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• MAJOR-GENERAL
SIR THOMAS MUNRO, BART.
AND K.C.B.

LATE GOVERNOR OF MADRAS.

WITH EXTRACTS FROM HIS CORRESPONDENCE
AND PRIVATE PAPERS.

BY THE REV. G. R. GLEIG
M.A. M.R.S.L. &c.

IN TWO VOLUMES
VOL. II.

A NEW EDITION.

LONDON:
HENRY COLBURN AND RICHARD BENTLEY,
NEW BURLINGTON STREET.

1831.

APPENDIX.

APPENDIX.

I.

THE FOLLOWING ARE A FEW OF THE MANY NOTICES ON RECORD, OF THE VALUE ATTACHED TO THE SERVICES OF MAJOR MUNRO AS A COLLECTOR.

THE Government of Fort St. George, under date the 9th October 1800, informed the Court of Directors that the Company's authority had been completely established in Canara and Soon-dah, by the activity and prudence of the Collector, Major Munro, whose "success had enabled him, at an early period, to pursue his inquiries into the resources, administration, and history of these districts;" and that the result of the researches of that able officer had been submitted to them, "in one of the ablest reports (dated 30th May 1800,) which had passed under their observation."* That Major Munro had traced the government of those countries, from the wise and liberal policy of the ancient Gentoo institutions, down to the tyrannical exactions of Hyder and Tippoo. That in the former, the Collector had discovered, from the existence of authentic records, the foundations of that simple form of government which it was then intended to reintroduce, (viz. the proprietary right of land under fixed assessments,) and, in the latter, had exhibited those destructive changes which had undermined the wealth and population of once flourishing districts. That the revenue settled by Major Munro, for the year 1209, amounted to Sr. Pags. 5,99775, being an increase of about 93 per cent. on the schedules produced by Tippoo Sultan in 1792.

* Printed in Appendix, No. 24, to Fifth Report of the Committee of the House of Commons on India affairs, page 803 to 814; and highly spoken of by the Committee.

Extract of a Revenue Letter to Fort St. George,
dated 24th August 1804.

24. We derived great satisfaction from the perusal of Major Munro's report of the 30th May 1800, on the resources, administration, and history of Canara and Soondah, and from the subsequent report of the 9th November following. When we consider that, from an actual examination of a number of ancient sunnuds and revenue accounts, Major Munro has been able to ascertain the state of the revenues of the province under the Rajah of Bidanore, as well as under Hyder and Tippoo, and the cause of the decline, and that enough of the ancient documents remain to enable him to furnish a complete abstract of the land, during a period of four hundred years; and that he has actually furnished, from the most authentic materials, a statement of the land-rent of Canara and Soondah, from 1600 to 1799; we are greatly surprised that Mr. Place, in his minute of the 9th October 1802, should have spoken of those statements as merely hypothetical, and recorded an opinion, that the public revenue of the whole province of Canara amounts to little more than a tithe of the gross produce.

25. Under a consideration of the destructive changes which are said to have undermined the population of these once flourishing districts, and reflecting, also, on the consequences of a recent increase upon the former assessment of the province of Malabar, without due attention being had in proportioning that increase in an equitable manner, so as to fall equally upon all, you will proceed with caution upon the reference which was made to you in a preceding dispatch on the subject of Mr. Place's remark; and not hazard any material increase in the present jumma of the province of Canara, without being well assured that the actual state of the produce of the country will warrant you in so doing. By Major Munro's letter of the 9th November 1800, we observe, "that the revenue had been paid with a readiness of which he had seen no example; not because the inhabitants are more able than formerly to pay their rents, but because they believe that their readiness in discharging them will not, under the Company's Government, be regarded as a proof of wealth, or as an argument for laying new impositions upon them." We trust that no measure will be adopted by you that may be likely to lessen this confidence; and you will proceed with great caution

in augmenting the present assessment, even should you entertain an opinion that it is disproportioned to the actual resources of the country, since we feel very much inclined to the opinions of the Revenue Board—"That the revenue will improve, not by increasing the assessment, but by inspiring confidence that it will be moderately fixed."

From Major Munro's report of the 9th November 1800, we observe, that the proprietary right in the lands of Canara had been derived from a very remote period, and the existing knowledge and estimation of the value of those rights among the descendants of the original proprietors, indicated the easy means of introducing a permanent system of revenue and judicature. We likewise observe, that previous to Hyder's conquest, the districts were divided into small estates, which were considered the actual property of the holders, and assessed at a fixed moderate rate. When we consider the attachment of the proprietors to the lands of their ancestors, we recommend to your most serious attention the observation contained in Major Munro's report of the 9th November 1800, respecting the impolicy and injustice of placing a number of small estates under the collection of one head-landlord, preparatory to the perpetual settlement. It were best to adhere, as nearly as possible, to the division which at present subsists; to conclude the settlement with the proprietors of small estates, and not to break in upon ancient boundaries or land-marks, lest any attempt at innovation may be productive of disquietude and disgust, especially as almost all the land in Canara is represented as private property, derived from gift, or purchase, or descent, too remote to be traced; where (according to Major Munro) "there are more title-deeds, and where the validity of those deeds have probably stood more trials than all the estates in England." Of such lands, however, as are denominated sirkar lands, you will make such a division as may appear to be most convenient.

Extract from a Report of the Board of Revenue
at Fort St. George, 5th October 1806.

THE annual Jumma bundy report, with its accompanying general comparative statements of the revenues of the Ceded Districts, for July 1215, which we had the honour to lay before your Lordship in Council, with our address, under date the 14th August last, will have afforded satisfactory evidence of

the improved resources of the province,—of the growing confidence of the inhabitants,—and of the unrelaxing energy and successful result of the administration of the principal collector.

114. We consider these remarks as applicable to the judicious and considerate regard which Lieutenant-Colonel Munro has uninterruptedly evinced in advancing the revenues of these districts, from the reduced condition in which he found them, to their present state of comparative prosperity, in proportion only to the capability of the people and the capacity of the country. This is one of the most delicate and difficult of the various important duties with which a collector is entrusted; and in the present case it has been performed in a manner highly creditable to the collector, and entirely satisfactory to us. Amidst the care and exertions necessary for conducting and upholding such extensive collections, the assiduity, ability, and success with which Lieutenant-Colonel Munro has prosecuted, and now nearly accomplished, the arduous duty of surveying and classifying the lands of so large a tract of territory, and assessing thereon a moderate and equitable money-rent, are equally entitled to public approbation. In his experience and intelligence we had the best earnest for the correctness of this important undertaking; but the punctual and complete manner in which the collections have for several years been made, is the most convincing proof of its accuracy and moderation.

Extract from a Report of the Board of Revenue
at Fort St. George, 5th October, 1806.

THESE countries, valued at a gross annual jumma of canterroi pagodas 19,18,758, or star pagodas, 16,51,465,* and, by a census made within these last two years, computed to contain 1,917,376 inhabitants, were, in the month of October 1800, confided to the executive management of Lieutenant-Colonel (then Major) Thomas Munro, who, with the aid of four subordinate collectors, acquitted himself of the trust with eminent ability and success, from the date above-mentioned until the month of October 1807.

The judicious policy, we remarked, could not be too highly applauded, by which Lieutenant-Colonel Munro, fixing in the first instance on a moderate scale of jumma, and increasing it

* Though the value at which they were ceded was 16,51,465 star pagodas, the first year's jumma amounted only to 10,06,543 star pagodas.

only as the means of the renters and the capacity of the country enabled him safely to do, advanced these provinces from the almost ultimate point of declension to which they had been sunk by a weak and improvident Government, to the degree of comparative prosperity and promise in which they now remain.

The example we believed to be unparalleled in the revenue annals of this Presidency, of so extensive a tract of territory, with a body of inhabitants little accustomed to passive submission and legitimate obedience to the ruling authority, reduced from confusion to order, and a mass of revenue amounting to no less a sum than 119,90,419 star pagodas, being regularly and at length readily collected, with a remission on the whole of only 3415,28,22 pagodas, or 1 f. 22d. per cent.

Extract from a Revenue Letter from Fort St. George,
dated 12th February 1806.

36. THIS considerable augmentation of produce having succeeded to three years of unfavourable seasons, marked in a strong degree the care with which the resources of the Ceded Districts had been guarded and preserved in the previous settlements formed under the superintendence of Lieutenant-Colonel Munro. We trust that the large augmentation of revenue which you have derived, combined with the improved condition of these valuable possessions, will exhibit a proof, not less satisfactory than it is incontrovertible, of the unexampled success of the principal collector in the execution of the arduous duties committed to his charge, and of the essential benefit which has been produced to the public service, by the indefatigable exertion of the zeal and talents of that valuable public officer.

Extract from a Revenue Letter to Fort St. George,
dated 21st October 1806.

19. It affords us much satisfaction to observe, that the able services of Lieutenant-Colonel Munro have received your approbation. You were informed in the dispatch from this Government, dated the 11th February 1806, that the revenue of the Ceded Districts had nearly attained the standard specified in the schedule of the Treaty of Hyderabad, and that the augmentation of revenue had kept pace with the progressive improvement of the internal resources of the country. We are at the same time

aware, that it is natural that your attention should be excited by the extraordinary proofs of comprehensive detail, which are evinced in the reports of Lieutenant-Colonel Munro; and it cannot be doubted that there are very few public officers who would be equal to the labours involved in so arduous a charge. It could not be reasonably expected that, in the minute mode of assessment pursued by the principal collector, inequality in the rates of assessment should not occasionally occur; but we have entire confidence, that by the vigilance and industry of the principal and of the sub-collectors, those inequalities will be gradually rectified, and the whole revenue be at length fixed on an equitable and defined basis; while it must be apparent, that the system which is pursued by Lieutenant-Colonel Munro is that which is best calculated to lead to such an accurate knowledge of the resources of the country, as it would be hopeless to expect without a vigorous personal investigation.

117. This explanation of the state of affairs in the Ceded Districts will be the best encomium that can be conferred on the superior merits of the principal collector, Lieutenant-Colonel Munro, by whose persevering exertions a country which, at the period of its transfer to the authority of the British Government, was infested with every species of disorder and irregularity, has been preserved in the enjoyment of almost entire tranquillity, and has been advanced with the utmost rapidity to a state of progressive prosperity and improvement.

Extract from a Revenue Letter from Fort St. George,
the 21st October 1807.

WITH all due submission and deference to the sentiments of your Honourable Court, we think it our duty to say, that we should have great satisfaction if the exertions which have been made by Lieutenant-Colonel Munro in the advancement of the public service, under circumstances of extreme difficulty, and with a degree of success unequalled in the records of this, or probably of any other Government, should receive a corresponding recompense in the approbation of your Honourable Court.

260. Mr. Petrie (the Acting Governor) reviewed the services of Lieutenant-Colonel Munro in the Ceded Districts, noticed the gradual augmentation which he had produced of the revenue from twelve and a half lacs to eighteen lacs of star pagodas per annum, and the general amelioration and improvement of the

manners and habits of the Ceded Districts, which had kept pace with the increase of revenue. From disunited hordes of lawless plunderers and freebooters, they are now stated to be as far advanced in civilization, submission to the laws, and obedience to the magistrates, as any of the subjects under this Government. The revenues are collected with facility; every one seems satisfied with his situation; and the regret of the people is universal on the departure of the principal collector.

Extract from a Revenue Letter from Fort St. George,
12th August 1814.

6. EVERY writing of Colonel Munro's is entitled to attention. His vigorous and comprehensive understanding; the range which his mind takes through the whole science of political economy; the simplicity and clearness with which all his ideas are unfolded; his long and extensive experience, and his uniform success, rank him high as an authority in all matters relating to the revenues of India. Independently of the general interest excited by the character of its author, his paper, dated the 15th of August 1807, claims notice as containing the only project of a rayetwar permanent settlement. To that paper your Honourable Court's dispatch makes a marked reference, and we accordingly feel ourselves at liberty to regard the project which it contains as the permanent settlement which your Honourable Court would wish to introduce. In speaking of the rayetwar system, we therefore beg, for the sake of accuracy, to be understood to mean the system recommended in Colonel Munro's letter of the 15th of August 1807.

Extract from a Revenue Letter to Fort St. George,
dated 6th November 1805,

36. THE reports of Colonel Munro now brought under our observation, afford new proof of his knowledge of the people, and the lands under his administration, and of his ability and skill as a collector. The mode of settling on the part of Government immediately with the individual cultivator of the soil for the land-rent, under the term of kulwar, appears to be more practised in that division of the Peninsula, where he presides, than we understand it to have been in any of the ancient possessions of the Company. We see reason to be surprised at the industry

which has carried the collector into a detail of no less than 206,819 individual settlements of this nature, averaging only pagodas 65,62 each of annual rent.

Extract from a Revenue Letter to Fort St. George,
dated 24th April 1811.

WE have perused the Survey Report of the Ceded Districts, drawn up by Lieutenant-Colonel Thomas Munro, with much interest. This document not only furnishes a new proof of the zeal, judgment, and talent which have been so often displayed by that meritorious officer in our service, but it contains some curious statistical information, which it would not have been easy for a person of less experience than Colonel Munro to have obtained.

205. The measurement and assessment of the land seems to have been conducted with a just and equal attention to the interests of Government and the rayet; indeed, nothing could be a stronger testimony in its favour than the concurring facts of the large amount of the fixed assessment, and the universal satisfaction of the people who are to pay it.

217. The information contained in the short paper communicated by Colonel Munro to Mr. Petrie, and recorded along with the latter gentleman's minute, referred to in the hundredth paragraph of your subsequent letter of the 24th December 1807, is peculiarly gratifying. It cannot but be highly pleasing to us to learn that the distractions which prevailed under the government of the Nizam no longer exist; that the country is quiet, and that the inhabitants are well affected; in fine, that in districts which it is calculated will, *communibus annis*, yield about eighteen lacs of pagodas, it will not be necessary to call out a single sepoy to support the collections.

218. In such a state of things, we heartily approve of the suggestions of Colonel Munro, which we are pleased to find were adopted by Mr. Petrie, at that time our Governor in council. Innovation, which never ought to be rashly resorted to, would, in circumstances like the present, be altogether inexcusable.

Of the respect and veneration in which he was held by the natives, an anecdote is related by Colonel Wilkes, in his Sketches of the South of India. "I will not deny myself the pleasure,"

says Colonel Wilkes, " of stating an incident related to me by a respectable public servant of the government of Mysore, who was sent in 1807 to assist in the adjustment of a disputed boundary between that territory and the district in charge of the collector. A violent dispute occurred in his presence between some villagers ; and the party aggrieved threatened to go to Anantpore, and complain to their *father*. He perceived that Colonel Munro was meant, and found upon inquiry that he was generally distinguished throughout the district by that appellation."

