authority of the Mohtesib in the latter being too confined to be considered as an Exception: Yet, as all defective Institutions soon degenerate, by Use, into that Form to which they are inclined, by the unequal Prevalence of their component Parts; so these Courts are never known to adhere to their prescribed Bounds, but when restrained by the Vigilance of a wiser Ruler than commonly falls to the Lot of despotic States; at all other Times, not only the Civil Courts encroach on each other's Authority, but both Civil and Criminal often take Cognizance of the same Subjects; or their Power gradually becomes weak and obsolete through their own Abuses, and the Usurpations of Influence. For many Years past the Darogos of the Adawlut al Aalea, and of the Dewannee, have been considered as Judges of the same Causes, whether of real or personal Property; and the Parties have made their Application as Chance, Caprice, Interest, or the superior Weight and Authority of either, directed their Choice. At present, from obvious Causes, the Dewannee Adawlut is in Effect the only Tribunal: The Adawlut al Aalea, or the Court of the Nazim, existing only in Name.

It must however, be remarked, in Exception to the above Assertion, that the Phousdarree, being a single Judicature, and the Objects of it clearly defined, it is seldom known, but in Time of Anarchy, to encroach on the Civil Power, or lose much of its own Authority; this however is much the Case at present.

The Court in which the Câzee presides seems to be formed on wiser Maxims, and even on more enlarged Ideas of Justice, and Civil Liberty, than are common to despotic Notions of Indian Governments.

They must be unanimous in their Judgment, or the Case is referred in course to the General Assembly; but the Intention of this Reference is defeated, by the Importance which is given to it, and the insurmountable Difficulties attending the Use of it: Few Cases of disputed





puted Inheritance will happen, in which the Opinions of Three independant Judges shall be found to concur: There is therefore a Necessity, either that one shall over-rule the other two, which destroys the Purpose of their Appointment, or that daily Appeals must be made to the Nazim, and his Warrant issued to summon all learned in the Law, from their Homes, their Studies, and necessary Occupations, to form a tumultuous Assembly, to hear and give Judgment upon them: The Consequence is, that the General Assembly is rarely held, and only on Occasions which acquire their Importance from that of the Parties, rather than from the Nicety of the Case itself: The Câzee therefore either advises with his Colleagues in his own particular Court, and gives Judgment according to his own Opinion, or more frequently decides without their Assistance or Presence.

Another great and capital Defect in these Courts is, the Want of a Substitute or subordinate Jurisdiction, for the Distribution of Justice in such Parts of the Province as lie out of their Reach, which in Effect confines their Operations to a Circle, extending but a very small Distance beyond the Bounds of the City of *Meershedabad*: This indeed is not universally the Case: but perhaps it will not be difficult to prove the Exceptions to be an Accumulation of the Grievance; since it is true that the Courts of Adawlut are open to the Complaints of all Men; yet it is only the rich, or the vagabond Part of the People, who can afford to travel so far for Justice; and if the industrious Labourer is called from the farthest Part of the Province to answer their Complaints, and wait the tedious Process of the Courts, to which they are thus made amenable, the Consequences in many Cases will be more ruinous and oppressive, than an arbitrary Decision could be, if passed against them, without any Law or Process whatever.

The Defect is not however left absolutely without a Remedy; the Zemindars, Farmers, Shicdars, and other Officers of the Revenue, assuming that Power for which no Provision is made by the Laws of the Land, but which, in whatever Manner it is exercised, is preferable to a total Anarchy: It will however be obvious, that the judicial Authority, lodged in the Hands of Men who gain their Livelihood by the Profits on the Collections of the Revenue, must unavoidably be converted to Sources of private Emolument; and, in Effect, the greatest Oppressions of the Inhabitants owe their Origin to this necessary Evil: The Câzee has also his Substitute in the Districts, but their legal Powers are too limited to be of general Use; and the Powers which they assume being warranted by no lawful Commission, but depending on their own Pleasure, or the Ability of the People to contest them, is also an Oppression.

