

**MINUTES OF EVIDENCE**

TAKEN BEFORE THE

**SELECT COMMITTEE**

ON THE

**A F F A I R S**

OF

**THE EAST INDIA COMPANY;**

AND ALSO AN

**APPENDIX AND INDEX.**

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**IV.**

*Judicial.*

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*ordered, by The House of Commons, to be Printed,*

*16 August 1832.*

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Rare section

**IV.—Judicial.****EXTRACT from the REPORT of the COMMITTEE.**

IN the Judicial Department such Evidence, oral and documentary, has been taken, as seemed best calculated to exhibit the actual state of the Judicial Administration in India, during the period which has elapsed since the last renewal of the East India Charter.

Shortly after the passing of the Act of the 53 Geo. 3, c. 155, important alterations were introduced into the Judicial Code of the Madras Presidency. The Regulations of the other Presidencies have also been modified at various times, in several particulars; and in Bengal changes of great extent have succeeded each other at recent periods.

The Inquiries of Your Committee have been directed to the nature and extent of those several alterations, the success that has attended such as have been for some time in operation, and the anticipations formed of the probable effect of the more recent measures.

In the prosecution of this branch of their Inquiries, much valuable information has been received as to the nature and causes of the delays in the administration of Civil and Criminal Judicature; the forms of proceeding in the Indian Courts; the duties and qualifications of the Vakeels or Native Bar; the mode of taking Evidence; the efficacy of Judicial Oaths, and the credibility of Native Testimony; and the Costs attending the prosecution and defence of Civil Suits. Inquiry was also made into the efficiency of the Criminal Courts, and the duties and qualifications of the Mahomedan Law Officers, whose opinions, or verdicts, were required to be taken in all trials before the Courts of Circuit.

Your Committee directed their particular attention to the question of what alterations it might be necessary to introduce into the system of Judicial Administration if Europeans should be permitted to resort freely to India, and to settle themselves in our Territorial Possessions. Connected with this subject was that of the preparation of a Code of Laws defining rights more distinctly than has yet been done, and laying down principles which should govern our Judicial Tribunals in adjudicating on questions of tenure, inheritance, succession, and contract, and the expediency of establishing Legislative Councils abroad, or the best means of otherwise providing for the preparation of local enactments calculated to ensure the pure and speedy administration of justice.

The System of Education employed for preparing the Civil Servants of the Company to discharge the various and high duties which devolve upon them, and more especially those of a judicial nature, has been inquired into. The Investigation embraced the studies at the East India College at Haileybury, and particularly that portion of them which was dedicated to the acquisition of the principles of general and particular Law; and it was extended to the System of Instruction prescribed to Writers on their arrival in India, and the course of their employment and promotion in the several branches of Indian administration.

The practicability, and expediency of employing Natives to a greater extent than has hitherto been the practice in the Administration of Justice,

both Civil and Criminal, being a subject of peculiar interest and importance, minute inquiries were made into the extent to which Hindoos and Mahomedans had heretofore been engaged in those functions; the education by which they had been prepared for their duties, and the effect of national habits and feelings on their moral character; the nature of the institution denominated "Punchayet," its resemblance to that of juries or of arbitration; the fitness of natives to sit as jurors or as assessors in the courts, and their qualifications for discharging the duties of justices of the peace, exercising jurisdiction over Europeans as well as over their own countrymen.

To the oral Evidence, the chief points of which Your Committee have now briefly stated, they have added a considerable number of valuable Documents, which they have arranged in Classes.

## Appendix I.

The First Class consists of a series of Letters from the Court of Directors of the East India Company to their Governments of Bengal, Madras and Bombay, reviewing severally the operations of the Civil and Criminal Courts at those Presidencies.

## Appendix II.

The Second Class embraces Discussions relative to the Measures recommended by the Home Authorities in 1814, and the operation of the Changes introduced into the Madras Code in 1816.

## Appendix III.

The Third Class exhibits the grounds on which the appointment of the functionaries denominated "Commissioners of Revenue and Circuit" took place.

## Appendix IV.

The Fourth Class contains important Documents relative to the alterations in the Judicial Administration, which were suggested chiefly by the Calcutta Finance Committee, and the Changes which have in consequence been introduced, or are in contemplation.