In 1808, after his return to England, Colonel Munro received the following letter, with a piece of plate of the value of five hundred pounds, which was presented to him by several civil servants who had been employed under him in Canara and the Ceded Districts. It was a silver-gilt vase of an Etruscan form, decorated with Oriental ornaments ; and the plinth on which it stands is supported at each corner by elephants' heads.

16th February, 1808.

DEAR SIR,

WE have all had the happiness of serving under you, either in the Ceded Districts or Canara. We admire the generosity, the kindness, and the magnanimous equality of temper which, for eight years, we constantly experienced from you, amidst sickness, difficulties, and fatigue. As public servants, we can bear witness to the justice, moderation, and wisdom with which you have managed the important provinces under your authority. We know that the Ceded Districts hold your name in veneration, and feel the keenest regret at your departure. As for ourselves, we attribute our success in life, in a great measure, to you, and think, if we are good public servants, we have chiefly learnt to be so from your instruction and example. We are at a loss how to express our feelings ; but we request your acceptance of a cup, which Mr. Cochrane, your former deputy in the Ceded Districts, will have the honour to present to you.

Inscription on the piece of plate.

To Lieutenant-Colonel Thomas Munro, by William Thackeray, G. J. Travers, H. S. Græme, Alexander Read, Peter Bruce, Frederick Gahagan, William Chaplin, and John Bird, as a mark of their respect and affection for his public and private virtues,

witnessed by them in the course of their service under him during his administration of the provinces of Canara and the Districts ceded to the East India Company by his Highness the Nizam.

The subject represented on this vase is copied from a drawing by Thomas Daniel, R.A. of a bas-relief of great antiquity sculptured in the excavated mountains of Ellora.

I subjoin a letter addressed to Colonel Munro just before he quitted India, by Lord William Bentinck. It speaks for itself.

Fort St. George, July 30, 1807.

MY DEAR SIR,

I AM concerned to say that I have no good excuse to offer for having so long delayed the acknowledgment of both your letters. In truth, the arrival of the Governor-General, and his protracted stay, has deranged the ordinary course of business, and has been the cause of a great mass of private and public papers being put off for future consideration. I trust I need not take any pains to convince you of the sincere concern which I have felt at your intended departure. I say to you now, what I shall recommend may be stated in the most public manner, that the thanks of this Government are, in an especial manner, due to you for the distinguished and important services which you have been performing for the East India Company for so many years. These have been no ordinary revenue duties; on the contrary, the most difficult work that can be assigned to man has been most successfully accomplished by you. You have restored the extensive provinces committed to your charge, long infested by every species of disorder and calamity, private and public, to a state of prosperity, and have made them a most valuable acquisition to your country. It is a consolation to know that the most important part of the revenue arrangement, the survey, which could scarcely have been executed under any other superintendence, has been completed before your departure. This will make the road, in respect to the revenues, easy for your successors. But I fear that, in provinces not long since so very much disturbed, a continuance of the same good policy will be indispensable. It is to your advice that I must refer for determining by what arrangement these districts shall be hereafter managed,—whether by a principal and subordinate collectors, or by two or three separate

zillah collectors. The zillahs are the cheapest and most convenient mode. Are the servants at present there equal to the charge? The present arrangement was always, according to my judgment, the most eligible. A principal collector partaking of the confidence of Government, is more particularly necessary as your successor. It may be expected that the absence of your authority and arrangement must be attended with some injurious effects. These effects may grow into serious consequences, if there is not immediately established an able and efficient superintendence. It had occurred to me that Mr. Thackeray might be inclined, and would be the most proper person, from various considerations, to succeed you, in case the same arrangement as now obtains should be continued. I am desirous, in the first instance, to receive your sentiments upon this subject. My great and anxious object is to preserve to the Ceded Districts, as far as possible, a continuance of the same system, in all its parts and branches, by which such vast public benefits have been obtained.

I remain, my dear Sir, with great respect and esteem,

Your obedient servant,

W. BENTINCK.

II.

MISCELLANEOUS MEMORANDA BY COLONEL MUNRO.

In the formation of a government for India, we are not left to mere theory; we have not to create a new system; the present one has existed long enough to show us how far it is calculated to answer the purposes for which it was intended, and to enable us to judge with tolerable precision what are its advantages and its defects. The arrangements originally formed for the management of a few factories have gradually, without any preconceived plan, but following the change of circumstances, been enlarged and organized into a system fitted for the administration of an extensive empire. The mixture of commercial and political principles in which it is founded, however contrary to all speculative notions of government, have not been found unfavourable to its practical operations. The commercial spirit which pervades its constitution, by introducing habits of regularity, perseverance, and method into every department, civil and military, has enabled

it during many long and arduous contests, sometimes for existence, sometimes for dominion, to support reverses and overcome difficulties, which, under any other form of government, would perhaps have been impossible. But it must be confessed that this commercial spirit has also frequently interposed delay where vigour and decision were necessary, and embarrassed the execution of the most important enterprises. But the system, on the whole, with whatever defects may adhere to it, calls rather for amendment than fundamental change.

The India Board, as it is now constituted, does not appear to require any material alteration. It would be desirable that the President should hold his office for a fixed period, and as much longer as might be thought expedient, and not be renewable on every change of ministry ; but this would, I fear, be incompatible with the nature of our government. The powers which he possesses of sending orders to the governments of India for the formation of alliances, and for making peace or declaring war, and of altering all dispatches from the Court of Directors, when not purely commercial, invest him with authority amply sufficient for the due control of the important affairs confided to his management. It might be proper to authorize him to originate dispatches on any matter whatever, when the Court of Directors either declined doing so, or delayed it beyond a specific time. The exercise of this authority would occasionally be required, particularly in restraining the local governments from enacting fundamental laws, where the subject merely demanded temporary regulation. No regulation ought to be adopted as a part of the constitutional law of India, until it has received the sanction of the India Board.

Ceylon, and the conquered European settlements to the eastward of the Cape of Good Hope, with the exception perhaps of the islands of Mauritius and Bourbon, are so intimately connected with India, that they ought to be placed under the Governor-General and the Board of Commissioners.

III

MEMORANDA, DATED 1812-13.

THERE can be no doubt that a surplus revenue (in India) will gradually arise, and that it may in part be remitted to Europe without injury to India. A continual drain will not ruin a country whose continual surplus produce is greater than that drain.

It is our political power, acquired by the Company's arms, that has made the trade to India what it is: without that power, it would have been kept within narrow bounds by the jealousy and exactions of the Native Princes, and by some, such as Tippoo, could have been prohibited altogether.

All corporations are inimical to the natural rights of British subjects. The corn laws favour the landed interest at the expense of the public. The laws against the export of wool, and many others, are of the same nature. But none are perhaps more adverse to the interests of the nation than those by which West India commodities are protected and enhanced in price. It would be better for the community, that the West India planter should be permitted to export his produce to all countries, and that the duties on India sugars should be lowered. The gain to the nation would be more than equivalent to that of the West India planters. Their profits would be reduced, but not so low as to disable them from continuing their trade.

The Company, it is said, have exported woollens to the value of a million annually, at a loss of fifty thousand pounds; and their opponents say, Why carry on a losing trade? But it is not a losing trade to the nation, though it is to the Company, if it increase the gain of the manufacturers.

A rude ignorant people relinquish their superstitions without much difficulty, in exchange for the religion of other nations, whilst a civilized one preserves them with most persevering obstinacy. The Turks of Europe have attained a considerable degree of civilization; but their intercourse with the Christian powers has not abated their faith in all the wild visions of their

prophets. The change, if ever it is effected, will be extremely slow, and will not even begin until, by the improvement of the country, India shall abound in a middling class of wealthy men, secure in the possession of their property, and having leisure to study our best authors translated into the various languages of the country.

It is a mistaken notion, that the growers of cotton make, in their own family, their light clothing: they get it from the weaver and merchant, and they have a desire for the produce and manufactures of Europe, provided they are suitable to the purposes for which they intend them, are equally good and cheaper, and they can afford to pay for them.

Upon the claims in the India Bill of 1813, which provides that, after establishing a guarantee fund of twelve millions sterling, the excess of territorial revenue paid into the Exchequer is to go in the proportion of five-sixths to the public, and one-sixth to the Company, he remarks, "This is converting India into a rack-rent estate for England."

Every great state must have the means of raising extraordinary taxes in time of war. If it has not, it can only meet its expenses by reductions in peace; a resource which must soon fail, as it cannot, without danger, be carried beyond a certain limit.

This principle ought to be kept in view in all revenue measures, and ought to be fully explained to the inhabitants.

Military allowances, both to European and Native officers, ought to be regulated on the principle of holding out increasing advantages at every progressive step, and the means of realizing a competency after a certain period of service; but under no government will the public resources be adequate to this object, if the allowances to the inferior ranks of the army are too high.

A subaltern upon half-batta may live not only without distress, but comfortably, in any part of India. It is not necessary that he should do more. It is even better that he should feel difficulty occasionally; but it is a bad training for an officer, to place him in a situation where he shall always be at his ease, and scarcely ever feel the necessity of practising economy.

The best remedy to all suits respecting boundaries, village accounts, and exactions, is a well-organized revenue system, which

checks in a great degree these disorders in their origin, and, when they do arise, furnishes at once a clear document for settling them. An independent spirit amongst the rayets themselves is, however, the most sure defence against exaction. This spirit can only exist when the rayets are, as in Canara, actual proprietors, not mere cultivators of the soil. Such a body of men will not submit to exaction from any authority less than that of the Government itself. They will resist it, and, by so doing, guard more effectually their own rights than can be done by all our judicial and revenue regulations united. It is evident, therefore, that the more widely landed property is diffused, the more numerous the class of small proprietors holding of no despot zemindars, of no superior but the Crown, the more will this spirit of independence spread among the people, and the greater will be the number whom it will protect from extortion and every kind of oppression. But landed property can never arise under a system which leaves no landlord's rent. If we wish to see landed property and all its good effects, we must reduce the assessment of the greater part of the provinces under the Madras Government.

Under the sillah judge there should be a certain proportion of Native judges, one to each teshildari, or two where the teshildari was large. The Native judge should hold his court in the same town with the amildar's cutcherry, for the convenience of receiving the aid of that magistrate in assembling punchayets, &c.

The separation of power has certainly lowered the European character. It has already, perhaps, in some degree created, and will continue to spread gradually among the Natives, a spirit of independence, but springing less from confidence in themselves, than from an abated respect for the British Government. If we wish, in order to remove their prejudices, to communicate to them more of the European character in their habits and opinions; if we are desirous of raising in their minds that proper independence which results from living under a well-regulated Government, and of rendering them fit to take a share in it, and even at some future period to govern themselves, we have not, I fear, taken the steps most likely to conduct us to this object. The independence which our institutions create is more likely to lead to discontent and disturbances, than to a just estimate of the advantages which may be enjoyed under them, or to any anxiety for their preservation or improvement. While we are endeavour-

ing to diffuse European knowledge among the Hindoos, and just notions of the benefits of good government, we must be cautious that we do not, by too great a division of power, weaken their reverence for our authority, and encourage them to resist it. We must keep them so far united, as may enable us to maintain our dominions unshaken to distant ages, or at least until the time shall arrive when the Hindoos have acquired sufficient knowledge and energy of character to govern themselves.

The main evil of our system is the degraded state in which we hold the Natives. We suppose them to be superstitious, ignorant, prone to falsehood, and corrupt. In our well-meaning zeal for their welfare, we shudder at the idea of committing to men so depraved, any share in the administration of their own country. We never consider that their superstition has little or no influence on their public conduct; that individuals, and even whole nations, the most superstitious and credulous in supernatural concerns, may be as wary and sceptical in the affairs of the world, as any philosopher can desire. We exclude them from every situation of trust and emolument; we confine them to the lowest offices, with scarcely a bare subsistence; and even these are left in their hands from necessity, because Europeans are utterly incapable of filling them. We treat them as an inferior race of beings. Men who, under a Native government, might have held the first dignities of the state, who, but for us, might have been governors of provinces, are regarded as little better than menial servants; are often no better paid, and scarcely permitted to sit in our presence. We reduce them to this abject state, and then we look down upon them with disdain, as men unworthy of high station. Under most of the Mohammedan princes of India, the Hindoos were eligible to all the civil offices of government; and they frequently possessed a more important share in them than their conquerors.

In the Ceded Districts (Madras,) reckoning only one *toti* and one *talliar* to each village, there are from twelve to fifteen thousand. If these are what are called *Paikes* in Bengal, the number in the three provinces of Bengal, Behar, and Orissa, could not have been less than one hundred thousand, who, with their families, were at one sweep, by a regulation professing to establish landed property, bereft of their little patrimonial estates, which their ancestors had held for ages.

The usage of the country, or common law of the Hindoos, is very different from the written law, which is in a great measure obsolete among themselves. Before the introduction of a new code, we ought to have employed men properly qualified to collect all that could be found of usage or Hindoo common law. Many of the rules would have appeared trifling and absurd, and even contradictory; but from the whole a system might have been formed much better adapted to the genius and condition of the people, than our theoretical code.

Is the effect then of our boasted laws to be ultimately merely that of maintaining tranquillity, and keeping the inhabitants in such a state of abasement, that not one of them shall ever be fit to be intrusted with authority? If ever it was the object "of the most anxious solicitude of Government to dispense with their services, except in matters of detail," it is high time that a policy so degrading to our subjects, and so dangerous to ourselves, should be abandoned, and a more liberal one adopted. It is the policy of the British Government to improve the character of its subjects; and this cannot better be done than by raising them in their own estimation, by employing them in situations both of trust and authority.

There are many reasons why the civil government of India should have a greater control over the military power, than in other foreign dependencies of Great Britain. In all of these, the military force is too inconsiderable, and too closely connected with the Mother Country, to attempt any thing against her; and in most of them the civil government is strengthened by the weight and influence of the colonial assemblies. But in India, Government has nothing to support it but its own character, and the authority with which it is invested. It has no great civil societies to come forward to its aid in the time of difficulty. The chief strength of the army is composed of Natives; and even of the European soldiery, the greater part have no desire to leave the country. It is evident that the authority of Government over such an army ought to be maintained by every means not incompatible with the respect due to the Commander-in-chief, and that the supreme military power should be vested in the Governor in Council.

After the Commander-in-chief, there is no officer it is of so much importance to uphold as that of the regimental commanding officer of the Native corps; for on the respect which he can maintain, rests the subordination of the Native army, and the very existence of our dominion in India. The authority he once possessed has, with the view of checking abuses, been so much divided, that there is too little left any where to command respect. Part of his former power should be restored to him; and he should receive such allowances as will enable him to make an appearance suitable to his rank, in the eyes of the Natives and of the European officers.

Whatever plans may be adopted for accelerating promotion among the European officers, it ought to be accompanied by one for improving the condition of the Native officers; and no room should be left for them to feel that, in every arrangement for the improvement of the army, their interests are neglected.