From this Variety of Materials we have endeavoured to form the Plan of a more complete, but more extensive, System of Judicature, by constituting Two Superior Courts at the Capital; the one composed of the United Magistracy of the Adawlut al Aalea, the Adawlut Dewannee, and the Câzee (or Câzee's Office) for the Decision of Civil Causes; the other corresponding to the Phousdarree for the Trial of Criminal Cases. To prevent the Abuse of the Power vested in these Courts, and to give Authority to their Decrees, each, instead of a single Judge, is made to consist of several Members; and their Enquiries are to be conducted under the Inspection and Sanction of the Supreme Administration. To render the Distribution of Justice equal in every Part of the Province, similar, but inferior, Courts are also proposed for each separate District, and accountable to the superior. The usurped Power of the Officers of the Collections, and of the Creditor over the Persons of their Debtors, is abolished.

The Judicial Authority, which by the Tenth Regulation is still allowed to the Farmers of the Revenue, is a single Exception to the general Rule, which we have laid down, of confining such Powers to the Two Courts of Adawlut; but as this is restricted to Cases of

Property, not exceeding Ten Rupees, and as they have no Power of inflicting Punishment, or levying Fines, we think an ill Use is not likely to be made of so inconsiderable a Privilege, especially as they themselves are amenable to the Courts of Justice, which will be always ready to receive Complaints against them; and some such Means of deciding the trifling Disputes of the Ryotts upon the Spot is absolutely necessary, as they cannot afford, nor ought to be allowed, on every mutual Disagreement, to travel to the Sudder Cutcherry for Justice.

The detestable and authorized Exactions of the Phousdarree Court, which had its exact Imitators in every Farmer and Aumil of the Province, under the Denomination of Bazee Jumma, have been prohibited, conformably to the wise and humane Injunctions of our honourable Masters; who, from the same Spirit of Equity, have renounced the Right hitherto exercised by the Country Government, and authorized by the Mahometan Law, to a Commission on the Amount of all Debts, and on the Value of all Property, recovered by the Decrees of its Courts; a Practice repugnant to every Principle of Justice, as it makes the Magistrate a Party in the Cause on which he decides, and becomes a legal Violation of the Rights of private Property, committed by that Power which should protect and secure it.

It has also been our Aim to render the Access to Justice as easy as possible.

By keeping exact Records of all judicial Proceedings, it is hoped that these Institutions, if they receive the Sanction of your Approbation, will remain free from the Neglects and Charges to which they would be liable from a less frequent Inspection.

We have judged it necessary to propose some Exceptions to the Order of the honourable Court of Directors, for the total Abolition of Fines in the Court of Phousdarree. All Offences are not punishable by Stripes; and to sentence Men of a certain Rank in Life, or of a superior Cast, to such a public Disgrace, would exceed the Proportion of the Offence, and extend the Punishment to all the Relations and Connections of the Delinquent; to suffer him to escape with total Impunity, would be an Injustice in the other Extreme: In such Cases there is but the middle Way, which we can adopt with an equal Regard to the Spirit of our honourable Masters Commands, and the Rights of Justice, and that is, by levying the Fine upon the Offender, but converting it to a Reparation of the Injury.

Our Motives for the Abolition of the Fees of the Câzees and Mustees, will best appear in the following Extract of a Minute of our Proceedings at *Kishen Nagur*, relating to the Haldarree, or Tax on Marriages, which, for the Reasons therein assigned, we forbade to be levied any longer, and deducted from the Settlement of *Nuddea*: Convinced of the pernicious Effects of so impolitic a Tax, we propose to grant the same Exemption to the other Districts subject to our Direction; and submit to your Consideration, whether it will not be proper to make it general throughout the Province.