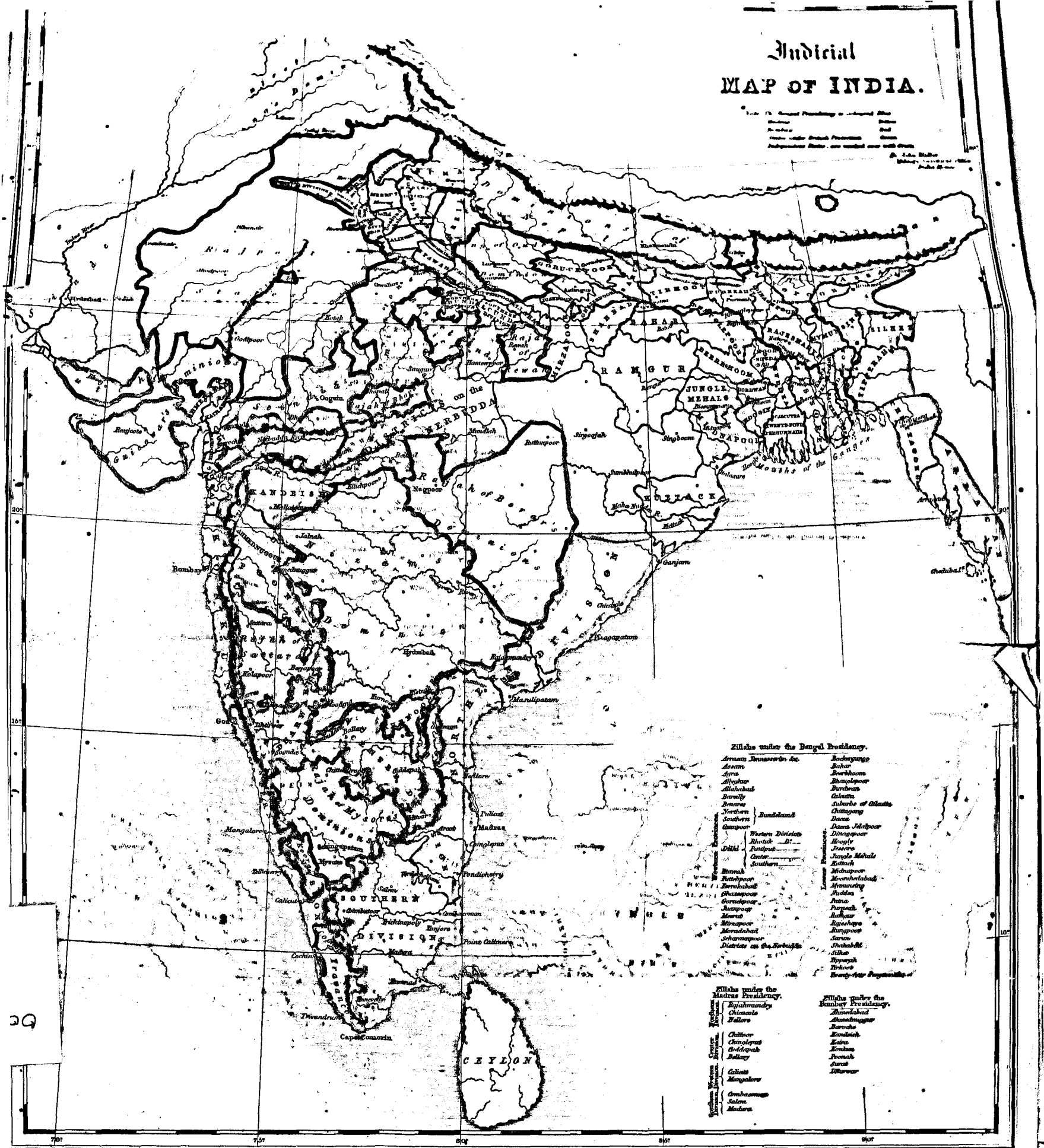
## Appendix V.

As illustrative of the details of the foregoing Documents, Your Committee have added a series of Statements, some of which have been prepared in this country, and some in the office of the Judicial Secretary at Calcutta, showing the extent, operations and expense of the Judicial Establishments.

## Appendix VI.

The Laws, to the consideration of which the labours of Your Committee have been devoted, being spread over a number of large volumes, which it is not easy to consult, and it being frequently desirable to refer either to the course of legislation on the several topics of Local Law or Regulation, or to the subject of any particular Enactment treated of or referred to in any Document under consideration, Your Committee have caused an Abstract to be prepared of the Judicial Regulations of the Bengal Code (which has principally served as the text-book from which the Regulations of the other Presidencies have been framed), and, as the provisions of the Revenue Laws are found to blend themselves so intimately with those for the administration of Civil Justice, and the duties of the Collectors to partake, in so many instances, of a judicial character, the Committee directed the preparation of a similar Abstract of the Bengal Revenue Regulations. These Abstracts constitute the Sixth Appendix.

# Judicial MAP OF INDIA.



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ON THE AFFAIRS OF THE EAST INDIA COMPANY.

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MEMBERS BEFORE WHOM THE FOLLOWING  
EVIDENCE WAS TAKEN.

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Mr. Robert Grant.

Mr. Shiel.