1814-15. The people will often object to paying a tax expressly for the police of their own town, while they will make none to paying a much greater increase on houses, lands, or any established tax, though not intended for their protection. Government should adopt the tax most agreeable to the people, not that which appears most reasonable to us.

No modification can make the Mohammedan criminal law good for any thing: it ought to be abolished, and our own substituted. For whom is this law preserved? There is not one Mohammedan to twenty Hindoos; nor was the law ever administered worse than among that small portion.

The absolute power of dismissal at discretion is the only foundation of an efficient police: without it there can be no energy or zeal, and all regulations will be useless.

In 1812, a judge, or the judges, of a provincial court having, in a Report, said that the Mohammedan law, with all its modifications, was not suitable to the state of India, and that trial by jury might be introduced easily and with great benefit, Sir Thomas, then Colonel Munro, remarks, at the date of this fragment—"There can be no doubt that a Native jury would find the facts much better than any European judge."

Corporal punishment should be restrained within the narrowest limits. Public officers are too apt to inflict it; and when, as sometimes happens, it appears that there was no ground for the punishment, no compensation can be made. A fine is preferable; and can be returned.

Upon a proposition to make persons compounding theft guilty of a misdemeanour, he remarks—"This is much too severe. Before we punish for compromising theft, we ought to take measures to secure the speedy recovery of stolen property, and its return to the owner. If we cannot inspire the people with some hope of recovering their property through the operation of our measures, we ought not to expect that they are to take none *themselves* for this purpose.

"Magistrates who are chiefly engaged in the investigation of thefts and robberies, are apt to lose their temper—to proceed as if the whole population consisted only of thieves and receivers; and for the correction of a partial and contingent evil, to propose remedies inflicting a lasting inconvenience on the community in general, by making every member liable to penalties; and on some classes in particular, by restrictions in the exercise of their trades. The evil of theft and robbery, after all, is not so great as a magistrate, with his head full of stolen property, is apt to believe. If we consider the facility given to theft, by the unguarded manner in which property is usually kept, and in which goods are carried through the country, and the encouragement given to robbery by the weakness of the Native Governments, we shall not find that these crimes prevail to a greater extent in this country, (India,) than under similar circumstances they would have done in our own. A zealous magistrate thinks nothing of subjecting the whole inhabitants of a village to a kind of police martial law, and of making a considerable portion of them neglect, in some degree, their own occupations, in order to keep constant watch against thieves and banditti, merely because it is possible that a theft might be committed in the course of the year."

Upon a clause in a regulation which subjects proprietors, landholders, &c. to fine, imprisonment, and forfeiture of estate, if guilty of harbouring, feeding, or assisting banditti, he remarks,—"Where aid is given *from fear*, which it often is, no punishment should be inflicted. The *robber* is often much *more able* to punish the person who refuses him aid, than the *Government* to protect him."

The following remark is made on the fact, that an appeal from the Sudder Court lies to the King in Council:—"This was ordered, I believe, when the Governor was at the head of the Sudder Court; and it ought not to *pass him*: if it does, it is no Government. The Government has the power to reverse wrong decisions and wrong rules; or it may be involved in the work of suppressing commotions raised by The execution of orders of which it was ignorant."

In 1815, Mr. Baber, then magistrate of Canara, stated, in one of his reports,—“Unfounded accusations of the most atrocious crimes have been the cause of so many innocent people having been subjected to a long and ignominious confinement.” Upon this Sir Thomas, then Colonel Munro, remarks—"This most intolerable of all evils arises from our system, from bringing every man before an European magistrate, who knows little of the people, or of what he ought to believe or reject, instead of assigning more of the duty of investigation to natives, who are so much better qualified to appreciate evidence. Were we to commit only upon the report of a jury of Natives, much oppression would be obviated, and much time saved."

1820-21.—The Mohammedan law in criminal cases, never having being generally diffused, should be abolished, and the English substituted.

There is nothing we ought to avoid so cautiously as precipitancy in committing the faith of Government in permanent measures, of which we cannot possibly foresee the consequences, and which may often be quite contrary to our expectations. We ought always to keep open the road for correcting our mistakes, and never to bind ourselves in such a way, by hasty regulations, as to render our injustice, once committed, permanent.

The difficulty which the Bengal collectors and judges find in answering Lord Wellesley's queries, proceeds chiefly from the *curnums* or village accountants being no longer Government officers. They can say nothing of the resources, of the population, or of the cultivation of the country. They cannot ascertain even the number of villages, or their true proprietors. On every subject their answers are vague. They are reduced to guess, and acknowledge that they have no data from whence to form a judgment. One conceives, another is convinced, an-

other is given to understand, and another as far as he is able to learn.

The potails and curnums of every village, as political instruments holding together the internal frame, are of the highest use to Government. They are immortal; but the zemindar can command no respect. His property dividing and passing away, prevents his acquiring permanent influence. Government loses the services of the potail and curnum, and gets none from the zemindar.

1823.—The rise of the character of the natives is to be effected by means of the higher classes in the judicial and revenue department; by collectors and revenue board cutcherries; by consultation on taxation with them, and with the principal rayets and merchants; by a system admitting a regular reduction of taxation in peace, and increase in time of war; by showing the reason of it, and gaining their confidence, so that they may pay willingly in war, from the certainty that reduction will follow in peace.

Let each Presidency pursue the course best calculated to promote improvement in its own territory. Do not suppose that one way will answer for all, and that Madras, Calcutta, and Bombay—places a thousand miles from each other—must be in every thing so much alike, as to require exactly the same rules of internal administration on every point. Let each Presidency act for itself. By this means, a spirit of emulation will be kept alive, and each may borrow from the other every improvement which may be suited to the circumstances of its own provinces. If there is only one system, and if one Presidency is to be the model of the rest, it will have no other standard to compare its own with; and when it falls into vices, it will, instead of correcting it by the example of others, communicate it to them.

Our Adawlut courts in the several provinces act like so many steam-engines, breaking the great estates into small ones, and the small ones into dust.

The introduction of regular troops into all the countries of India lately occupied by the numerous irregular armies of the Native princes, operates, like the first establishment of the steam-engine, in throwing a great body of men out of employment, because it performs with a few what before was the work of many. It occasions very severe and extreme distress, as well as disaffection, by depriving at once a large body of military men of the means of subsistence. The evil to the common sort may be

temporary ; but to all the better, and particularly the Mussulman officers, it is permanent, because they cannot follow any other profession, and cannot find employment in our armies. We ought therefore, in extending our arms over new countries, to consider the state of these men, and either find employment for them as irregulars, or pension them for life. Their children will enter into our service, or seek a livelihood in some other occupation.

1826.—The Court themselves have been the great destroyers of discipline, by authorizing all subalterns of the army to receive full batta and command-allowance. The subaltern is never taught economy ; he starts with extravagant notions, and never afterwards becomes sober. You may, in fact, pay as high as you please : if you pay upon a wrong principle, you will never have content or discipline.

IV.

ON THE STATE OF THE SOUTHERN MAHRATTA COUNTRY.

TO THE HONOURABLE M. ELPHINSTONE.

Bangalore, 28th August, 1818.

SIR,

My stay has been too short in the Southern Mahratta provinces, and my time too much occupied in military operations, to have permitted me to acquire any very accurate knowledge either of the political state, or of the revenues of the country ; yet, from my having held civil as well as military authority, and had constant communication with every class of the people, I had ample opportunity, as far as my leisure admitted, of learning their disposition towards our Government, and of ascertaining the means most likely to ensure future tranquillity.

2. In every conquered province there are three points which require immediate attention ; namely, the military protection, the political settlement, and the civil administration of the country : but of these, the military protection is by far the most important, since without it no order can be established or maintained, more particularly in a country long accustomed to anarchy, arising from the weakness of the sovereign, and the pretensions of turbulent feudatories.

3. The force now stationed in the Mahratta country between the Kistna and the Toombuddra, usually called the Carnatic, is barely sufficient for its protection; and if it is expected that it shall cover the districts of Bijapoor and Sholapoor, beyond the Kistna, and Rastiah's late jagheers on the north bank of that river, it ought to be reinforced with two additional battalions of Native infantry: the whole of the force, with the exception of that part which is required for garrisons, should be kept in readiness for field-service. I do not apprehend that, while such a force is in the country, any serious disturbances can happen. The principal jagheerdars have too much at stake to wish to excite them. The condition of the Putwurdhans, and of the Dessye of Kittoor, will be much improved by the change of government. The Putwurdhans will have more territory; both will be secured in the enjoyment of their possessions, instead of being exposed to constant attempts to diminish them, as when under the dominion of the Peishwah. The family of Goklah may be regarded as extinct: The elevation of that chief was too recent, and his conduct too violent, to have left him, even if he had lived, any chance of support from the inhabitants of his jagheers. Rastiah's administration was in general moderate and just; but there is, notwithstanding, no desire to see his jagheers restored, except among his immediate dependents. The Dessye of Nepauni is dissatisfied at being deprived of the districts of Chickori and Manowlee, and would readily join in any combination against us, which he thought was likely to be successful. But he is too wary, and has still too many possessions, acquired almost entirely from his connection with the British Government, to run any risk of losing them. He is, besides, not ignorant that he is detested by all the inhabitants of his jagheers for his oppressive and wanton cruelty, and that they would gladly co-operate in his destruction. During the late campaign, I received invitations from most of his villages to take possession of them. They did not even demand assistance; all that they asked was, that I would authorize their expelling the garrisons, and engage not to restore them to the Dessye after the war. I am therefore persuaded that he will remain quiet. Some of the petty zemindars will be more likely than the great jagheerdars to excite disturbances; but their acts, if they attempt any thing, will be those of banditti rather than of rebels. The strength of their country along the borders of Soondah and of the Goa territory, has enabled them for many years to resist the authority of the Peishwah's officers, to with-

hold their rents, and to levy contributions on travellers, or plunder them. The principal of these petty chiefs is the Dessye of Koodlague and Misricottah. He came in to me in January, on a promise of indemnity for all past offences. He had about three hundred and fifty armed followers. He retained fifty, and the remaining three hundred, many of whom were Abyssinians, or their descendants, were distributed, in parties of forty or fifty, among the peons whom I was then raising, and sent to different garrisons. The Dessye, who is a youth of about twenty years of age, told me that both his father and himself had been compelled to subsist by plunder, because they could not reside in their village without the danger of being treacherously seized by the Mahratta Government. I believe that the Government had cause to look after the father, but I think that the son is desirous of living peaceably. The garrisons of Bheemghur and Phanghur, two hill-forts, with their dependent districts, situated among the Western Ghauts, have long paid but a nominal submission to the Peishwah's authority. They received their killedars from Poonah, but attended by only a few followers, whom they could turn out at pleasure. The main body of the garrison in both places was composed of the country militia, who had for above a century enjoyed the rents of the neighbouring villages, as service-lands, together with the produce of the customs on goods passing to and from the sea-coast. They also received a small allowance in money from Poonah, both on their own account and on account of the killedars and their followers. Both places offered to capitulate on the fall of Belgaum, provided their arrears were paid. I rejected the terms. Bheemghur did not surrender till June; and it was not till the beginning of the present month that Phanghur, having lost all hope of succour, sent me a deputation composed of the acting killedar, and two of his head men, which arrived in camp on the 7th instant. On the 8th they agreed to give up the fort, on the single condition of being permitted to hold their ancient service-lands and fees. This was of course granted, and a karcoon, with a small party of peons, was sent back with them to take possession of the place. It is said that they will break their engagements, and that the inhabitants of the neighbouring jungles are a savage and faithless race, who will never submit to any regular government. I have certainly myself no apprehensions on this head, and am convinced that, if well treated, they will be found just as tractable as the inhabitants of the plains. As far as my own experience goes, I have never yet

found what were usually called the wild tribes of the hills or jungles, to be any wilder than the people of the open country ; but they are often more independent. Their petty chiefs are enabled, by the nature of the country, to resist a weak government, and to obtain favourable rents ; and when a government which fancies itself stronger, attempts to impose a higher rent or tribute, they resist, and are termed wild and turbulent. There are frequently unfavourable circumstances attending the situation of such districts, which render rents, apparently low, as high as they can easily bear ; an attempt is made to raise them still higher, without ascertaining the true state of things, and rebellion follows, which would have been avoided, had care been previously taken to inspire confidence, and to show the inhabitants that no increase would be demanded, unless it could be easily paid.

4. The horsemen thrown out of employment are, no doubt, dissatisfied with the change, but they will not venture to rise ; they have no leader ; they fear the loss of their property in the villages, and their number is much smaller than is usually supposed. A great part of the horses employed in the Mahratta armies, are the property of men who do not belong to the military profession. Many of the wealthy inhabitants, most of the *despandes*, *dessyes*, and other hereditary civil officers of the *potails* and *curnums* of villages, and many even of the most substantial *rayets*, breed horses for the armies. They send them to the field mounted by their own domestics and labourers, and hire them to the *jagheerdars* or the Government. They are horse-dealers rather than soldiers ; and when they find that there is no longer the same demand for horses as formerly, they will breed fewer, and seek employment for their funds in some other branch of trade. *Rayets* who send one or two horses to the field, do so merely for the purpose of raising money to pay their rents. They are not likely to join in any insurrection, for the cultivation of their land is their chief object, and the advantage which they will derive under our Government from enjoying in tranquillity the produce of their lands, is much greater than what they could ever obtain under the Mahratta dominion, exposed almost every year to the ravages of war. They wish for peace, because no class of men suffer so much as they do from war, when their fields are laid waste by the contending armies. There can therefore be no doubt that they will not only not act against us, but that they will assist in suppressing every hostile attempt in their respective villages.

5. The number of horsemen who depend for their livelihood solely on military service is very small; it probably does not exceed the proportion of one-tenth of the whole horsemen usually employed under the southern jagheerdars. It is too inconsiderable, and the individuals of which it is composed are too unconnected, to give any opposition to our Government. In calculating the causes which may give rise to disturbances, we should also consider the means we have of preventing them. We have in our favour, with the exception of a few disbanded horsemen, and the immediate servants of the late Government, almost the whole body of the people. We have all the trading, manufacturing, and agricultural classes, and we have the potails and curnums of villages, and under them the setbundi, or local militia. With these advantages, if we keep a body of troops in the Carnatic ready for the field, it is scarcely possible that the peace of the country can meet with any serious interruption. The military force stationed in a newly-conquered country should always be a strong one, because, as it then leaves no hope of successful opposition, it deters the disaffected from attempting any thing; and the confidence which this state of security inspires, increases the resources of the country, and amply repays the additional military expense which may be incurred. It is of the utmost importance to the future prosperity of such a country, that it be so strongly occupied at first, as to be preserved in peace for some years. When this is done, a system of order gradually springs up, which is afterwards easily maintained.