The same Reasons which have induced us to abolish the Haldarree, operate with equal Force against the Fees of the Câzees and Mustees, which have always proved a heavy Grievance to the Poor, and an Impediment to Marriage: We have therefore determined on a total Abolition of these, and of the other less Dues hitherto allowed to these Officers, and to put them on the Footing of Monthly Servants with fixed Salaries: We were led to this Resolution, not only by the speculative Advantages which it promised, but by the Experience which this Country has already had of its Effects, from a similar Institution of the Nabob *Meer Cossim*, about the Beginning of the Year 1763, which (as we are assured) was productive of more Marriages than had been known to take place for Years before; and Instances have been even quoted of Men of Forty and Fifty Years of Age, who till then had led a Life of Celibacy, immediately availed themselves of this Exemption,



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emption, to enter into a State, from which they had been before precluded solely by the Want of Means to support the various Expences attending it.

Extract of the Proceedings of the Committee at *Kishen Nagur*, dated the 28th June 1772.

"The Collector explains the Haldarree, or Custom on Marriage, to be a Tax levied by Government, at the variable Rate of Three Rupees, Three Rupees Eight Annas, and Four Rupees Four Annas each: Besides the Haldarree, there are Fees paid to the Cázees and Mustees: The former receive from the principal Inhabitants Two Rupees; from the Second Class One Rupee Eight Annas; and from the lowest Class One Rupee: The Fees of the Mustees are received from the Musicians, and other People who officiate at the Festival; so that, on the Whole, the Fees of Marriage may be estimated at Six Rupees for each, exclusive of the Dues, or voluntary Benefactions of the Gentoos to their Brahmins."

"The Committee are of Opinion, and resolve accordingly, that all the Fees and Taxes of this Article, which produce a Revenue to Government, be abolished, as tending to discourage Population; an Object at all Times of Importance to Government, but more especially at this Time, from the great Loss of Inhabitants, which the Country has sustained by the late Famine, and the Mortality which followed it: They are further of Opinion, that the abolishing of the Fees to the Cázee and Mustee will afford a great Relief to the Inhabitants, as it will not only absolve them from the Fees themselves, but also from the Effects of the oppressive Mode in which these Dues are exacted: But on this Subject they judge it will be more proper to come to a general Resolution at the City, and therefore postpone the further Consideration of it until their Arrival at that Place."

We have judged it necessary to add to the Regulations, with respect to the Courts of Phousdarree, a Proposal for the Suppression and Extirpation of Decoits, which will appear to be dictated by a Spirit of Rigour and Violence, very different from the Caution and Lenity of our other Propositions, as it in some Respect involves the Innocent with the Guilty. We wish a milder Expedient could be suggested; but we much fear, that this Evil has acquired a great Degree of its Strength from the Tenderneß and Moderation which our Government has exercised towards those Banditti, since it has interfered in the internal Protection of the Provinces. We confess that the Means which we propose can in no wise be reconcileable to the Spirit of our own Constitution; but till that of *Bengal* shall attain the same Perfection, no Conclusion can be drawn from the *English* Law, that can be properly applied to the Manners or State of this Country. The Decoits of *Bengal* are not like the Robbers in *England*, Individuals driven to such desperate Courses by sudden Want: They are Robbers by Profession, and even by Birth: They are formed into regular Communities, and their Families subsist by the Spoils which they bring home to them; they are all therefore alike criminal; Wretches who have placed themselves in a State of declared War with Government, and are therefore wholly excluded from every Benefit of its Laws. We have many Instances of their meeting Death with the greatest Insensibility; it loses therefore its Effect as an Example; but when executed in all the Forms and Terrors of Law, in the Midst of the Neighbours and Relations of the Criminal; when these are treated as Accessaries to his Guilt, and his Family deprived of their Liberty, and separated for ever from each other, every Passion, which before served as an Incentive to Guilt, now becomes subservient to the Purposes of Society, by turning them from a Vocation, in which all they hold dear, besides Life, becomes forfeited by their Conviction; at the same Time, their Families, instead of being lost to the Com-

munity, are made useful Members of it, by being adopted into those of the more civilized Inhabitants. The Ideas of Slavery, borrowed from our American Colonies, will make every Modification of it appear, in the Eyes of our own Countrymen in *England*, a horrible Evil; but it is far otherwise in this Country; here Slaves are treated as the Children of the Families to which they belong, and often acquire a much happier State by their Slavery, than they could have hoped for by the Enjoyment of Liberty; so that, in Effect, the apparent Rigour, thus exercised on the Children of convicted Robbers, will be no more than a Change of Condition, by which they will be no Sufferers; though it will operate as a Warning on others, and is the only Means which we can imagine capable of dissipating these desperate and abandoned Societies, which subsist on the Distress of the general Community.