Mr. Cutlar Fergusson.

Mr. Serjeant Wilde.

Mr. Edward Stewart.

Mr. O'Connell.

Mr. Whitmore.

Mr. Bonham Carter.

Mr. Ewart.

Lord Viscount Milton.

## LIST OF WITNESSES.

<i>Martis, 28° die Februarii 1832 :</i>	<i>Veneris, 13° die Aprilis 1832 :</i>
Richard Clarke, Esq. - - - p. 1	Robert North Collie Hamilton, Esq. p. 68
<i>Martis, 6° die Martii 1832 :</i>	<i>Luna, 16° die Aprilis 1832 :</i>
Richard Clarke, Esq. - - - p. 7	William Butterworth Bayley, Esq. - p. 78
<i>Veneris, 16° die Martii 1832 :</i>	<i>Martis, 17° die Aprilis 1832 :</i>
Holt Mackenzie, Esq. - - - p. 13	Thomas Fortescue, Esq. - - - p. 105
<i>Luna, 26° die Martii 1832 :</i>	Alexander Duncan Campbell, Esq. - p. 111
David Hill, Esq. - - - p. 25	<i>Mercurii, 18° die Aprilis 1832 :</i>
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David Hill, Esq. - - - p. 33	<i>Veneris, 29° die Junii 1832 :</i>
<i>Martis, 3° die Aprilis 1832 :</i>	James Mill, Esq. - - - p. 119
Holt Mackenzie, Esq. - - - p. 40	<i>Luna, 2° die Julii 1832 :</i>
Thomas Fortescue, Esq. - - - p. 47	William Empson, Esq. - - - p. 128
<i>Luna, 9° die Aprilis 1832 :</i>	<i>Veneris, 6° die Julii 1832 :</i>
James O. Oldham, Esq. - - - p. 53	Sir Alexander Johnston - - - p. 136
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## I N D E X

TO

## IV.—Judicial.

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## A.

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## 1. Generally.

2. *Papers laid before the Committee*

## 1. Generally.

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2. *Papers laid before the Committee:*

Necessity for admission to the service in the first instance being made the reward of talents, industry and good conduct; necessity for particularly attending to the principle of selection on first admission, *App.* p. 276. pars. 270–273.

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*Clarke, Richard.* (Analysis of his Evidence.)—Witness's situations, and correspondence carried on by him with the different civil courts of justice in India, 1–7—Course of education of writers in the Madras College, 8—No difference made in the course of education, with reference to future employment, 9, 10—Selection to office and qualifications, rest entirely with the Governor-general; there is no rule prescribing any course of education, or of promotion for judicial offices, 11–14, 36–41—Sir Thomas Munro placed civil servants in the revenue department first, as the best qualified to obtain knowledge,

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**COLLECTORS.***Papers laid before the Committee.*

1. Bengal.
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## 1. Bengal.

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## 2. Madras.

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*Combaconum, Zillah.* Number of suits, to the extent of twenty rupees and upwards, instituted in the district moonsiff's court; number of such suits settled by razenamah; number decided on merits; and number decided and appealed to the zillah courts, *App.* p. 366, 375.

*Commissioners. See Native Commissioners.*

*Commissioners of Revenue and Circuit. See Circuit.*

*Commissions, Special.* Letter from the mofussil special commission to E. Malony, Esq. secretary to the Sudder commission, dated 5th July 1826, relative to seventeen cases belonging to Cawnpore, which were dismissed without investigation under certain instructions, and requesting authority to re-hear them; stating certain doubts respecting the loss of possession and grounds for their being re-heard, *App.* p. 399—Letter from E. P. Smith, Esq. officiating secretary Sudder special commission, to the Mofussil special commission, dated 21st July 1826, in answer to the above, and stating reasons for the cases not being re-heard, *App.* p. 399—Letter from the Mofussil special commission to the secretary to the Sudder special commission, dated 6th September 1826, enclosing petition of certain parties for re-hearing of one case, and requesting final determination of the Sudder commission, *App.* p. 399—Letter from J. R. Best, Esq. officiating secretary to the Sudder commission, containing directions upon the subject, and also directing the case for which petition received to be reviewed, *App.* p. 400—Letter from the Mofussil special commission to the Sudder special commission, submitting the draft of a regulation for extending the powers of the commission relative to certain claims, and showing necessity for such an extension, *App.* p. 400—Copy proposed regulation, *App.* p. 401.

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## COURTS OF JUSTICE.

### I. Generally.

### II. Native.

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### IV. Papers laid before the Committee.

#### 1. Generally.

#### 2. European.

#### 3. Bengal.

#### 4. Madras.

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*Courts of Justice*—continued.IV. *Papers laid before the Committee*—continued.1. *Generally*—continued.