6. The want of regular troops obliged me to raise, during the campaign, from nine to ten thousand peons, and three hundred horse. I disbanded, in the course of the last two months, three thousand four hundred peons. The remainder, about six thousand, may, after a few months, be placed upon lower pay, and be gradually reduced; at present they are distributed among the numerous forts and gurries with which the country is covered, and from which they cannot be withdrawn until it becomes more settled.

7. A survey of the forts ought to be made by a committee of officers, in order to determine in which of them it will be necessary to keep garrisons of regular troops or peons, and which of them may be left unoccupied. Such forts as cannot be garrisoned ought not to be hastily destroyed. They afford, in time of war, shelter to the inhabitants, who will themselves defend them against horse; and they will always be more useful to us, who

depend chiefly on our infantry, than to an enemy whose strength is in his irregular cavalry.

8. Upon the breaking up of an empire like the Peishwah's, it becomes a measure of necessity, as well as of humanity, to give employment to a portion of the irregular troops of the country, both with the view of preventing them from exciting disturbances, and of enabling them gradually to find some other means of subsistence. Where a choice is left, regulars only ought to be employed, for the sake both of economy and safety. If we compare the number of regulars and irregulars required for any particular service, and consider their respective efficiency for executing it, we shall find that the regulars are not one-half so expensive as the irregulars. The result will be the same whether we take the ordinary local militia, or the irregular corps, disciplined and commanded by an European officer. The expense of equipping corps so disciplined, increases in a greater degree than their efficiency, and they are at least twice as expensive as any regular troops. But there is another reason against the employment of irregulars as a matter of choice: it withdraws a great number of useful hands from the labour of the country. The place of one thousand regulars can hardly be supplied by less than five or six thousand irregulars. The loss of so many additional hands must proportionally diminish the produce of the country.

9. The events of the war have rendered the political settlement of the Southern States easier than it might otherwise have been. The whole of Goklah's jagheers have been resumed. Rastiah's jagheers have shared the same fate, with the exception of the village of Tullikattah, which has been left to him, as it is the residence of a part of his family. The districts of Manowlee and Chickori have been taken from Appah Dessye, and given up to the Rajah of Kolapore; but the Dessye has of course been allowed to keep Nepauni, and also Sirkopah, which he obtained from Purseram Bhow.

10. In transferring Chickori to the Rajah of Kolapore, the three enaum villages which formerly belonged to his vakeel's brother were restored, and four villages were given as a jagheer to the vakeel Bhow Maharay himself. I meant at one time to have given him only two; but, on farther consideration, I thought it as well to satisfy the Bhow, by giving the whole, as the Rajah was as likely to be displeased with the grant in the one case as the other. It is said that the Rajah dislikes and fears

the Bhow. The report has, I suspect, some foundation; for, when I proposed to the Bhow that I should only recommend, and that the Rajah should make the grant, he objected to it.

11. On the arrival of the reserve before Nepauni, Appah Dessye surrendered without delay the whole of the districts of Chickori and Manowlee, excepting twenty-four villages, which having appropriated to the support of his household troops and principal servants, he gave up with great reluctance, after an interval of six weeks spent in evasion. He has now nothing to give up, but something to receive. He is not entitled, from his conduct, to any compensation for the territory transferred to the Kolapore Rajah; but he is entitled, from the assurances given to him, to retain all the remaining part of his jagheer which he held at the breaking out of the war; to recover the part of his jagheer resumed by Raj Row, unless when a promise, as in the case of Purrusghur, has been made to the inhabitants, that they will not again be placed under his authority; and to obtain from the Government of Hyderabad an equivalent for his rights in the Nizam's territories. I have told his vakeels that he must not expect to recover any of these lost rights, unless he previously execute all that has been required of him. He has, from the very beginning of his career, pursued a system of throwing into prison all the rich inhabitants, not only of his own districts, but of every district wherever he obtained a temporary authority, with the view of extorting money from them, and of seizing and keeping in confinement the women most remarkable for their beauty. Many of these unfortunate people had been in prison ten or twelve years, and many had died from cruel treatment every year. While I was in the neighbourhood of Nepauni, I heard of only a few prisoners, whom I ordered to be released. It was not until after I had marched from the place, that I learned that about three hundred still remained in confinement. I wrote to Appah Dessye to release them. He has set many at liberty, but many are still detained; and until the whole are set at liberty, I have directed some of his jagheer villages on the south bank of the Kistna, which were occupied during the war, not to be restored.

12. The peshcush, or rather the rent of the Dessye of Kittoor, never was regularly paid, and seldom without force. It is now converted into a fixed peshcush, and the zemindary erected into a summastanun. The peshcush is fixed at its former amount of Shahpoore rupees 1,75,000, and the honorary dress (tushruf) to

be given yearly by the sirkar to the Dessye, according to custom, at rupees 3,955.

13. The Dessye has paid no peshcush for the last two years. The peshcush for the first of those years has been remitted, on account of some expenses incurred by him during the war, but more on account of his early defection from the Peishwah. The whole of the peshcush for the last year is to be paid by the end of October.

14. Raj Row had assigned to the Dessye and the Putwurdhans, seranjami lands in each other's districts, with the view apparently of causing dissension between them. But neither party obeyed his orders. Both retained what they had before; for this reason, and still more for that of their being ancient possessions of Kittoor, Bhagwaddi-Suptguon and Olkottah are continued to the Dessye.

15. By his sunnud, the Dessye was bound to maintain four hundred and seventy-three horse and one thousand foot. He is now absolved from the keeping up of any contingent, and the district of Khannapoor, and an annual allowance of 25,000 rupees from the sirkar, are resumed, because these constituted the whole of what he actually received for furnishing his contingent, as the gudwal peshcush, estimated at 25,000 rupees, and the lands of Chintamene Row estimated at 68,473 rupees, though calculated as forming a part of the allowance for his contingent, were never given up to him.

16. The Dessye is perfectly satisfied with the present arrangement, and he has cause to be so; for, although his peshcush is not lowered, he is exempted from many private demands by the Peishwah's officers, with which he found it necessary to comply. His country is now freed from the incursions frequently made into it lately by the neighbouring jagheerdars and the Peishwah's troops, and will yield him a greater revenue; and he is secure in the possession of what he has. I have therefore no doubt that he feels the advantages of being under the protection of the British Government, and will endeavour to preserve them.

17. The Putwurdhans are the only great jagheerdars with whom an arrangement has not yet been made; but as they are to receive, and not to give, no difficulty is likely to be met with beyond what may arise from their discussions among themselves respecting their several shares of the additional allowances in money and land which may be granted by Government. I have not stated to their vakeels the amount proposed to be given; but

they are desirous that, whatever it may be, the division should be left to be made among themselves. The Tagaone, Chinchani, and Karnudwar chiefs, from the disposition they showed at an early period to quit the Peishwah, are entitled to a greater proportion than the others, and it will therefore be necessary that we make the distributions, unless they themselves express a desire that it should be made without our interference. Two lacs of rupees will, I think, be sufficient to satisfy all their expectations. This sum will be made up by a remission of the daishmook fees paid to the sirkar, by a transfer of such sirkar villages as are insulated among the lands of the Putwurdhans, and by making over a part of Rastiah's resumed jagheer, on the north bank of the Kistna. The amount of the daishmook is variously estimated from fifteen to forty-five, or fifty thousand rupees. As soon as a correct account of it can be obtained, the lands required to make up the two lacs of rupees will be granted.

18. All the branches of the Putwurdhan family are popular in this country. They treat the inhabitants with great kindness, and their lands are well cultivated. Their attention to their improvement renders them averse to war. Their peaceful habits, the great value of their possessions, the facility with which we might seize them, and the benefits they have derived from their connection with us, hold out the strongest security that they will discourage every attempt to disturb the tranquillity of the country.

19. The remaining jagheerdars of the greatest importance are those of Nergoond and Ramdroog, and the Gerhurroh families of Gujundughur and Madoolah. These jagheers are all personal, and not held by military tenures. The jagheerdars of Ramdroog and Madoolah were however with Raj Row during the war, but were paid as jemadars of horse. The Ramdroog never left the Peishwah after his defeat at Ashti. The Madoolah never came away with Appah Dessye. The Madoolah horse, though few, are esteemed the best in the Carnatic. The Jagheerdar of Nergoond, though allied by marriage to Goklah, and though Goklah's mother and daughter were in his fort, was friendly from the very commencement of hostilities. The brother of the Gujundughur jagheerdar was for some time actually employed against us under Muddun Sing; but he was recalled by the jagheerdar, on my threatening to treat the jagheer as a hostile district. These jagheerdars had nothing to expect from Raj Row: and as they have no wish for military service, they will think themselves fortunate

if left in the quiet enjoyment of their lands. We have no claim upon them either for rent or service; but the Nergoond jagheer-dar had obtained from Goklah some villages, which I have ordered to be resumed.

20. The petty jagheerdar of Hibly, whose ancestors possessed both Nergoond and Ramdroog, joined us on the breaking out of the war, and will for his services receive an addition to his jagheer of lands yielding a rent of two or three thousand rupees. Eshwunt Row Garpurrah has been put in possession of all his villages except three, which belonging to Chukun, have been transferred with that district to the Rajah of Kolapore. But as Eshwunt Row will be satisfied with getting other villages in the Carnatic of the same value, they will be given up to him. The vakeels of the principal jagheerdars have brought forward claims to official lands and fees, of which they have been deprived by Raj Row. It will be advisable to grant them some lands, not as a matter of right, but of indulgence. The whole will not exceed five or six thousand rupees.

21. The total amount of grants in the Carnatic to jagheerdars and others, for their conduct during the war, will probably be nearly as follows:

To the Putwurdhaas	Rs. 200,000
To Eshwunt Row Garpurrah, the Hibly jagheerdar, and the vakeels of the jagheerdars	30,000
	Rs. 230,000

I do not reckon the districts given to the Kolapore Rajah, because they have been taken from Nepauni; nor do I include any compensation to Appah Dessye, because he is entitled to none.

22. The jagheerdars may be made to maintain from one-fifth to one-fourth of their nominal contingents during peace, and one-third during war. The number of horses have greatly diminished since the time when the Mahrattas were accustomed to lay all their neighbours under contribution. They will decrease rapidly now, as the demand for them for the purposes of war will in a great measure cease, and in place of them most of the owners will probably rear cattle for husbandry.

23. There was no opportunity during the campaign of acquiring any knowledge of the revenue. Not only the collectors, but the officers of accounts absconded, so that it will still require some months, and probably the whole of the current year, before any

olerably accurate estimate can be formed of the state of the revenue during the last eight or ten years. We know, however, that it has declined greatly since the succession of Raj Row, from the system of renting and sub-renting, and the frequent disturbances arising from the weakness of the government. The most flourishing period of the revenue during the last fifty years was when the country was under the Mysore dominion. The sum entered in the partition treaty schedules of 1792 is supposed to have been almost one-fourth more than the real amount. The revenue may undoubtedly be again brought to that standard; but it will be necessary to proceed with great caution, and to keep the assessment very moderate for some years.

24. The soil is in general extremely fertile; but as the cultivators are few and poor, the country cannot possibly be improved, unless their rents are low. The settlements should be annual. Every rayet should be at liberty to cultivate as much or as little as he pleases, and should pay only for what he cultivates. The rents of the rayets should be collected by the heads of villages, and be paid by them to the tishildars of the collectors. An agricultural survey of the country should be made, in order to ascertain the better its resources, and to establish a fixed and moderate assessment. But as such a survey, if precipitately undertaken, would cause an alarm that an increase of rent was intended, and thereby diminish cultivation, it would be proper not to begin it for three or four years, when the inhabitants will have acquired more confidence in our forbearance.

25. The coining of money, and the levying of customs on goods passing through the country, by the jagheerdars, are prejudicial to trade, and ought to be abolished whenever the jagheerdars can be prevailed upon to accept a fair compensation for the sacrifice of these rights.

26. The *dessyes*, *potails*, and *curnums* have, in general, considerable enaums. It is better that it should be so, as it establishes a respectable class of landholders and gradations in society between the cultivators and Government; and, as by giving to the heads of villages more influence, it renders them more useful as instruments of internal administration. Some confusion has arisen from revenue officers of one class having, by purchase or violence, obtained the offices and enaums of those of another. The *dessye* or *despundi* of a small district is sometimes both *potail* and *curnum* of several villages. His right cannot

now be set aside; but the evil may be corrected by insisting on his employing fit persons to execute the duties, and making them a sufficient allowance.

27. All enaums have already been guaranteed to the owners by proclamation, but many enaums will be found, on examination, to have been given clandestinely by revenue officers without authority. Every one, from the curnum of a village to the sirsoobah of the Carnatic, grants both lands and pensions. The sirsoobah, or his deputy, when he is about to quit his office, fabricates a number of enaum sunnuds; he gives away some, and sells the rest; the new sirsoobah resumes some, but continues a part of them. Where such enaums have not, by long possession, become in some degree the fair property of the possessors, they ought to be resumed. I would consider all grants of this kind, since the cession of the Carnatic by Tippoo Sultan in 1792, as resumable; but the Mysore conquests did not extend beyond the Gulpurrbah; and the year 1792 can therefore have no particular applicability to the rest of the Carnatic and the districts south of the Kistna. In those countries, I would therefore substitute the year of Nana Furnavee's removal from power, or of Raj Row's accession, because there has since been no regular control over the disposal of the sirkar's property.

28. It would be advisable that no zillah court should be introduced for some years. The collector ought, in the mean time, to act as judge and magistrate, and the tishildars of districts, and heads of villages under his superintendence, to manage the police, and exercise judicial authority in petty suits within their respective circuits.

29. The collector should have under him two subordinate collectors, one at Bijapoor, or Shulapoor, and the other at Haveri or Ranie Bednoor. The collector should, as usual in such cases, be called the principal collector, as it serves to give him more weight in the eyes of the natives.

30. I am convinced, from long experience, that the system of management by principal and subordinate collectors is the best calculated for an extensive collectorate, particularly where the territory is a recent acquisition, and requires much investigation; and that it is also the best adapted for producing a succession of efficient collectors. A subordinate collectorship is the best of all schools for acquiring revenue knowledge. The subordinate collector has all the practice of his principal in revenue details; and

being exempted from all public correspondence and duties of a general nature, he has more time to examine and understand them thoroughly.

31. With the exception of the small tract south of the Wurdah, the other districts fell into my hands during the progress of the war. The enemy in all had collected more or less of the revenue of the year, and in some which were last occupied, the whole, so that in such districts a considerable expense was incurred for an establishment of revenue officers and irregular troops, without any returns. The tishildars and their irregulars were sometimes driven out of a district, after having obtained possession of it, and every district was too much disturbed to admit of any jum-mabundi, or regular settlement of the revenue, being made. The collections, or rather contributions, were carrying on both by the enemy and us at the same time, and in the same districts. I looked to the collections merely as the means of facilitating our military operations, by lessening the resources of the enemy, and increasing our own. Whatever was got in the struggle was so much gained from the enemy, and might be regarded rather as captured property than as revenue. Under all these disadvantages, enough was realized to defray the charges of all the civil establishments of a body of three hundred horse, and of a body of peons amounting at one time to nearly ten thousand, and to leave a balance in the treasury on the 8th instant, of star pagodas 52, 65, 32, 444; so that the campaign in the Carnatic may be said to have been carried on without any expense to Government.