A true Copy.

*Alexander Higginson*, Secretary.

Revenue Department,  
Fort William, 3d Nov. 1772.

A Plan for the Administration of Justice; extracted from the Proceedings of the Committee of Circuit, 15th August 1772.

## I.

That in each District shall be established Two Courts of Judicature, one by the Name of Mofussul Dewannee Adawlut, or Provincial Court of Dewannee, for the Cognizance of Civil Causes; the other by the Name of Phousdarree Adawlut, or Court of Phousdarree, for the Trial of all Crimes and Misdemeanors.

## II.

That for the better ascertaining the Jurisdiction of each Court, and to prevent Confusion, and a Perversion of Justice, the Matters cognizable by each respectively are declared to be as follows:

All Disputes concerning Property, whether real or personal; all Causes of Inheritance, Marriage, and Cast; all Claims of Debt, disputed Accounts, Contracts, Partnerships, and Demands of Rent; shall be judged by the Dewannee Adawlut.

But from this Distribution is excepted the Right of Succession to Zemindarrees and Taluccdarrees, which shall be left to the Decision of the President and Council.

All Trials of Murder, Robbery, and Theft, and all other Felonies, Forgery, Perjury, and all Sorts of Frauds and Misdemeanors, Assaults, Frays, Quarrels, Adultery, and every other Breach of the Peace, or violent Invasions of Property, shall be submitted to the Phousdarree Adawlut.

## III.

That in the Provincial Court of Dewannee, the Collector of each District shall preside on the Part of the Company, in their Quality of King's Dewan, attended by the Provincial Dewan, appointed by the President and Council, and the other Officers of the Cutcherry; that the Court shall be regularly held on every *Monday* and *Thursday*, and oftener if Necessity require; and that no Causes shall be heard or determined but in the open Court regularly assembled.

## IV.

That in the Phousdarree Adawlut, the Cázee and Mustee of the District, and Two Moulavies, shall sit to expound the Law, and determine how far the Delinquents shall be guilty of a Breach thereof; but that the Collector shall also make it his Business to attend to the Proceedings of this Court, so far as to see that all necessary Evidences are summoned and examined, that due Weight is allowed to their Testimony, and that the Decision past is fair and impartial, according to the Proofs exhibited in the Course of the Trial; and that no Causes shall be heard or determined but in the open Court regularly assembled.

V. That





## V.

That in like Manner Two Superior Courts of Justice, shall be established at the Chief Seat of Government, the one under the Denomination of the Dewannee Sudder Adawlut, and the other the Nizamut Sudder Adawlu.

## VI.

That the Dewannee Sudder Adawlut shall receive and determine Appeals from the Provincial Dewannee Adawlut; that the President, with Two Members of the Council, shall preside therein, attended by the Dewan of the Khalsa, the Head Canongos, and other Officers of the Cutcherry: In case of the Absence of the President, a Third Member of the Council to sit; that is to say, not less than Three Members to decide on an Appeal, but the whole Council may sit if they chuse it.

## VII.

That a chief Officer of Justice, appointed on the Part of the Nazim, shall preside in the Nizamut Adawlut, by the Title of Darogo Adawlut, assisted by the Chief Cāzee, the Chief Mustee, and Three capable Moulavies; that their Duty shall be to revise all the Proceedings of the Phousdarree Adawlut; and in capital Cases by signifying their Approbation or Disapprobation thereof, with their Reasons at large, to prepare the Sentence for the Warrant of the Nazim, which shall be returned into the Mofussul, and there carried into Execution; that with respect to the Proceedings in this Court, a similar Controul shall be lodged in the Chief and Council, as is vested in the Collectors in the Districts; so that the Company's Administration, in Character of King's Dewan, may be satisfied that the Decrees of Justice, on which both the Welfare and Safety of the Country so materially depend, are not injured or perverted by the Effects of Partiality or Corruption.