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2. *European.*

Manner in which the higher European tribunals have been relieved from a considerable portion of their business, by the extended jurisdiction granted to magistrates and sudder ameens, *App.* p. 274. par. 250, 251—Statement of causes decided by the European tribunals in the different zillahs at Madras during the year 1815, and of causes depending on 1st January 1816, *App.* p. 322, 323—Statement of causes decided by the European tribunals in the different zillahs at Madras during the year 1825, and of causes depending on 1st January 1826, *App.* p. 322, 323.

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3. *Bengal.*

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*Courts Martial, Native.* Nature thereof, and difficulties in the way of obtaining justice, *Melville, 700*—Are generally superintended by European officer, *Hamilton 755.*

*Court of Wards.* See *Wards, Court of.*

*Creditors.* Regulation XXI. 1814, Public officers forbidden\* to appoint their creditors to situations under them, *App.* p. 687.

## CRIME:

I. *Generally.*II. *Papers laid before the Committee.*1. *Bengal.*2. *Madras.*3. *Bombay.*I. *Generally.*

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*II. Papers laid before the Committee.**1. Bengal.*

State of crime in the Lower and Western Provinces of Bengal, and observations thereupon, 1825–6 and 1827–8, *App.* p. 201.—1818–1828, *App.* p. 203–209.—Statement of proceedings of criminal courts, showing number of persons convicted, offences for which convicted, and sentences passed, *App.* p. 207–209.—Statement of crimes ascertained to have been committed in the several zillahs; the number of persons supposed to have been concerned, and the computed amount of property stolen and recovered in the year 1813; also the number of persons concerned in those crimes, who were apprehended and brought to trial in the Western Provinces, *App.* p. 562.

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*Criminal Judges, Madras.* Acquittals and punishments before the criminal courts, periodically between 1819-1829, *App.* p. 217—Statement showing the number of prisoners under examination before the criminal judges on 1st January 1825-1827, *App.* p. 339—General statement of the number of persons punished, released and sent to the criminal judge, by the magistracy in 1825; and of persons in custody under examination by the magistracy on 1st January 1826, *App.* p. 340, 341—Statement showing the number of persons apprehended and delivered over to the criminal judges 1825-1827, *App.* p. 342, 343—Statement showing the number of persons apprehended, released and punished, together with the nature of all punishments inflicted by criminal judges 1825-1827, *App.* p. 344, 345.

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## CRIMINAL LAW.

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## JUDGES.

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Advantage of Mr. Wynn's plan in giving appointments to public schools and universities, *Mackenzie*, 175-177.

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**Pauper Suits.** Regulation XLVI, 1793, Relative to admission of paupers to sue in the civil courts, *App.* p. 647—Regulation III, 1802, Relative to security for appearance of defendants in pauper suits, *App.* p. 650—Regulation XXVIII, 1814, Consolidating and amending the rules concerning pauper suits, *App.* p. 654.

**Peace.** See *Recognizances*.

**Penal Correction.** Nature of penal correction (Tazeer) inflicted under the third class of judicial retribution, according to the Mahomedan law, *App.* p. 701.

**Penalties.** Improved state of the police has enabled the Bengal government to mitigate extent of penalties formerly annexed to serious crimes, and for more accurately defining them, *App.* p. 274, par. 252, 253—Evidence necessary to the infliction of the penalties under the first head of judicial retribution according to the Mahomedan law, *App.* p. 699—Specific penalties (Hudd) attached to certain offences, according to the Mahomedan law, *App.* p. 699.

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## PERJURY.

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### I. Generally.

Punishment for, *Clarke* 94, 95—Which does not act upon the natives as a stain in society, *Clarke* 96, 97—Manner in which the crime is expiated by the Mahomedan law, *Bayley* 915. *App.* p. 274. par. 257.

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Prevalence thereof, and best method of preventing it, *App.* p. 220—Agreement by the court with Sir John Malcolm and Mr. Newnham, in objecting to attempt to assimilate the provisions of Bombay Regulations to those of the English law, or to consult the advocate-general on the propriety of providing for its definition and punishment by express enactment; law providing for punishment of instigation to perjury, renders any separate enactment for the punishment of subornation of perjury unnecessary; but the subject will be more properly brought to a determination by the Bombay government, after reference to the judges of the Sudder Adawlut, *App.* p. 231. par. 35-37.

Regulations by which the punishment of perjury has been limited and the powers to be respectively exercised by courts of circuit and Nizamut Adawlut more clearly defined, *App.* p. 273. par. 242—Statement of the number of persons convicted of perjury before the Nizamut Adawlut in Bengal, and of sentences passed by that court in each year, 1816-1827, *App.* p. 574, 575—Regulation III. 1801, Relative to committals for perjury before the civil courts, *App.* p. 650—Regulation XVII. 1797, Prescribing specific punishments by imprisonment, corporeal punishment, and public exposure for the crime of perjury, which by the Mahomedan law was declared punishable according to the discretion of the judge, *App.* p. 720—Regulation II. 1807, for the more effectual punishment of perjury; definition of perjury; method of punishment, *App.* p. 723.