32. The preparation of the English revenue accounts has been hitherto delayed by the death of the English writer brought from Madras; but they are now nearly finished, and will be forwarded to you in a few days by Mr. Chaplin. I have, &c.

V.

MAXIMS, SUGGESTIONS, AND GENERAL PRINCIPLES, COLLECTED
FROM THE VARIOUS WRITINGS OF SIR THOMAS MUNRO.

KEEP your temper.

Be slow to take, and never give offence in official correspondence or communications ; and abstain even from the use of expressions which, though not generally calculated to give offence, may yet be taken offensively.

When a question is once decided, whatever difference of opinion may have existed upon it among those whose duty it was to consider it, discussion should at once give way to co-operation.

There is no use, but much unnecessary trouble, in disputing a question where the argument you favour is at all doubtful, and not clear.

Write down a thought when it occurs to you.

A public man should give up his situation when he finds that he is no longer capable of performing the duties of it efficiently.

Government ought to be extremely cautious in passing censure on appeals from its subordinate officers, because, as almost every appeal must be against the decision either of the Commander-in-chief or of Government, it would evidently tend to prevent the complaints of individuals for real or imaginary grievances from reaching the superior authority at home.

Do what is right ; never mind clamour.

Temper and perseverance in a right course must always insure success.

Improvement in civil affairs must always proceed slowly ; more particularly where much is to be undone that ought never to have been done.

Many measures of Government ought only to be adopted as you have servants properly qualified to carry them into effect ; to

attempt them without, is only to create confusion and useless expense.

A public man should have no motive but the good of his Government and his own reputation, which are inseparably connected.

What India wants most is a free export of her produce to England, as is permitted from England to India. Admission to all our silks and coloured goods, &c. on moderate duties.

If you want discipline, you must support the respectability of commandants of corps; this, more than any thing, is wanting.

All armies, but more particularly mercenary armies, such as we have in India, require something like service to keep up their attention when, for any length of time, we have no war. The best thing is distant marches to and from a foreign territory.

A Governor should always be a man who will maintain the system prescribed by the Court of Directors.

You do great injustice to a Governor if you give him counsellors adverse to the system he is enjoined to follow, as well as great injustice to the Company and their subjects.

In recommending new systems, people are too apt to think that mankind are mere pieces of machinery, on which it is perfectly harmless to make experiments every day.

When we are actually at war, it is not the business of a subordinate government to ask questions about the origin or justice of it; but to use every exertion to enable the superior government to get out of the war as well as possible.

Of our troops, one to five, or even ten, of the enemy is enough.

Government loses all its dignity when a bankrupt is employed to rule over his creditors.

Nothing is more unphilosophical, and, what is of more consequence, more imprudent, than to show a slight to any person

however humble his capacity. There is hardly any one who ever forgives it. True philosophy consists, not so much in despising the talents or wealth of other men, as in bearing our own fortune, whatever it may be, with an unaltered mind.

It is always dangerous, and often fatal, to have a force barely sufficient to maintain ourselves in a hostile country, more particularly in a country like Ava, the powers and resources of which we are so ignorant of. The best chance of peace, under such circumstances, is never to trust to appearances, but to consider war as likely to last, to make preparations accordingly, and to engage in it with our whole disposable force. Nothing is so expensive as war carried on with inadequate means. It entails all the expense, without the advantages of war.

If we wait till we hear of the wants of an army, and then only prepare to meet them, the aid may come too late; such wants should be anticipated as far as possible.

There is no time when it is more essentially necessary an army should be strong, than at the very moment when its commander is treating for peace.

Troops will always make allowances for any hardships imposed on them by the exigency of the public service, if proper attention is paid to their comfort and feeling.

An extensive country and scanty population are usually great obstacles to invasion, and more so to conquest.

An enemy should always be made to fear the worst.

No theoretical improvement should make us abandon what is supported by experience.

Any alteration in the rates of exchange at which troops are paid, is a thing desirable at all times to be avoided. It should not even be brought into discussion, especially when the rate at which the coin is paid is already above its value, and when the object is to raise it still higher.

Every thing is possible to a sound and persevering Government.

All the writing in the world will not put people right who do not know, or cannot or will not learn, how to go about a thing.

The way to make our administration efficient is to simplify it,—to employ our European and Native servants on those duties for which they are respectively best adapted. Employ all civil servants *at first* in the revenue line, not merely to teach them revenue business, but because they will see the natives under their best form, as industrious and intelligent husbandmen and manufacturers—will become acquainted with their habits, manners, and wants, and lose their prejudices against them—will become attached to, and feel a desire to befriend and protect them ; and this knowledge and feeling will adhere to them ever after, and be most useful to them and the natives during the rest of their lives.

VI.

MINUTE ON THE CONDUCT OF EUROPEAN FUNCTIONARIES TOWARDS THE NATIVES.

THE unfortunate riot at Masulipatam on the 29th of May, in which three persons lost their lives, seems to have arisen from one of those disputes about ceremonies, which are so common between the right and left-hand castes. The great population of Masulipatam renders it peculiarly liable to such disturbances ; and the well-known zeal of the collector has led him to adopt measures for their prevention ; but I fear that they will not have the desired effect, and that, if sanctioned, they would rather augment than mitigate the evil. His proposition is, that all differences respecting processions and other ceremonies should be decided by the courts of law, and that, in the mean time, he should support the party whose claim seems consistent with natural right. He observes, that the beating of tomtoms, riding in a palanquin, and erecting a pandal, are privileges which hurt nobody, and naturally belong to every person who can afford to pay for them. This is very true ; but it is also equally true, that things equally harmless in themselves have, in all ages and in all nations, and in our own as well as in others, frequently excited

the most obstinate and sanguinary contests. The alteration of a mere form or symbol of no importance, has as often produced these effects, as an attack on the fundamental principles of national faith. It would therefore be extremely imprudent to use the authority of Government in supporting the performance of ceremonies which we know are likely to be opposed by a large body of the natives.

On all such occasions, it would be most advisable, that the officers of Government should take no part, but confine themselves entirely to the preservation of the public peace, which will in almost every case be more likely to be secured by discouraging, rather than by promoting, disputed claims to the right of using palanquins, flags, and other marks of distinction, during the celebration of certain ceremonies.

The magistrate seems to think, that because a decision of the zillah court put a stop to the opposition given to a caste of Brahmins in having the Vadookhan rites performed in their houses in the language of the Vedahs, it would have the same efficacy in stopping the opposition to marriage processions; but the cases are certainly different. The Banians have the sanction of the Shasters for the use of the Vadookhan rites in their families; the ceremony is private, and the opposition is only by a few Brahmins. But in the case of the marriage procession, there is no sanction of the Shasters; the ceremony is public, and lasts for days together; and the opposition is by the whole of the right-hand castes against the whole of the left-hand castes, and brings every Hindoo into the conflict.

The result of the magistrate's experiment ought to make us avoid the repetition of it. We find from his own statement, that the mischief was occasioned by his wish to restore the caste of goldsmiths to the right of riding in a palanquin, which he considered to belong to every man who chose to pay for it. He annulled a former order against it, in consequence of the complaint of the writer of the zillah court, that he was hindered by it from performing his son's marriage in a manner suitable to his rank; and as he did not apprehend any disturbances, he left Masulipatam before the ceremony took place. The assistant magistrate however, two days before its commencement, received information that opposition was intended.

He did whatever could be done to preserve the peace of the town, but to no purpose. He issued a proclamation; stationed the police in the streets to prevent riot; reinforced these with

revenue peons, and desired the officer commanding the troops to keep them in readiness within their lines. But, in spite of all these precautions, a serious affray, as might have been expected, occurs, in which property is plundered, and lives are lost; and all this array of civil and military power, and all this tumult, arise solely from its being thought necessary that a writer of the court should have a palanquin at the celebration of a marriage. Had the writer not looked for the support of the magistrate, he would undoubtedly not have ventured to go in procession, and no disturbance would have happened.

The magistrate states, that this writer had gone about for many years in a palanquin without hindrance; but this is not the point in dispute:—it is not his using a palanquin in his ordinary business, but in going in procession:—it is this which constitutes the triumph of one party and the defeat of the other, and which, whilst such opinions are entertained by the natives, will always produce affrays. The magistrate supposes that the opposition was not justified by the custom of the country, because it was notorious that, in many places of the same district, the goldsmith castes went in procession in palanquins. This is very likely, but it does not affect the question, which relates solely to what is the custom of the town of Masulipatam, not to what that of other places is.

It is not uncommon for a caste to have a privilege in one place, which it has not in another. In a small village, where there are but few persons of the opposite caste, it goes in procession in a manner which it could not do in a great town, where the numbers are more equally balanced. The magistrate has not shown that the goldsmiths had in the town of Masulipatam the privilege which they claim: had it existed, he could have had no difficulty in finding the proof of it among the Mohammedan population, or even among the Brahmins, who, in general, have no interest in the disputes of the right and left-hand castes. We may infer, not only from the magistrate having stated no precedent, but also from the unwillingness of the revenue and police servants to take an active part, or even to give information, that the claim of the goldsmiths was unfounded.

The assistant-magistrate remarks, that the police servants connived at the conduct of the rioters; but that the sepoys, though they might be supposed to act under the influence of the same prejudices, showed no improper bias.

We are not however to conclude, from the conduct of the sepoys, that they were less inclined to the cause of the rioters than the police. Sepoys are often led, by the habit of military discipline, to act in opposition to their prejudices; but nothing can be more dangerous than to expose their fidelity to such a trial, and it ought never to be done unless in cases of the utmost necessity.

It would be desirable that the customs of the castes connected with their public ceremonies should be the same every where, and that differences respecting them should be settled by decisions of the courts; but as this is impossible while their prejudices remain, we ought, in the mean time, to follow the course most likely to prevent disorder and outrage.

The conflicts of the castes are usually most serious and most frequent when one party or the other expects the support of the officers of Government. They are usually occasioned by supporting some innovation respecting ceremonies, but rarely by preventing it. The magistrate ought therefore to give no aid whatever to any persons desirous of celebrating marriages, or other festivals or public ceremonies, in any way not usual in the place, but rather to discountenance innovation. He ought, in all disputes between the castes, to take no part beyond what may be necessary in order to preserve the peace; and he ought to punish the rioters on both sides, in cases of affray, for breach of the peace; and, on the whole, to conduct himself in such a manner as to make it evident to the people that he favours the pretensions of neither side, but looks only to the maintenance of the peace.

I recommend that instructions in conformity to these suggestions be sent to the magistrates for their guidance.

(Signed)

THOMAS MUNRO.

3rd July, 1820.

VII.

MINUTE AND OPINION ON SUPPOSED ERRONEOUS PROCEEDINGS
AND DECISION OF THE SUPREME COURT AT MADRAS RELATIVE
TO A JAGHEER.

I INSERT the following admirable remarks on a decision by the Chief Justice of Madras, because they convey the most accurate definition which I have any where met of the peculiar tenures by which lands are held in India. I have taken no notice of this subject in the MEMOIR, because it is in no necessary degree mixed up with the narrative of Sir Thomas Munro's public or private life.

In Consultation, 15th March 1822.

In 1783, Asim Khan, Dewan of the Nabob Walajah, obtained a jagheer, which was confirmed to him by a perwannah, dated 29th July 1789, by way of "an Altamgha Enaum" of the Kamil Jumma of sixty-four thousand chuchrums, eleven anas. The grant is in the usual form,—“to be enjoyed by him and his descendants for ever, from generation to generation.” He is authorized to divide it among his descendants; and the local officers are required to consider the perwannah “as a most positive peremptory mandate, and not to require a fresh sunnud every year.”

The terms employed in such documents, “for ever,” “from generation to generation,” or in Hindoo grants, “while the sun and moon endure,” are mere forms of expression, and are never supposed, either by the donor or the receiver, to convey the durability which they imply, or any beyond the will of the sovereign. The injunction with which they usually conclude—“Let them not require a fresh sunnud every year,” indicates plainly enough the opinion, that such grants were not secure from revocation.

This very grant to Asim Khan was resumed on the death of Walajah, by his son Amdut ul Omra, but renewed, by a fresh perwannah, dated the 30th of August 1797. On the assumption of the Carnatic by the Company, it was again resumed, with other jagheers and enaums, for investigation, on a change of Government, according to the usage of the country on such occasions. Soon after this event, and while the jagheer was under resumption, Asim Khan died, in October 1801. He left several children, for all of whom he made a liberal provision by his will,

written in the September preceding his death ; but he left the bulk of his fortune to his eldest son, Kullum Oolla Khan, whom he constituted guardian to his younger children. He said nothing of the jagheer in his will, because he was too well acquainted with the usage of India to believe that he had any permanent proprietary right in it ; because he was aware that these grants were revocable. Although, therefore, he knew that he could not claim the jagheer as a right, he wrote a letter to Government, stating that he had held it by the favour of the Nabobs Walajah and Amdut, and trusting that it would be continued by the favour of the Company. Lord Clive answered his letter, and assured him that attention would be paid to his high character ; and in his minute of the 28th of May 1802, recommended that, in conformity with the resolutions of Government in 1790, all the country jagheers then current should be restored ; and as the jagheer of Asim Khan was one of them, it was restored to his eldest son, Kullum Oolla Khan ; but the grant was not for ever ; and the revenues arising from salt, saltpetre, and the customs, were expressly excepted ; and as it was submitted to the Court of Directors, and sanctioned by them, it might have been expected that it would not be shaken by any authority in this country. This expectation, however, has been disappointed by the proceedings in the Supreme Court. The brothers of Kullum Oolla Khan, instigated by certain Europeans, endeavoured to set aside their father's will, on the ground of insanity ; but the will was established in Court, in 1813. They succeeded afterwards in establishing their claim to the personal property, according to the shares prescribed by the Mohammedan law ; but the Court twice gave a decision against their claim to a share of the jagheer. They soon after filed a new bill, in which the Company were made defendants, as well as Kullum Oolla Khan, and in which they prayed that he might be compelled to account for the revenues of the jagheer, and the Company to issue a new grant to all the brothers and sisters jointly. The Company told their law officer that they had no interest in the suit, and that it ought to be prosecuted between the parties interested. But the objection was overruled by the Court, on the ground that the Company had an interest in the matter ; and the cause was tried ; but before judgment was passed, the Advocate-General, conceiving that the case was not well understood, proposed that fresh evidence should be taken on two points : first, as to the nature of the interest conveyed by jagheer grants ; and, second, as to the usage of

Native Governments in the resumption of such grants. This application was refused, and judgment passed against the defendants on the 22nd of May 1820.