## VIII.

That, in order to preserve the Dignity and Importance of the Two Superior Courts, there shall be Two Courts of Adawlut established at the Seat of Government, exactly on the same Plan as those of the Districts: In that of the Dewannee, a Member of the Council shall preside; and in that of the Phousdarree another Member of the Council shall exercise the Controul specified in the Fourth Regulation: These Duties to be performed by the Members in Rotation.

## IX.

That, as nothing is more conducive to the Prosperity of any Country, than a free and easy Access to Justice and Redress, the Collectors shall at all Times be ready to receive the Petitions of the injured; and further, to prevent their being debarred this Access from Motives of Interest, Partiality, or Resentment, in the Officers or Servants of the Cutcherry, that a Box shall be placed at the Door of the Cutcherry, in which the Complainants may lodge their Petitions at any Time or Hour they please; that the Collector shall himself keep the Key of this Box, and each Court Day have such Arzees as he may find in it read immediately in his Presence, by the Arizbeggy of the Cutcherry.

## X.

That in summoning from the Farmed Lands Persons complained against, or Evidences called on by the Parties, the Rule laid down in the Ninth Article of the Public Regulations is to be strictly adhered to. The Collector ought further to avoid, as studiously as possible, summoning any Persons from the Mofussul, who are any ways connected with the Revenue, during the Months of Bhadoom, Assin, Augun, and Poos, unless in Cases which call for immediate Enquiry and Example.

## XI.

That, in order to facilitate the Course of Justice in trivial Causes, and relieve the Ryott from the heavy Grievance of travelling to a great Distance to seek for Redress, all Disputes of Property, not exceeding

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Ten Rupees, shall be decided by the Head Farmer of the Pergunnah to which the Parties belong; and his Decree shall be final.

## XII.

That the Process observed for trying Causes, in the Provincial Dewannee Adawlut, shall be as follows.—First, To file and read the Petition of the Complainant. Secondly, To allot a limited Time for the Defendant to give Answer, which when received shall also be filed and read.—Thirdly, To hear the Parties, viva voce, and, if necessary, examine Evidences. And lastly, To pass Decree.—That if, in adhering to this Order of Process, the Defendant shall evade or delay giving Answer within the limited Time, Judgment shall pass against him.

## XIII.

That complete Records shall be kept in the Mofussul Dewannee Adawlut, in which shall be inserted the Petition of the Complainant, the Answer of the Defendant, the subsequent Process, and Examination of Evidence, and finally the Decree; that upon Decree being passed, both Parties shall be furnished with a Copy thereof, free of Expence, and that such Copies shall be authenticated under the Public Seal and the Signing of the Collector: That a Copy of the Records entire shall be also transmitted Twice a Month to the Sudder Dewannee Adawlut, through the Channel of the President and Council.

## XIV.

That each Collector shall also keep an Abstract Register of his Adawlut, in English, containing the Names of the Plaintiff and Defendant, the Substance of the Suit, the Substance of the Decree, the Date of the Cause being filed, and the Date of the Decree being passed; and this Abstract also shall be transmitted Twice a Month to the Sudder Dewannee Adawlut.

## XV.

That as the Litigiousness and Perseverance of the Natives of this Country, in their Suits and Complaints, is often productive, not only of Inconvenience and Vexation to their Adversaries, but also of endless Expence and actual Oppression, it is to be observed as a standing Rule, that Complaints of so old a Date as Years shall not be actionable: And further, should they be found guilty, as is often the Case, from the Principles above-mentioned, of flying from the one Court to the other, in order to prevent and protract the Course of Justice, the Party, so transgressing, shall be considered as nonsuited, and shall, according to his Degree in Life, and the Notoriety of the Offence, be liable to Fine or Punishment.