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*Persian Language.* Pleadings in civil cases conducted in, *Melville* 629—Evidence taken therein, *Melville* 647; *Bayley* 916—List of works in this language which, since the year 1817, have been encouraged or patronised by Government for education of natives, *App.* p. 278.

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*Person.* Comparative statement of sentences for offences against property and against the person, and other crimes, passed by the courts of circuit in Bengal, 1816-1826, *Bayley*, p. 98. *App.* p. 207, 208—Comparative statement of sentences, for offences against property and against the person, and other crimes passed by the magistrates in the Lower and Western Provinces of Bengal, 1826 and 1827, *Bayley*, p. 99. *App.* p. 207, 208.

*Personal Property.* Regulation XII. 1797, Declaring decrees of provincial courts final to 5,000 rupees for personal property, *App.* p. 659.

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*Petitions,* connected with Revenue management. No change should be made in the management of villages, excepting the necessary transfers on deaths and the like, or when parties agree, without a report to the Board; order of local commissioner should give immediate possession when within cognizance of revenue authorities, *App.* p. 388.

*Petty Offences.* By what description of magistrates they should be tried; eagerness with which the most trifling abuse, or most trivial blow could be construed into an assault, and be the cause of an appeal to judicial interference, *App.* p. 270. par. 217-219—Inconvenience not much felt by want of speedy redress for abusive language, calumny and inconsiderable assaults, *App.* p. 271. par. 220—Manner in which they are disposed of by the sudder ameens, *App.* p. 271. par. 221.

*Pilgrim Taxes.* Regulations IV. and V. 1806; IV. 1809, and XI. 1810, For the protection of pilgrims resorting to Juggernath from undue exactions on the part of officers of the temple or of Government; provision for the manner of levying the tax; general superintendence of the collection and control of officers employed therein vested in the Board of Revenue at Calcutta; provision for preventing the evasion of a higher rate of tax by persons assuming a character inferior to that belonging to them; also to exempt a particular class of mendicants from the payment of the tax; above Regulations rescinded and the superintendence of the Temple and its interior economy vested in the rajah of Khoordah, to be held during good conduct; extent of fines authorized to be imposed

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imposed by him and of his powers; account of offerings and presents to be rendered to the collector; the collector of the tax to be subject to the collector of Cuttack; provision for the classification of pilgrims and amount of tax they were severally to pay; powers of the collectors over pilgrims with regard to remaining in the town after expiration of their license, *App.* p. 811, 812—Regulation XVIII. 1810, Establishing rules previously enacted for collection of the duties on pilgrims resorting to the confluence of the rivers Ganges and Jumna, at Allahabad; provision for continuance of the tax previously collected, and specifying rate at which it was to be levied, and the mode of admission to the banks of the river; collection of duty placed under the direction of the collector of revenue at Allahabad, *App.* p. 812.

*Plaintiffs.* How far plaintiff can sue for less than his full demand, and recover the remainder afterwards, *Mackenzie* 448-455.

*Plaintiffs and Defendants.* Proposal that plaintiffs should be allowed the option of preferring their claims either in the court of the moonsiff of the district in which the defendant may reside, or the disputed property be situated, or in the court of sudder ameen; defendants having a right to require suits instituted against them in the court of sudder ameen, under 1,000 rupees, to be transferred to the moonsiffs, and above 1,000 rupees to be transferred to the sudder ameens, *Ross, App.* p. 464. par. 43—Litigants to be allowed to prosecute or defend their suits, either in person or by agent or attorney; stipulation for remuneration by such agent, and manner of regulating such remuneration, *App.* p. 465. par. 48.

**PLEADERS, NATIVE.**I. *Generally.*II. *Papers laid before the Committee.*I. *Generally.*

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**PLEADINGS.**I. *Generally.*II. *Papers laid before the Committee.*I. *Generally.*

Pleadings and motions in the native courts are in writing, *Clarke* 55; *Oldham* 615—Nature of the pleadings and judges' decrees, *Clarke* 62-66—Forms of native courts are simple, *Mackenzie* 229—There are no pleadings in criminal cases, *Melville* 627, 628—Disadvantages of the present method of preparing them, *Mill* 1046—Advantages of oral over written pleadings, *Mill* 1058, 1059, 1062, 1063.