The court decreed, that the perwannahs granted by Walajah and Amdut ul Omrah are "good, valid, and subsisting perwannahs; and that the same are, and were, and have been in force since the resumption of the civil and military authority of the Carnatic by the defendants:" That the complainants "are entitled to their several and respective shares of the jagheer lands and villages;" and also to "like shares of the rents, issues, and profits of such jagheer lands and villages." And it is also ordered, "that the said defendant, Kullum Oolla Khan, do account, before the Master of this Court, touching the said jagheer lands and villages, and the rents, issues, and profits thereof," from the death of Asim Khan. And it is farther declared, that the "said Kullum Oolla Khan hath been, during all the time aforesaid, and now is, a trustee of the said jagheer lands and villages, and of the rents, issues, profits, and revenues thereof, for the benefit of the complainants, to the extent of their respective shares and interest in the same, according to the Mohammedan law of succession."

The arrears of rent decreed by the Court amounted to the enormous sum of eleven lacs of pagodas, being the balance found by the Master, according to his report of the 27th March. This balance was found in the absence of Kullum Oolla Khan, who, on finding himself involved in utter ruin, had fled to Pondicherry; and the report of the Master regarding it was confirmed by the Court on the 5th of April last. Previously to the confirmation of that report, an application, on the part of the plaintiffs, was made to the Court, for the appointment of a receiver of this jagheer, which the Advocate-General resisted on two grounds;—1st, "That the jagheer being out of the jurisdiction of the Court, and the defendant having then quitted it, the Court had no authority to make such an order, the charter having restricted the Court's jurisdiction over the Natives to such only as are inhabitants of Madras and its limits;"—and 2ndly, "That even if the Court had, generally speaking, such authority, yet it did not extend to this case, on account of the specific nature and incidents of the property in question involving the sirkar's share of the produce, and consequently, the collection of the revenue, from the intermeddling with which the Supreme Court is, by the charter, specially interdicted." Both these objections were overruled by the Court:—the first, "because the defendant, having been ori-

ginally amenable, and having submitted to the jurisdiction, the Court had a right, by its process, to act upon the property any where within the Company's territories:"—and the second, "because the Government having assigned to the defendant the jagheer, it could no longer be regarded as public revenue, but was subject to the same process as any other property of the defendant:" and an order was made for the receiver. But on the Advocate-General urging the inconvenience which would result from an order so unprecedented, and intimating that there would be an appeal from the decree; it was agreed by the parties, on the recommendation of the Court, that, in place of the aforesaid receiver, the collector of the district should be substituted, and should, under the orders of Government, collect the profits of the jagheer lands, pay them into "the public treasury, with the privity of the Accountant-General of this Court, to the credit of this cause, and subject to the farther order of this Court." This course was acceded to by Government, for no other reason but that of its being the only one by which discussion with the Supreme Court could be obviated; and the Advocate-General was directed to take immediate measures for appealing the suit to England. Though Government has therefore already done all that it can do, I ought not, I think, to let so extraordinary a decision pass, without stating, individually, my own sentiments upon it.

The case, on the side of the Company, has been so ably argued by the Advocate-General, and the long and able minute of Mr. Thackeray has so fully explained the grounds on which the right of the Company rests in this case, that no room is left for me to add any thing material to what has been already adduced; and I must therefore content myself with noticing the main arguments on which the Chief Justice founded his decision, and with stating those ancient usages of the country of which long experience has given me some knowledge, and by which I am led to regard his opinion as erroneous.

The Supreme Court are, by their charter, expressly prohibited from taking cognizance of any matters relating to the public revenue; but, in the present instance, they get over this difficulty by saying, that the revenue of the jagheer having been assigned to Asim Khan, was no longer revenue, but private property, subject to the same laws which regulate private inheritance. If this doctrine were admitted, it would lead to the most dangerous consequences; for it would enable the Court to entertain suits

against the Company in all cases of jagheer, enaum, or other grants of public revenue, wherever situated, on the plea that, having been granted, it is no longer public revenue. As all the Native religious establishments, and municipal servants throughout the country, are maintained by grants of land, the Supreme Court might gradually extend their jurisdiction over them, destroy their respect for the authority of Government, and throw the affairs of the country into confusion. Were the Court once to begin to receive suits respecting lands assigned for the maintenance of public servants, it would be impossible for Government to realize the revenue, or to maintain good order in the country. It may be said, that the Court is not likely to interfere in such matters, but of this we can have no assurance at present; for, but a few years ago, its interference in the jagheer of Kullum Oolla Khan, above a hundred miles from the limits of its jurisdiction, was regarded as at least equally improbable. There will never be wanting men whose interest it will be to bring into Court, at all hazards, the jagheers and enaums allotted to the civil and religious establishments of the country; and as the Court will judge for itself in determining whether these lands do or do not come under the description of what is meant as revenue by the charter, I own that I see no hope, after what has passed, of their being regarded as any thing else than mere private property. The only effectual way in which the Government would be secured from the mischievous effects of the Court's extending their interference to public revenue, assigned, in the form of services and charity, for the maintenance of various establishments, would be by restraining the Court from taking cognizance of any suit, respecting any land whatever, situated beyond the limits of its jurisdiction.

It is manifest, from the observations made by the Chief Justice in the course of the trial, that the notions of the Court regarding public and private lands in India, are very vague, and that it must therefore be continually liable to exceed the bounds prescribed to its authority in the charter, by mistaking public revenue for private landed property. The Chief Justice says, "That it does not appear that it was not part of the private possessions of the Crown:" he thinks that the grant to Kullum Oolla Khan is not revenue, because Lord Clive "excepts the sayer, salt, and saltpetre, which are revenue." He supposes that a private property in the land is granted, from the expressions used by the Chief Secretary, "deliver over these lands;" and in

Walajah's grant, "put him in possession of the pergunnah." It is well known that the usual meaning of these terms is nothing more than that the *deshmooks*, *deshspendies*, and other public officers, shall make over the management of the village, or pergunnah, to the jagheerdar, and pay him the public revenue. The sunnud says nothing of private revenue; it states clearly, that what is granted is public revenue, estimated according to the kamil jumma, or perfect, or standard assessment, at sixty-four thousand six hundred and three chuchrums and eleven annas. Grants of land usually contain a clause saving all private rights; and when it is not inserted, it is always understood that no private, but only public rights are transferred by the grant. It seems strange that the Chief Justice, after reading the sunnud, should have had any doubt as to what was granted being revenue.

He seems to have been uncertain throughout, and sometimes to have thought that it was public revenue, and sometimes that it was not; and to have given his decision, in a cause of the highest importance, both from the magnitude of the property and the political consequences which it involved, without having any very distinct idea of the nature of the property on which he was deciding. But it is not surprising that an English judge should have believed that grants of land by the sovereign must be grants of crown-lands. It is easy however to show that they are not so in India; and it would have been better perhaps if the Advocate-General had more fully explained in what the difference consists. It might have been shown in a very few words; and by defining the nature of the thing granted, the question of right will be more easily understood. If we suppose the gross produce of the lands of any village of a pergunnah to be one hundred—

That of this amount the expense of cultivation is	40
The landlord's rent or share	20
The Government revenue or share	40

100

If this village, or pergunnah, be granted as a jagheer, it is the forty only, composing the Government revenue or share, which is granted. The twenty, forming the landlord's rent, is not granted, but remains, as before, in the hands of the owner, as also the forty, making the expense of cultivation, as he must defray it. If the jagheer be resumed, the property of the landlord is not affected by the change; it is the forty only, composing

the Government revenue or share, which is affected by the resumption. It is paid to the Government instead of the jagheer-dar, in the same manner as it was before the grant. The jagheer-dar ceases to have any interest in the village or pèrgunnah, because he never had any property in the land, but merely in the revenue, which is now resumed. Nothing can be clearer, therefore, than that wherever private proprietary right in land exists, whatever is granted by Government must be public revenue only ; and that as the grants to Kullum Oolla are of lands in the Carnatic, where all lands are the hereditary private property of the inhabitants, the thing granted is public revenue only in the share which the proprietors paid to Government ; and that there is not the smallest foundation for the supposition of the Chief Justice, that a proprietary right in the land itself, or any private property of the sovereign, was conveyed by the grant.

In stating the landlord's share at 20 per cent. of the gross produce, I have done so merely for the sake of illustration. It is in some provinces higher, and in others much lower, and in some so low as not to be distinguishable from the charges of cultivation.

The jagheer sunnud conveys the rights of Government, whatever they are, and no more. These rights vary in different parts of the country. Wherever the lands are held, as in the Carnatic, by rayets having an hereditary proprietary right in the whole lands of the village, they are limited to the public revenue, or Government share of the produce, and do not give a foot of land. In some provinces of India, where the lands are held by rayets having an hereditary right to the lands in cultivation, but not to the waste, the jagheer sunnud gives the government revenue, or share of the produce only, in the cultivated lands ; but in the waste it gives the proprietary right in the land, whatever it may be, by the custom of the country. When such a jagheer is resumed, no private rent is affected by the resumption. The ancient hereditary rayets pay the public revenue of their lands to Government, in place of the jagheer-dar, and the jagheer-dar himself pays the public revenue of the waste-lands which he may have brought into cultivation ; and if he agree to this condition, he retains possession of them with the same proprietary right as the other landowners, or rayets of the district. It is obvious, therefore, that though in rare cases of unclaimed, or waste-lands, Government may confer a private proprietary right, it never resumes it, and that there is no foundation for the opinion, that resumption is an unjust violation of private property, since the thing resumed is always public revenue, never the landlord's rent.

This long explanation respecting Indian grants will appear unnecessary to those who are conversant with the subject; but as the Chief Justice certainly never understood clearly what was the precise nature of the thing granted, and as the main part of his argument rests upon its having been private property, it became indispensably requisite to show at the outset that it was not private property, but exclusively public revenue.

As the thing granted was public revenue, and as the grant itself was a political act of the Company in their sovereign capacity, the cognizance of it was, on both grounds, beyond the jurisdiction of the Court; but the Court has set the Company's grant aside, and decreed that the perwannah of Walajah to Asim Khan is a "good and subsisting grant." If it is a good and subsisting grant, it ought to be so wholly, and not partially. It ought to be good for the salt and customs, as well as for the land. The decree of the Court has altered the nature of the grant altogether. It ought to have confirmed either the grant of the Company or the Nabob. It has done neither. It has set aside the Company's grant, but has not restored the Nabob's. It has given to the parties the land, but not the salt and customs; and as the Chief Justice says that this is because these articles are revenue, we may infer that his decree is founded on the belief that private property only, and not revenue, was granted with the land. It may likewise be observed, that the decree has deviated in another point from the Nabob's grant. By that grant it is required that a division of the jagheer shall be made, whenever Asim Khan requires it. To make the division, or not, is left optional with him. But he never made it, and most probably never intended it; for he makes no mention of any such design in his address to Lord Clive; and his whole conduct towards Kullum Oolla Khan, as well as his last will, leaves no doubt that he wished, after allowing a moderate provision for the other children, the rest of his property should go undivided to his eldest son, as the only way in which the rank and character of his family would be preserved.

All the circumstances connected with the grant of Walajah, as well as with that of the Company, show that they were of a political nature, and not property cognizable by the Court. The grant of Walajah to Asim Khan was a grant by the Sovereign of the Carnatic to his minister, as a reward for his long and faithful political services. When the Company succeeded to the government of the Carnatic, they granted the jagheer of Asim Khan to his son Kullum Oollah Khan; but, in so doing, they acted in their political capacity, in concurrence with the Nabob; and a

ittle attention to some of the articles of the treaty of 1801 will show, that the regulating not only of Kullum Oolla's jagheer, but of all the other jagheers, was a measure of state independent of the jurisdiction of every municipal court.

By the first article, "The Nabob Asim ul Doulah Behader is formally established in the state and rank, with the dignities dependent thereon, of his ancestors."

By the third article, the Company "charges itself with the maintenance and support of the military force necessary for the defence of the Carnatic, and for the protection of the rights, person, and property of the said Nabob; and the said Nabob stipulates that he will not enter upon any negotiation or correspondence with any European or Native power," &c.

By this, the Nabob does not relinquish his sovereignty: he merely renews the article of former treaties, by which he engaged not to correspond with foreign states without the consent of the Company.

By the fifth article, one-fifth part of the net revenue of the Carnatic is allowed for "the maintenance and support of the said Nabob."

The fifth part is his claim as sovereign of the whole Carnatic. It is the revenue which remains, after providing for the civil and military charges, and is probably as large a clear revenue as was received by any of his ancestors.

By the sixth article, the one-fifth is to be calculated after deducting, first, "all charges of collection;" second, "the amount of the jagheer lands stated in the ninth article of the treaty of 1787, at pagodas 2,13,421, and the same sum of pagodas 6,21,105, appropriable to the liquidation of the debts of the late Mahomed Ally."

By the ninth article, the Company engages "to take into consideration the actual situation of the principal officers of his late Highness's Government." It charges itself with the expense of a suitable provision for their maintenance, to be distributed with the knowledge of the said Nabob, in such manner as shall be judged proper.

By this article, it appears that the Company, in conjunction with the Nabob, may regulate the provision for the officers as it thinks proper. And by the second separate article it is stipulated, "that it shall not be incumbent on the Honourable Company to appropriate lands yielding a revenue to the said amount of pagodas 2,13,421; but that the said Company shall be at

liberty to exercise its discretion on the mode, and in the extent, of the provision to be made."

By the tenth article, the rank of the Nabob as a Prince, and as an ally of the British Government, is declared. No change in the political situation of the Nabob has taken place since 1801. He is still Prince of the Carnatic, and he is a party to the treaty by which one-fifth of the net revenue is secured to him. Without a breach of the treaty, we cannot, except with his consent, alter any of the articles. By one of these articles we are bound to provide for the dependents of the Nabob, and among them, for Kullum Oolla Khan. The Nabob concurred in the provision made for him. If we take it away without the Nabob's consent, it is a breach of the treaty, which is cognizable by the Government at home, but not by the Supreme Court here. The question is not one of private right between two brothers, as maintained by the Chief Justice, but one of state policy, whether a public grant, confirmed by treaty, shall or shall not be set aside by a municipal court. If the Court has jurisdiction in any jagheer included in an article of a treaty, it must have it equally with regard to all the other jagheers; and if it can alter any provisions of an article, it may, on the same principle, set aside the whole treaty.