N. B. By the Mahometan Law, all Claims which have lain dormant for Twelve Years, whether for Land or Money, are invalid.—This also is the Law of the Hindoos, and the legal Practice of the Country.

## XVI.

That the Custom of levying Chout, Duffattra, Puchuttra, or any other Fee or Commission, on the Account of Money recovered, or Etlaik on the Decision of Causes, as well as all heavy arbitrary Fines, is absolutely and for ever abolished.

## XVII.

That as, however Cases may occur, in which it will be highly necessary, for the Welfare of the Community, to curb and restrain trivial and groundless Complaints, and to deter Chicane and Intrigue, which Passions amongst these People often work to the Undoing of their Neighbours, a Discretion shall in such Cases be left to the Court, either to impose a Fine, not exceeding Five Rupees, or inflict corporal Punishment, not exceeding Twenty Lashes with a Rattan, according to the Degree of the Offence, and the Person's Station in Life.

## XVIII.

That in adjusting the Claims of old Debts, it shall be observed as a Rule, that they bear no further Interest

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after such Adjustment, but that the Amount shall be payable by Kistbundee, according to the Circumstances of the Party: And as the Rates of Interest, hitherto authorized by Custom, have amounted to the most exorbitant Usury, the following Rates are now established to be received and paid, as well for past Debts as on future Loans of Money; viz. On Sums not exceeding One hundred Rupees Principal, an Interest of Three Rupees Two Annas per Cent. per Menssem, or Half an Anna in the Rupee: On Sums above One hundred Rupees Principal, an Interest of Two Rupees per Cent. per Menssem, the Principal and Interest to be discharged according to the Condition of the Bond; and all Compound Interest, arising from an intermediate Adjustment of Accounts, to be deemed unlawful and prohibited: When a Debt is sued for upon a Bond, which shall be formed to specify a higher Interest than the established Rates, the Interest shall be wholly forfeited to the Debtor, and the Principal only recoverable; and that all Attempts to elude this Law, by Deductions from the original Loan, under whatever Denomination, shall be punished by a Forfeiture of One Moiety of the Amount of the Bond to the Government, and the other Half to the Debtor.

## XIX.

That all Bonds shall be executed in the Presence of Two Witnesses.

## XX.

That whereas it has been too much the Practice in this Country for Individuals to exercise a judicial Authority over their Debtors, a Practice, which is not only in itself unlawful and oppressive, seeing a Man thereby becomes the Judge in his own Cause, but which is also a direct Infringement of the Prerogative and Powers of the regular Government; that Publications shall therefore be made, forbidding the Exercise of all such Authority, and directing all Persons to prefer their Suits to the established Court of Adawlut; and that the Collector shall particularly attend to this Regulation, which, it is apprehended, will prove a great Means of Relief to the helpless Ryott, from his merciless Creditor the Money Lender.

## XXI.

That in all Cases of disputed Property, regarding Lands, Houses, Landmarks, &c. where a local Investigation is required, an Aumin shall be chosen with the mutual Consent of the Parties; or, if they cannot agree in the Choice of one Person, each shall have the Privilege of nominating his own, and the Collector shall decide upon their joint Report of Circumstances. The Collector is also to attend, that the Aumins do not accumulate Expences by unnecessary Delays, but that their Scrutinies and their Wages be limited to the Time he judges sufficient for performing the Service in question. The Expence of the Inquiry to be defrayed by the Person who is cast.

## XXII.

That in all Cases of disputed Accounts, Partnerships, Debts, doubtful or contested Bargains, Non-performances of Contracts, and so forth, it shall be recommended to the Parties to submit the Decision of their Cause to Arbitration, the Award of which shall become a Decree of the Dewannee Adawlut; the Choice of the Arbitrators is to rest with the Parties, but they are to decide the Cause without Fee or Reward. The Collector, on the Part of Government, is to afford every Encouragement in his Power to Inhabitants of Character and Credit to become Arbitrators, but is not to employ any coercive Means for that Purpose.