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Forms of pleading, proceeding and process, were defined by Regulation XXVI. of 1814, and are as simple and summary as is consistent with the ends of substantial justice; description of pleadings that have been dispensed with, *App.* p. 247. par. 99-102.

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**POLICE.**

## POLICE.

## I. Generally.

## II. Papers laid before the Committee.

1. Relating to Bengal.
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## I. Generally.

Situations in, not sufficiently remunerated, *Oldham* 537—Not beneficial to employ natives to a greater extent in the police, *Oldham* 537, 588—Improvements latterly in the management thereof, *Bayley* 915—Extent and description of police jurisdictions in Bengal, *Bayley*, p. 92.

## II. Papers laid before the Committee.

## 1. Relating to Bengal.

Letter from the Bengal Government to the Court of Directors, dated 22d February 1827, relative to the police and grants of land and allowances for their support, *App.* p. 255—Objections to their being vested with power to hold proceedings in petty criminal cases, and to inflict punishment by fine, imprisonment and flogging, as sanctioned by Regulation IV. of 1821, of the Madras code, *App.* p. 280. par. 15—Advantages of the high state of efficiency of the police to what it was 20 years ago, and means by which it has been attained, *Bayley*, *App.* p. 453—Establishment of police proposed to be maintained under witness's arrangement for the administration of criminal justice, *Ross*, *App.* p. 468. par. 64.

Regulation XI. 1831, Relative to the police of the Ceded and Conquered Provinces, *App.* p. 683—Regulation XIII. 1805, Relative to the system of police for Cuttack, *App.* p. 684—Regulations for the establishment of and maintenance of an effective police, *App.* p. 728—Regulation XXII. 1793, Abolition of zemindary police and establishment of the darogah system, *App.* p. 728—Regulation XXIII. 1793, Establishment of police tax, *App.* p. 729—Regulation IV. 1797, Inquests by darogahs, *App.* p. 729—Regulation VI. 1797, Abolition of the police tax, *App.* p. 729—Regulation XVIII. 1805, Zemindary police brought into operation, *App.* p. 729—Regulation XI. 1806; VI. 1825, Assistance to be afforded to troops on march, *App.* p. 730—Regulation IX. 1807, Duties and powers of native officers of police, *App.* p. 730—Regulation XII. 1807, Appointment of ameens of police, *App.* p. 731—Regulation IX. 1808, Proclamation of rewards for apprehension of decoits, *App.* p. 731—Regulation X. 1808, Superintendants of police for three divisions established at Calcutta, *App.* p. 732—Regulation VI. 1810, Penalties for zemindars not co-operating in the suppression of gang robbery, *App.* p. 732.

Regulation VIII. 1810, Superintendants of police for the upper provinces established, *App.* p. 732—Regulation XVI. 1810, Proclamation of rewards for apprehension of decoits, *App.* p. 732—Regulation I. 1811, Rules for the discovery and apprehension of receivers of stolen goods, *App.* p. 732—Regulation VII. 1811, Powers of police darogahs, *App.* p. 733—Regulation III. 1812, Native police, *App.* p. 733—Regulation XXI. 1812, Licenses to certain trades, *App.* p. 733—Regulation XIII. 1813; III. IX. and XVI. 1814, City and police assessment, *App.* p. 733—Regulation VIII. 1814, Inhabitants in general to assist in keeping the peace, *App.* p. 734—Regulation XIII. 1814, The office of Cutwal abolished, *App.* p. 734—Regulation XVII. 1816, Appointment and duties of native police, *App.* p. 734—Regulation XXII. 1816, Appointment and duties of the native town police, *App.* p. 734—Regulation XX. 1817, Consolidated and amended general police regulation, *App.* p. 735—Regulation XII. 1818, Suspension of arrest, *App.* p. 736—Regulation VI. 1819, Police ferries, *App.* p. 736—Regulation III. 1821, Arrest of suspicious gangs, *App.* p. 737—Regulation V. 1822, Apprehension of proclaimed decoits, *App.* p. 737.

## 2. Relating to Madras.

Criminal charges before, and disposal of prisoners, *App.* p. 216-218—Statement showing the number of persons apprehended, released and punished, together with the nature of all punishments inflicted by the several heads of district police, 1825-1827, *App.* p. 344, 345—Abstract of the proceedings of the criminal courts and police in the year 1817; also, the extent and population (in 1822) of the districts, *App.* p. 598—A similar statement for 1828, *App.* p. 600—Statement of the proceedings of the village police, district police, and magistracy of each zillah, 1st January to 30th June 1829, with reference to petty offences, *App.* p. 612—A similar statement, distinguishing the offences, but not the districts, *App.* p. 614—Observations upon the mode of their exercising their duties, *App.* p. 219; *App.* p. 281. par. 16-19.