I doubt whether the Supreme Court can legally exercise jurisdiction in the Carnatic, even in cases of private property. Had the Nabob retained the civil administration, it certainly could not have done so, neither could it have done so under a temporary assumption similar to what has occurred at former periods. The present assumption of the country is more permanent; but the relative situations of the Company and the Nabob are the same as in former cases of assumption. The Nabob is still Prince of the Carnatic,—receives in that capacity one-fifth of the net revenue, and has a right to object to any measure which, by the increase of grants or otherwise, may tend to a diminution of his dues. But if the Company, with the concurrence of the Nabob, were to resume a grant of land or money, and if the Court were to consider the grant as private property, and secure against the resumption, it is obvious that the revenue of the Nabob would be injured thereby. There are many other cases in which the decrees of the Court might be at variance with the rights of the Nabob; and whatever therefore may be thought of the expediency of the Supreme Court's having jurisdiction in the Carnatic, in matters of private property, where the claim is against the

Government, or any of its officers, it would be advisable that it should have none in matters of private property, where the Nabob and the Company have a common interest.

The Chief Justice denies the sovereignty of the Company, and considers the words of Lord Thurlow as a clear authority against their being regarded as a sovereign power, except in the case of dispute with a sovereign relative to peace and war with Pagan states. Whether the Company have or have not either an independent or delegated sovereignty, in the technical sense that the Chief Justice or Lord Thurlow may have affixed to the expression, is of little consequence; for, though the sovereignty be reserved to the Crown, all the powers of the State, by the present constitution of things, as far as regards the Natives of the country, are exercised by the Company. They make peace and war—raise and maintain armies—have articles of war for enforcing their discipline—acquire and cede territories—impose and collect taxes, and make laws, founded on ancient usage, for the administration of the affairs of the country. The Chief Justice, after arguing that the Company can act as sovereign only in the two points of making war and peace, admits that the Nabobs exercised absolute and uncontrolled authority, and that the Company “have the same rights as the Nabobs of the Carnatic.” He says, “If the Advocate-General can make out that the Amdut’s son would have had a right to resume the grant made by his father and grandfather, I admit the Company has the same right; and this, after all, seems the great point in the case.” It is unquestionably the main point at issue between the parties; but the Chief Justice has decided that the Amdut’s son could not resume the jagheer of Asim Khan, and of course that the Company could not resume it, either from the reason of the thing, or by the customs and usages of the country, or by the Mohammedan law.

What the Chief Justice says of the Kings of England not having the power of resuming grants, has no analogy to the present case. The Kings of England durst not, could not resume these grants. They would have been opposed by their barons and churchmen, who chiefly enjoyed them. The Kings of England gave up private landed property; but this did not affect the public revenue. These Crown grants were not, like Indian grants, exempted from contribution to the public revenue. Though lost to the king as private property, they contributed, like other lands, to the national revenue. The land revenue in

India is what the excise and customs are in England,—the main source of revenue, and cannot be permanently alienated with safety to the state. The Kings of England never could alienate the public revenue in perpetuity, nor could any government do so. No government can debar its successors from the use of the public revenue. The existing government must always have the power of calling it forth, for the preservation and defence of the state. In India there is no assembly or public body between the prince and the people, to regulate the rate, or the amount of the taxation or revenue. The sovereign himself is the only authority by which revenue is levied and disbursed, and by which it is granted or resumed. The power to resume as well as to grant must be lodged somewhere; and in India, where there is no other authority, it is obvious that it must be vested in the Prince. But this is denied, because opinions are drawn from European institutions, and strained analogies are found, where none exist, between the usages of India and Europe. And hence the Chief Justice observes, that “ he cannot see how any argument can be derived from the particular situation of the Nabob of the Carnatic, which shall, on general reasoning, deprive him of the same right to alienate the revenues of the state, as was actually enjoyed by the Kings and Queens of England.” This is not a correct view of the case. The Kings of England could not alienate the great sources of public revenue in perpetuity. They could alienate their crown-lands, but not the public revenue upon them. But the alienation by the Nabob is that of the whole of the public revenue of extensive districts. The alienation in England was merely a transfer of the crown-lands to private individuals, to be liable to all the public taxes. The alienation by the Indian Prince was a transfer from the state, of all public taxes on land, to individuals as private property. The Chief Justice does not appear to have perceived the distinction in the nature of English and Indian grants; for, in speaking of the grant to Asim Khan, he says, “ It ought to appear that it was properly belonging to the public, or, at least, that it was not part of the private possessions of the Crown.” It has already been shown, that all grants of jagheers in India, are grants of public revenue. They cannot indeed be otherwise, because there are no crown-lands. The Chief Justice is evidently acting all along under the influence of English analogies, and endeavouring to find a resemblance in things which have not the remotest connection. He thinks, that because the sovereigns of Europe, under the feudal system, pos-

sessed extensive crown-lands, the sovereigns of India must, from their being more despotic, have had still more extensive private dominions; but nothing can be more unfounded than such an opinion. Crown-lands, according to the English acceptation of the term, are unknown in India. The most powerful monarchs had none; neither Akhbar nor Aurungzebe had any; and the despotism of the sovereign was itself the very cause of their being none, because, by giving him unlimited control over all land throughout the empire, it rendered the aid of any private domain altogether unnecessary. A small part of the public revenue arose from customs; the rest, about nine-tenths of the whole, from the land revenue or tax. All land was assessed to the public revenue; a part of the land was allotted to religious and charitable purposes, and to municipal institutions, and the public revenue of such lands was enjoyed by the incumbents. But the public revenue of all other land came to the royal treasury, unless when assignments of particular villages or districts were made to civil and military officers for their personal allowances, and the pay of their respective establishments; all which assignments, however varied, ceased at the will of the sovereign. As there was no public body, no class of nobles or clergy, which had any right to interfere in the settlement of the land-tax; as this power was vested in the Sovereign alone, and as he could raise or lower the tax as he saw proper; and as the whole produce was at his disposal, it is manifest that he could derive no advantage, and therefore have no motive for holding, as "private possessions of the Crown," any lands apart from the general mass of the sirkar or Government lands of the empire; and it is also obvious, that whenever he granted land rent-free, he granted the public revenue.

The Chief Justice says, that if we are to argue from the reason of the thing, we may have recourse to the history of our own country, where he shows, that it was declared by the twelve judges, as late as the time of King William, that "it was the ancient and undoubted right of the Crown to alienate its hereditary estates;" and he hence infers, that the Nabob of the Carnatic must have the same right. This argument would be very just if the estates alienated in England and the Carnatic were of the same nature; but as they are totally different, it is not at all applicable. The King of England might, without injury to the nation, alienate his hereditary estates. The owners were changed, but the estates themselves were still liable, like the other lands of

the kingdom, to all the public burdens of the time ; to military service, aids, &c. By the transfer, the Crown became poorer, but the nation richer. But an Indian grant is the reverse of all this: it gives away the public revenue of the lands, it exempts them from military service, from every kind of tax or public burden, and renders them entirely useless as a resource to the state. In England, the alienation of the crown-lands does not lessen the resources of the state ; in India, it annihilates them. In England, the effect of such alienation could only have been partial, as the crown-lands bore but a small proportion to the lands of the kingdom. In India, it might have extinguished all revenue, as the Sovereign, though he has no crown-lands, has the power of granting all lands.

The Chief Justice observes, that it was not in the contemplation of the great men who investigated the subject of the crown-grants, when Queen Anne first succeeded to the throne, to remedy the evil of the resumption. He thinks that their moderation furnishes a contrast with the conduct of the Company's Government. But this Government has never claimed a right to make a resumption at all similar to what a resumption of the crown-lands in England would be. It does not claim to resume any private property conveyed by the grants ; it claims the public revenue only, and leaves the rent of the landlord with the proprietor.

If all Indian Princes could grant *altamgha jagheers*, and if none could resume them, a great portion of the country might, in time, be released from affording any aid to the state, either in revenue, or in military service. Some idea may be formed of the probable effect of such a system, by looking at what happened in a few years under the Nabob Walajah and his son Amdut ul Omra. Family jagheers were granted to the amount of above six lacs of pagodas, and containing a population of above six hundred thousand persons. Of these jagheers, only about one-fourth was *altamgha* ; but the whole might have been so, and the state would have been deprived of every kind of aid from more than half a million of its subjects. Many of the jagheers, too, might have been held, as was actually the case, by persons who, though attached to the donor, were inimical to his successor ; but, when once granted, they could not, according to the opinion of the Court, have been resumed. If, therefore, the increase of *altamghas* during successive reigns, might, if not checked, have materially impaired, if not altogether exhausted, the resources of

the state, and as the evil could only be remedied by resumption, it seems to follow, from the reason of the thing, that the sovereign must have had the right to resume as well as to grant.

The next ground on which the Company's right to resume the grant to Asim Khan has been denied by the Court, is that of the usage and custom of the country. The usage of the country is undoubtedly the rule by which the question ought to be decided; and, in a case of this kind, the common practice of the Native princes must be admitted to be the usage. It can easily be shown that princes resumed *altamghas* at pleasure. It cannot be shown, that when they were disposed to resume, the act of resumption ever was or could be prevented. It may be said that they were despots, and acted unjustly. Had they seized private property, they would have been regarded as unjust by the country; but no injustice was attached to the seizure of an *altamgha*, as the people knew that it was a grant of public revenue. The princes were, it is true, despotic; but they were liberal, and even profuse in their grants, and the grants themselves grew out of their very despotism; for it was because they found no difficulty in resuming, that they made none in granting. *Altamghas* were not, in fact, more respected than money pensions, which, though every day liable to resumption, are frequently continued for generations. The resumption and renewal by the *Amdut* of the grant to Asim Khan, the favourite minister of his father and himself, is a strong proof of the practice of the country, and of the opinion of the public. If *altamghas* were not resumable, it may be asked what has become of them. Their very scarcity is a proof of the usage to the contrary. There is not one in the Carnatic older than *Walajah*. Where are all those of his predecessors, which, according to the Chief Justice, ought to have been protected by usage, and by the Mohammedan law? The right of resumption never was doubted in the Carnatic until called in question by the Supreme Court. The Company's Government could have had no doubt of it, when, in 1801, they resumed all *jagheers*, though they afterwards continued most of the old ones, but none of the *altamghas* to the Nabob's family. The usage is shown by *Walajah* himself, who certainly best knew what it was in his own dominions; but his opinion is in direct opposition to that of the Court. In his letter to Government, of the 18th October 1790, he says, "I am Prince of the Carnatic, and for these forty years I have granted, resumed, and altered *jagheers*, from time to time, in such manner as I have thought proper." The right of resump-

tion is in Native states the usage and the constitution, and it ceases only when the Government is too weak to enforce it; and when this happens, the Government is soon overthrown, and a new one arises, and maintains itself by exercising the right of grant and resumption.

It is not easy to collect written documents respecting *altamghas*, because most of these grants have long since been resumed; but enough still remain to show what were the opinions of the Nizam and Walajah on the subject, and their practice ought certainly to be received, as the best proof of what was the usage of the country. The Nizam granted *altamgha sunnuds* to several members of Walajah's family, and resumed them again. On the death of Amdut ul Omra, the Nizam resumed the *altamgha jagheer* which he held of him, and regranted it to his successor, Asim ul Dowlah, on whose decease he resumed it again. The *jagheer* of Ejmangunlah was held many years by Hissam ul Mulk, the third son of the Nabob Walajah, under an *altamgha* grant from the Nizam, as was also the Kiladaree of Gumpoore, under a similar *sunnud*, by his younger brother, Missun ul Mulk; but, on the death of the Nabob Amdut ul Omra, both these grants were resumed by the same Soubahdar of the Deccan, who granted them, and conferred by a new *sunnud* on the late Nabob Asim ul Dowlah. Walajah was so sensible of the little respect paid to *altamghas*, that when he granted one to Reisul Nissa Begum, he made his son, the Amdut, put his seal and signature to it, as affording the only chance of its being continued after his own death. No case can evince more strongly the insecurity of *altamghas* beyond the pleasure of the donor than this, of a father requiring confirmation from a son to such a grant. But, notwithstanding all this precaution, the grant was, soon after the death of Walajah, resumed by the Amdut, in consequence of the misconduct of the officer placed in charge of the estate by the Begum, and was not restored until she had consented to dismiss him from her service.

Walajah had no confidence in *altamghas* since. Though he had obtained one from Ahmed Shah, Emperor of Delhi, for the Carnatic, he did not think it sufficient, and afterwards solicited and obtained grants from Salabut Gung and Nizam Alli Khan, Soubahdars of the Deccan. The very circumstance of such extensive provinces as the Deccan and the Carnatic being disposed of by *altamgha sunnuds*, indicates clearly the political nature of these grants; and Walajah's application to every succeeding

superior for a new one, shows that he considered them as liable to be resumed at pleasure. He knew that this must either be the case, or that they must be maintained by force. The usage, in this respect, has probably arisen from necessity; for, as *altamghas* are chiefly given to members of the reigning family, and to the higher officers of state, and as they are usually for extensive districts, it is obvious that, in every case of a new dynasty, and in every instance of disputed succession in an old one, which is so common in India, the new Prince could not be secure, unless he had the power of resuming the *altamghas* of all who he supposed were not well affected, and of rewarding his adherents by new grants. This has been the usage with regard to all large grants; the small ones of a few hundred rupees are, from their insignificance, sometimes neglected, and allowed, like charity lands, to pass through several generations.

There is nothing either in existing records, or in the state of the country, to support the opinion that *altamghas* were not resumable at pleasure. The *altamgha* was so far different from a common grant, that it was not for any specific period; and that it frequently, but not always, contained the words, "from generation to generation." It was therefore a grant that the donor was anxious should be durable; and his son might on this account continue it, if he had no cause of being dissatisfied with the *jagheer*dar; but the next prince could hardly show the same forbearance, as he would probably have new favourites to provide for, by the resumption of old grants. If we examine Mr. Falconer's report on the *jagheers* of the Carnatic, we find no old *altamghas* on the list. The whole of the *altamghas*, sixteen in number, are by *Walajah* and his son. The old grants which have passed through several generations, are not *altamgha*, as might have been expected from the principle of their not being resumable, but common *jagheer* grants, neither hereditary, nor for life, but temporary. Many of these common *jagheer*dars were *killedars* of strong forts, and, from this circumstance, held their *jagheers* longer than they would probably have done under the dynasty by which they were granted; because, in the convulsions attending the decline of the Mogul power, their forts enabled them to secure terms for themselves. But even after the new Government became strong, and could easily have removed them, they frequently permitted these to remain, either on account of family alliances, out of respect for their high birth, or some other cause. The greater part of the *jagheers* of *Asim Khan* were held

under a royal firman, not altamgha, by Mulk Mohammed Ali Khan, with the fort of Mustaphaghur. Though the grant was merely temporary, yet it continued in the family, and descended lineally from father to son, for three generations, till 1780, when the jagheerदार having died during Hyder Ally's invasion of the Carnatic, his family was sent into captivity in Mysore by that prince. The jagheerदार of Awelwandah and several others, held by the common tenure, have in the same way descended through several generations. It appears from these facts, that in the Carnatic, altamgha grants, so far from being irresumable, have not been so much respected as many of the ordinary jagheers. It would not weaken the argument, even if it could be shown that, in other parts of India, the practice was different, because the question before us regards the usage in the Carnatic only; but I believe that it was nearly the same throughout India: we know, at least, that it was so in the Peishwah's dominions; for the commissioner at Poonah, in answer to a reference made to him on the subject, has stated that he has not been able to find a single altamgha in the Deccan, and has transmitted a list of five hundred and fifty-nine jagheers, resumed by the Peishwah's Government within the last fifty years, none of which are altamgha. Of these, he observes, three hundred and sixty-four were resumed for reason assigned, usually offences against the state; and one hundred and ninety-five without any reason assigned. In the Nizam's dominions, too, the resumption of jagheers appears from the note of his minister, Chundoo Lal, transmitted by the resident, to have been regulated, as in the Carnatic, by the will of the Prince. It is stated, that "altamgha jagheers which are granted to children generally, without any specification of names, are continued to the descendants of the deceased person; but if any great fault has been committed, or there are no descendants, the jagheer is resumed." It is also stated, that the sons sometimes share equally; "but if one is found fit, and another unfit, the sovereign exercises a discretion, and continues the jagheer as he may think proper, in consideration of the merits of the persons;" and it is added, "there are no persons to whom jagheers have been continued, without some change or modification." What is here said corresponds very nearly with the practice of the Company, and the Nabob in the Carnatic, with regard to the jagheers of Kullum Oolla Khan and others. When any great fault is committed, the jagheer is resumed. The sovereign exercises his discretion, in renewing or continuing the jagheer to all

the sons, or to one son in preference ; and no jagheers are continued without some change.