## XXIII.

That in all Suits regarding Inheritance, Marriage, Cast, and other religious Usages or Institutions, the Laws of the Khoran with respect to Mahometans, and those of the Shaster with respect to Gentoos, shall be invariably adhered to: On all such Occasions, the Moulavies or Brahmins shall respectively attend to expound the Law,

and they shall sign the Report, and assist in passing the Decree.

## XXIV.

That the Decree of the Provincial Dewannee Adawlut, on all Causes for Sums not exceeding Five hundred Rupees, shall be final; but that for all above that Amount, an Appeal shall lie to the Sudder.

## XXV.

That the Court shall have a Right of decreeing to the Party, in whose Favour Judgment is given, any specific Sum for Costs within the real Amount, or in general to decree with Costs. The Bill in both Cases to be taxed by the Court.

## XXVI.

That Persons found guilty of preferring groundless, litigious, or vexatious, Appeals, shall be punished at the Discretion of the Sudder Dewannee Adawlut, by an Enhancement of the Costs, which shall be given to the Respondent, as a Compensation for the Trouble and Expence which he shall have sustained.

## XXVII.

That complete Records shall be kept, and transmitted from the Provincial Phousdarree Adawlut to the Nizamut Sudder Adawlut, Twice every Month, through the Channel of the President and Council. This exclusive of the Proceedings in Trials for capital Crimes, which are to be transmitted as soon as closed.

## XXVIII.

That the Collector shall also keep an Abstract Register, in English, of the Proceedings of this Court, in which shall be inserted only the Names of the Prisoners, the Crimes or Offences of which they stand charged, and the Sentence or Acquittal, which shall be transmitted in like Manner, Twice every Month, to the Sudder Adawlut.

## XXIX.

That the Authority of this Court shall extend to corporal Punishment, Imprisonment, sentencing to the Roads, and Fines, but not to the Life of the Criminal. In capital Cases the Opinion of the Court, with the Evidences and Defence of the Prisoner, shall be transmitted to the Nizamut Adawlut, and having obtained their Confirmation, it shall be ultimately referred to the Nazim for his Sentence, which shall be carried into immediate Execution, as directed in the Seventh Article.

## XXX.

That Persons guilty of petty Misdemeanors, whose Rank, Cast, or Station in Life, shall be thought to exempt them from corporal Punishment, may be made liable to Fines; but should such Fines be laid for a larger Sum than One hundred Rupees, they are not to be enforced or levied without the Confirmation of the Nizamut Adawlut; for which Purpose they are to be immediately reported, with a State of the Case, and the Cause of their being imposed.

## XXXI.

That as the Forfeiture and Confiscation of the Property and Effects of Delinquents sentenced to the Loss of Life may often occur, it is to be observed that such Forfeiture and Confiscation is not to depend on the Provincial Phousdarree, but upon the Nizamut Adawlut: It is to be a standing Rule therefore, to transmit, with the Proceedings of the Trial, an Account of the Property and Effects of the Delinquent, and wait the Orders of the Sudder, whether they are to be surrendered to the Heirs, or confiscated to the State: In the latter Case a Sale is to be made, and the Amount brought to public Account.

## XXXII.

That whereas the honourable Company, from Motives of Tenderness, and Solicitude for the Peace and Happiness of the Ryotts, have determined to abolish the Revenue which has hitherto arisen from the Collections of the Phousdarree Bazee Jumma, the same is accordingly to be made public; the Court is still to take Cognizance of





of all such Offences, but shall inflict no other Punishment for them than Stripes or Imprisonment, or Damages to the Party injured.