Letter from J. M. Macleod, secretary to Government, Madras, to H. Shakespear, esq. secretary to Government, Fort William, enclosing letter from register to the court of Sudder Adawlut, Madras, explaining causes of delay in preparing report upon the practical operation of the changes made in the system of administration of justice and police, *App.* p. 281—Abuse of power by district police officers in regard to punishments inflicted by them; gross falsification of dates made by them in order to conceal their violation of regulations in respect to the time allowed for detaining an accused person in custody before forwarding him to the criminal judge, *App.* p. 293. par. 64-66—

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II. *Papers laid before the Committee*—continued.

2. Relating to Madras—*continued*.

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Extract from minutes of consultation Madras, in answer to observations by Sudder Adawlut relative to the police, *App.* p. 348, 349—Letter from Court of Directors to Madras Government, dated 11th April 1826, relative to the conduct and control of the police, *App.* p. 349—Answer of the Madras Government, dated 27th April 1827, *App.* p. 361—Animadversions by Court of Directors on cruelty of police officers, particularly in extorting confessions by torture, *App.* p. 354-357. par. 26-28—Answer by the Madras Government upon that subject, *App.* p. 362. par. 8—Minute by Sir Thomas Munro upon that subject, extracted from Madras judicial consultations of 30th January 1827, *App.* p. 363-370. par. 13—Minute by J. H. D. Ogilvie, esq. upon the same subject, *App.* p. 370—Resolutions of Government on the same subject, *App.* p. 372-382.

3. Relating to Bombay.

Magisterial duties combined with the territorial, and there are good reasons for their continuing to be so, from the collector alone possessing information of the state of the districts under his authority, and the character and condition of their inhabitants; many improvements have been made and are in progress in the police administration; restoration of the efficiency of the native police in the Southern Concan, and benefit likely to be derived in the Northern Concan from effecting the same object; difficulty of establishing a good police in districts inhabited by predatory tribes, which have been increased, by extending the laws in their minutest forms and processes to districts and communities, to whose condition, character and habits they are not adapted, and whom they often furnish with increased means of evading punishment; statement of the best means of establishing a good police through the provinces, subject to the Bengal presidency, *Malcolm*, *App.* p. 520.

See also *Benares. Judges, European. Natives. Superintendent of Police.*

*Poonah Gaol.* It is constructed on the most approved plan; care taken with regard to the health of the prisoners, and in giving work to those confined therein, *Malcolm*, *App.* p. 520.

*Poonah Zillah.* Nomination of a joint judge and session judge, to afford temporary assistance in reducing arrears, approved of by the Court of Directors, *App.* p. 231. par. 34—Punchayets less resorted to than formerly, from the improved system of administration, *App.* p. 241. par. 43.—Salary of the judge and criminal judge, and of the register in the year 1828-29, *App.* p. 535.

*Population.* Of England and Wales; Ireland; Bengal Provinces; France; Austria, *Evid.* p. 103—Spain, *Evid.* p. 104—Benares, *App.* p. 206—Ceded and Conquered Provinces, *App.* p. 206—Masulipatam, *App.* p. 218—Bombay Old Provinces, *App.* p. 234—Deccan, *App.* p. 234—Certain provinces subject to the Bengal regulations, *App.* p. 275. par. 264—Certain former zillahs and united zillahs under the Madras Presidency, *App.* p. 350.

*Possession.* Disputes regarding the right of possession in land crops or watercourses, adds to the number of suits in courts, *App.* p. 236. par. 8.—Contested claims to possession of lands, crops, wells and watercourses, has been transferred to magistrates, leaving parties, if dissatisfied with their award, to institute a civil suit, *App.* p. 272. par. 237—Regulation XLIX. 1793, By which courts authorized to reinstate landholders, &c. by summary process, on proof of violent dispossession, *App.* p. 647—Regulation VI. 1813, Giving reference to arbitration of suits regarding title to and possession of land crops, &c. *App.* p. 652.

Necessity for the abolition of Regulation XV. of 1824, from its causing a system of oppression and chicanery; its inducements to infringe the peace by causing an affray or an indication thereof, and getting a case before a magistrate, where, though in the absence of possession for 50 years, a bribed report from a thannah, and a few tutored witnesses, will give a man a tolerable chance of ousting the rightful owner, who is taken off his guard, and destitute of his defences by a summary proceeding in a criminal court, *Leycester*, *App.* p. 456—Regulation XV. 1824, Vesting primary cognizance of disputes regarding possession of land, crops or water, in magistrates, *App.* p. 711.

See also *Summary Suits.*

*Potails.* See *Villages.*

*Price of Blood.* See *Compensation.*

*Predatory Tribes.* Where the inhabitants of a rugged and mountainous part of the country are hereditary plunderers, as great a proportion of them as is required should be employed in preserving the peace, it being only by giving them a stake in the general welfare, that

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that it can be hoped to make them converts to the cause of good order; advantage of such a plan over severity, which only succeeds for a time, causes distress and excites a spirit of revenge, *Malcolm, App. p. 520, 521.*

**Pressing.** Regulation III. 1820, prohibiting the pressing of inhabitants of towns or villages to carry baggage from stage to stage, and requiring magistrates to investigate complaints, and to punish persons convicted of the offence, *App. p. 710.*

**Primogeniture.** Law of primogeniture, if considered by Europeans a matter of importance, may be conceded, *Mill 1061.*

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**Prisons.** See *Gaols.*

**Prisoners, Bengal.** Statement of the number of prisoners in each of the zillah and city gaols on the 31st December 1828, and of the causes of their confinement; also a comparative statement of the number of prisoners within each division, on the 31st December 1827 and the 31st of December 1828, *App. p. 580*—Statement of the number of prisoners in the Lower Provinces employed in private labour, agreeably to the orders of the Nizamut Adawlut; showing the amount gained by their labour, and the proportion paid to the prisoners, *App. p. 584.*

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**Private Tuition.** Method thereof, and in what manner teachers remunerated, *Mackenzie, 129-132, 135.*

**Privileged Persons.** System of exemptions from the ordinary course of justice enjoyed by privileged persons at Bombay Presidency to be re-considered; lists to be revised and names of those having no pretensions to privilege to be struck out; new names not to be added without reference home, and every opportunity taken of reducing lists, *App. p. 232. par. 50.*

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**Professorships.** Advantage of the establishment of, in the Universities, for qualifying young men for judicial situations, *Johnston 1128.*

**Promotion.** No rule of, for judicial offices, *Clarke 11-14, 36-41*—Extent to which character entitles further advancement, *Clarke 36, 37*—Appointments to judicial offices not always by degrees, *Clarke 38-41*—Present rule of promotion in the revenue and judicial departments with salaries attached, and disadvantages of the present system, *Hamilton 825-830.*

See also *Zillah Judges.*

**PROPERTY.**

*Papers laid before the Committee.*

1. Relating to Bengal.
2. Relating to Madras.
3. Relating to Bombay.

## 1. Relating to Bengal.

Comparative statement of sentences for offences against property and against the person, and other crimes passed by the courts of circuit in Bengal, 1816-1826, *Bayley, p. 98. App. p. 207, 208.*—Comparative statement of sentences for offences against property and against the person and other crimes, passed by the magistrates in the Lower and Western Provinces of Bengal, in 1826 and 1827, *Bayley, p. 99. App. p. 207, 208.*—Statement of appeals, regular and special, depending and disposed of before the Sudder Dewanny Adawlut, in 1828, with the amount of the property in question, *App. p. 548.*—Statement showing the total value or amount in sicca rupees of regular suits, whether original or in appeal depending in the several civil courts on 1st January 1829, *App. p. 550, 551.*

## 2. Relating to Madras.

Value of property litigated in courts, *App. p. 225.*—Statement of the number of original suits, and of appeals depending at the beginning and end of 1815, and disposed of during that year, in each of the zillah and subordinate courts under the presidency of Madras; also the amount of property in litigation, *App. p. 586.*—Statement to the same effect for the year 1828, *App. p. 588.*—Statement of the amount of property in litigation, in the suits depending in the several zillah courts, on 1st January 1828 and 1st January 1829, and in the suits disposed of during that year, *App. p. 591.*

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Statement of the number of original suits depending at the beginning and end of 1829, and instituted and disposed of during that year, in each of the zillah courts; showing by which of the functionaries they were disposed of, and the amount of property in litigation in them; also, the extent and population of the zillahs, *App. p. 621.*

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**Prosecutors.** Evils of the extent of their journeys, and necessity for avoiding their repetition, *App. p. 221.*—Inconveniences of their journeys lessened by increased powers of magistrates, *App. p. 272. par. 238.*

*Prostitution.* See *Misdemeanors.*

### PROVINCIAL COURTS.

#### I. Generally.

#### II. Papers laid before the Committee.

1. Relating to Bengal.
2. Relating to Madras.
3. Relating to Bombay.

#### I. Generally.

Functions of the provincial court, *Clarke* 34; *Mill* 1042—Capital cases must be confirmed by the Sudder Foujdarry Adawlut, before being carried into execution, *Clarke* 34—Provincial courts might be done away with, *Mackenzie* 150—Proposed abolition thereof, *Bayley* 882. p. 81. *App.* p. 452.

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ii. Civil Suits.

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## Z.

#### ZEMINDARS.

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##### I. Generally.

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II. *Papers laid before the Committee.*

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2. Relating to Madras.

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