## XXXIII.

That the same Motives of Regard for the Tranquillity and Happiness of the Ryotts, having induced the Government to relinquish the Revenue arising from the Rassoons, or Fees of the Câzee and his inferior Officers, of which the Inhabitants have long complained as a severe Grievance, the Câzee and Musfee are therefore introduced in the List of Adawlut Officers at a Monthly Salary: In this Capacity they are to continue to attest all Writings, to perform all Ceremonies of Marriages, Births, and Funerals, and to discharge all their other Functions as was customary heretofore; and as they are thus to be supported at the Expence of Government, they are to exact no Fees, Dues, or Taxes whatsoever: Any Present or Gratification, made with the entire free Will of the Party, on the Occasion of a Marriage or of a Funeral, is not prohibited by this Regulation; but if upon Complaint it shall appear that Force or any other undue Influence has been used to extort such Gratifications, the Câzee or Musfee so convicted shall be ipso facto dismissed from his Office, with Marks of public Disgrace.

## XXXIV.

That the Office of Yetasfab, having become obsolete, is now totally abolished; but that the Câzee and Musfee shall be allowed each Two Deputies for performing the Duties of their Office in the Pergunnahs; these to be stationed by the Collector at such convenient Distances, as that the Ryotts may not have above One Day's Journey to perform for calling in their Assistance.

## XXXV.

That whereas the Peace of this Country hath for some Years past been greatly disturbed by Bands of Decoits, who not only infest the High Roads, but often plunder whole Villages, burning the Houses, and murdering the Inhabitants: And whereas these abandoned Outlaws have hitherto found Means to elude every Attempt, which the Vigilance of Government hath put in force, for detecting and bringing such atrocious Criminals to Justice, by the Secrecy of their Haunts, and the wild State of the Districts, which are most subject to their Incurfions, it becomes the indispensable Duty of Government to try the most rigorous Means, since Experience has proved every lenient and ordinary Remedy to be ineffectual: That it be therefore resolved, that every such Criminal, on Conviction, shall be carried to the Village to which he belongs, and be there executed, for a Terror and Example to others; and for the further

Prevention of such abominable Practices, that the Villages of which he is an Inhabitant shall be fined, according to the Enormity of the Crime, and each Inhabitant according to his Substance, and that the Family of the Criminal shall become the Slaves of the State, and be disposed of for the general Benefit and Convenience of the People, according to the Discretion of the Government.

## XXXVI.

That the Tannadars and Pikes of the Districts shall be punished by Dismission, or Fines, if they neglect the Duties of their Charge; and as an Encouragement for them to exert themselves in the Protection of the Villages committed to their Care, and in detecting, opposing, and bringing to Justice, all Decoits and other Offenders against the public Peace, pecuniary Rewards, Grants of Lands, or particular Privileges and Immunities, shall be granted them, proportioned to their Deserts, and the Services which they shall have rendered the State.

## XXXVII.

That, in Addition to these general Regulations, the Collector shall form such subsidiary ones for promoting the due Course of Justice, and the Welfare and Prosperity of the Ryotts, as the local Circumstances of their respective Districts shall point out and require, and that they shall report the same to the Committee of Circuit, in order to their being communicated to the Board, for their final Sanction and Confirmation.

That they shall in particular, and without Delay, regulate and transmit for Confirmation, the Fees to be received by all Peons and Pikes employed in the Service of the Courts of Adawlut, which can only be done with Accuracy from Information on the Spot. And that they shall further establish such Rules, with Penalties annexed, as may serve effectually to eradicate the Practice among the Officers and Servants of the Cutcherry, of exacting and receiving Bribes from the Parties who have Causes in Suit; a Practice not only criminal in the Persons who are guilty of it, but which reflects Discredit and Reproach on the Government under which they serve.

A true Extract.

*Alexander Higginson*, Secretary.

Revenue Department,  
Fort William, 3d Nov. 1772.





E I G H T H  
R E P O R T  
FROM THE  
COMMITTEE OF SECRECY  
APPOINTED TO ENQUIRE INTO  
T H E S T A T E  
OF THE  
*EAST INDIA COMPANY.*

Together with an APPENDIX referred to in the said Report.

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Reported by Mr. ALDERMAN HARLEY on the 11th Day of *June* 1773.

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