The next ground on which the Chief Justice maintains that altamghas are not resumable, is that of the Mohammedan law. The Advocate-General cites Mohammedan law authorities, to show that the King has power to grant or resume kheraj or the sirkar's share of the produce of the land. The Chief Justice did not think that the authorities cited by the Advocate-General, forbidding the alienation in perpetuity, were conclusive ; but admitted, that if he had adduced instances of similar grants having been resumed, it would have greatly aided his case. The Advocate-General, had time been allowed, might easily have adduced instances of similar grants in the Nabob's family having been resumed by the Nizam.

The law-officers of the Sudder Adawlut, in answer to the queries from the Advocate-General, observe, in speaking of the Mohammedan law authorities " respecting lands belonging to the State, and the private property of princes," that there " is so much discrepancy of opinion among these learned personages, respecting the legality or illegality of grants of land, and of the revenues of lands belonging to the State, by the sovereign, to individuals, that it is next to impossible to come to any determination, or to arrive at any satisfactory conclusion." The discrepancy here complained of is not to be wondered at,—it could not have been otherwise ; for, as no person had ever seen the Mohammedan law applied in the case, the question was not one concerning any political matter of fact, but was one of mere theory. As to what would be the operation of the Mohammedan law, if made applicable where it had never before been permitted to enter, as it was never used in the continuance or resumption of altamghas by the sovereign, every attempt to ascertain its operation must always bring us back to the usage of the country, by which alone the transaction was regulated. The Indian princes consult no law, either in granting or resuming : they grant from favour or political expediency, and resume at pleasure. Their right to resume is never questioned ; and as there is no tribunal that can take cognizance of it, it is evident that it is regulated by no law but their will. If it be said that this right, though it could not be denied or opposed, was not exercised, we shall find that this assumption is not supported by facts, and that it is at variance with the usage of the country. It is useless to consult Mohammedan lawyers regarding this usage ; for the resumption of

grants is a question which was never submitted to them by any sovereign; and when we seek legal opinions on matters of policy, which never were, nor ought to be, subjected to legal discussion, we must expect endless conflicting opinions, all equally well supported by texts and quotations from Mohammedan or Hindoo law. It is not necessary to go to Arabia, or even to Hindostan, to discover the usage of the Carnatic; we ought to search for it on the spot in the South of India, and to look for it in the history of the Deccan and the Carnatic. If we adopt this course, we shall see, as has already been observed, that altamgha grants were not more inviolable than common jagheers. If they were, what has become of them all? There are none in Mysore, none in the Ceded Districts, and none in the Carnatic, of an earlier period than a few years before the death of Walajah. We must admit either that former princes in these countries never granted altamghas, or that they have been all resumed. But we have no reason to suppose that altamghas were not granted under former princes, or to doubt that their disappearance is owing to their having been resumed by their successors. It was in fact because such resummptions were considered as an ordinary transaction, that they excited little attention and were soon forgotten, and the very record of them lost.

It has been seen that altamgha and all other jagheers were resumed. It ought to have been shown by those who disputed the right of the Nabob and the Company to dispose of the jagheer of Asim Khan, when and where resumption was, or could be hindered by the Mohammedan law.

The last ground of objection made by the Chief Justice to the resumption of Asim Khan's jagheer, is Lord Clive's proclamation. He remarks, that it has been argued, that by the words of the proclamation, "all jagheerdars may rest satisfied that their interest will sustain no injury from the temporary arrangement made by the Company," Lord Clive renounced his right, if he had any, to resume. He states also, that the words of the re-grant have raised in his mind, as in that of the Sudder Adawlut at Calcutta, a strong doubt whether Lord Clive did himself intend to resume the grant in question at all. The proclamation of Lord Clive cannot be regarded as any thing more than a general assurance of attention to the interests of the jagheerdars. This was fulfilled by allotting a provision for them. But the assurance was not intended to preclude Lord Clive from exercising the authority always exercised by the Nabob, of limiting or extending the

jagheers at discretion. Lord Clive was the best judge of his own intentions; and, if we are to judge of them from his own acts, he leaves us no ground to join in the doubts of the Chief Justice. He certainly did intend to resume the grant, for he resumed the customs, salt and saltpetre belonging to the jagheer, and continued the land-rent only; and the new grant which he issued for the land-rent was not a renewal of the old altamgha, but a common jagheer grant. Kullum Oolla Khan is the heir of Asim Khan. It was not in the name of the other sons and heirs, because Lord Clive knew that Asim Khan was desirous that the jagheer should be conferred on his eldest son. His Lordship also knew that it was only on account of the high character and long services of Asim Khan, that the jagheer had been originally granted; that the respectability of the family could only be maintained by giving the undivided jagheer to the eldest son, and that the Nabob approved of the measure. The original grants both of Walajah and the Amdut left the division of the jagheer to Asim Khan to be made as he chose, and he never expressed a wish to make any. The sunnud of Lord Clive states expressly, that it is on account of "the respectable character and commendable conduct of the said Beharder (Asim Khan), and a well-founded expostulation that his son Kullum Oolla Khan will pursue the same laudable line of conduct, that the jagheer is renewed."

I expect that the answers to the queries respecting altamghas, transmitted to various public officers, will contain different opinions as to their being renewable or not. They will vary according as they are founded in the usage of one province or another, or on the opinions of Native lawyers, or on extensive or limited observation. We are too apt to be carried away by supposed analogies, and to build up systems of uniform practice, where none ever existed, or ever were thought of; and much of the argument on the present occasion seems to have arisen from this cause. The conflicting opinions may be easily accounted for, by considering what really took place. The small altamghas were frequently neglected on account of their insignificance, and allowed, like common charity or enaum-lands, to continue for two or three generations, and to be regulated by the laws of private property. But the greater altamghas were, from their nature, objects of state jealousy; and were resumed or transferred at the discretion of the sovereign, to punish one person, or to reward another: they could not be left as private property, without danger to the State.

I have now delivered my sentiments on the principal objections made by the Chief Justice to Lord Clive's grant to Kullum Oolla Khan. The sum of what I have said is this: That the grant of the Amdut to Asim Khan was resumed by Lord Clive: that the grant by his Lordship to Kullum Oolla Khan, was a new grant different in its nature from the old one by the Nabob: that the Nabob of the Carnatic had a right to resume the altamgha of Asim Khan, and that the Company's Government had the same right; that this right was founded on the reason of the thing, and in the custom of the country: that it was not affected by the Mohammedan law of inheritance: that this law was applicable only between individuals when the sovereign permitted the altamgha to descend in this way in the family, not between the sovereign and the individual when it was resumed: that the thing granted to Kullum Oolla Khan was public revenue, from all cognizance of which the Court are precluded by their charter, and that even if it had not been public revenue, the resumption was an affair of state, which, whether right or wrong, did not come within the jurisdiction of the Court, and for which, as well as for all other political acts, the Government in this country are amenable only to the Superior Government at home.

Although Government, at the commencement of the trial in the Supreme Court, were not fully aware of the important political considerations which it involved, they soon saw them; and on the 8th of January 1819, they tell the Advocate-General, that "they attach a high degree of importance to the principles in dispute,—the right of the Supreme Court to take cognizance of the matter; and secondly, the denial of the authority of Government to revoke grants of the nature of that now called in question." It is absolutely necessary, both for the good government of the country, and the security of the revenue, that the jurisdiction of the Supreme Court should be more strictly limited and more clearly defined; and that it should be completely debarred from all cognizance, in any shape, of the acts of Government. If the Supreme Court are permitted to set aside, by their decrees, the orders of Government, we shall weaken, and at last perhaps destroy, that authority which, our own safety demands, should in this country be strengthened by every possible means. The proceedings of the Court on the present occasion have ruined the first private family in the Carnatic, and lowered the Government in the eyes of the people; and if measures of prevention be not adopted, the evil will increase every day. Most of the old

wealthy families of Madras have already been impoverished by their litigations in the Court. The attorneys and law dubashes now look to the provinces; and if the doctrine maintained by the Court continues to be acted upon, its jurisdiction will in time reach to every zemindar, jagheerdar, and official landholder under this Presidency; because, Madras being the capital, many of the great proprietors and principal inhabitants will occasionally visit this place and reside in it for a time, and thus become amenable; and every person also holding an official or charitable grant, which it may be deemed expedient to assess or resume, will be able to bring his case before the Court, as a complaint against European oppression.

The powers of the Supreme Court and of the Government should never be suffered to come into collision; and both the Court and the Government will thus be enabled the more efficiently to discharge their respective duties, and to command the respect of the natives. But, in order to attain these objects, it will be necessary—

1st, To exclude from the jurisdiction of the Supreme Court all civil suits between native and native, except where both parties agree to submit to their decision.

2nd, To alter the present boundaries of the local jurisdiction of the Supreme Court, so as to include the fort and town of Madraspatnam, but to exclude Chepauk and Triplicane.

3rd, To exclude from the jurisdiction of the Court all lands situated beyond the limits of the Court.

4th, To exclude from the jurisdiction of the Court all acts done by the Government as a Government, and making such acts cognizable only by the superior authorities in England.

5th, To vest in Government the powers now exercised by the justices, of assessing the inhabitants of Madras for paving, lighting, and cleansing the streets, or at least to vest in it the power of exempting from the tax all such Bramins, priests, and other privileged persons as, from the usage of the country, are exempted from such taxes.

If suits between native and native are excluded from the jurisdiction of the Supreme Court, it will check litigation, and lessen greatly the expense where it actually occurs, and save thousands from ruin. The local boundaries of the Supreme Court are far too extensive; they seem to have been fixed at first without much consideration; they reach to a distance of five miles from Madras, and include several populous villages which ought never to have

been within them. They contain a population of above five hundred thousand persons. The line proposed by Mr. Stratton ought to be the new boundary. It runs along the river at the Government-house to Cochrane's canal, and would place about two hundred thousand natives under the jurisdiction of the Company's Court. It would also enable us to accomplish a most important object, in withdrawing the Nabob, with all his relations and adherents, from the jurisdiction of the Supreme Court. That jurisdiction has, for many years, been a source of constant complaint from his Highness. While it exists, it cannot be otherwise; for, whatever may be the forbearance of the judges, and their attention to native prejudices, circumstances must occur almost every day, offensive to the Nabob, and to every Mussulman of rank. The authority of the Nabob over his family and dependents has been impaired by political events, and still more by the interference of the officers of the Court. Daughters of Walajah have turned prostitutes, and been released from the custody of their husbands and the Nabob, by *habeas corpus*. Other women of rank have been encouraged, by their example and their impunity, to follow the same courses. The disgrace of these women is felt, not only by their own families, but by every Mussulman here, as a degradation of their caste. The Mussulman population of Triplicane, always distressed and dissatisfied since the assumption of the Carnatic, has had its discontent increased by these transactions; and it is therefore desirable that the cause of them should be removed, by placing the Nabob without the jurisdiction of the Supreme Court. It is also chiefly for the purpose of removing the causes of discontent, that I have proposed that Government, rather than the justices, should possess the authority of taxing the inhabitants of Madras, for paving, cleansing, and lighting the streets. The majority of the justices is composed of men either not in the Company's service, or who, having always resided at Madras, know little of the native usages. Bramins, priests, and other privileged persons, have in consequence been subjected to this house-tax, from which they are every where else exempted by the custom of the country; and the Hindoo population has been rendered discontented as well as the Mohammedan. The discontent has shown itself only in complaint and clamour; but for this we are indebted to the presence of a military force. Had the same measures been attempted to be carried into execution when there was none, they would have been resisted by insurrection. The Advocate-General has given

it as his opinion, that Government has no authority over the assessment, as it is by the act of Parliament committed to the justices alone. Government has requested, and the justices have agreed, that the privileged classes should be exempted; but nothing final has yet been done; and whatever may be done will always be liable to alteration, at the discretion of the justices. Government is placed in the extraordinary situation, not of being restrained from taxing, but from relieving its subjects from taxation. The justices, although they are themselves nominated by Government, can levy taxes without its consent; and though it may be convinced that the laying of a tax may excite discontent, and even occasion disturbance, it can only obtain a remission of it by application to the justices. Government should never be obliged to solicit. Such a proceeding must always weaken the respect by which it ought to be supported. If the framers of the act did actually intend to exclude Government from all authority over the assessments, they must have supposed that the justices had a common feeling with the people, and were more likely than Government to protect them from undue exactions. Nothing can be more erroneous than such an opinion. The justices can neither from their habits nor situation have any such feeling. They have no common interest with the people. Government has, and to it therefore should be confided the direction of the assessment; or, at all events, the power of modifying or remitting it, whenever it is apprehended that it may excite disaffection or outrage. It seems to be contrary to every sound principle of policy, that a body of justices should be able, by an injudicious application of a tax, to produce disturbance in the country, and that Government should not have the means of preventing it.

The inconvenience which has arisen from the suits relative to the jagheer of Kullum Oolla Khan, naturally leads to the consideration of the means by which the extension of the evil to all other jagheers and enaum lands may most easily be obviated. These means appear to be, 1st, To prohibit the Supreme Court from all interference regarding such lands; and 2nd, To rescind Regulation XXXI. of 1802. Enough has already been said concerning the interference of the Court. The regulation in question was too readily adopted, when we had little experience, and the sooner it is repealed the better. All Native states exercise, in the most unlimited manner, the right of granting and revoking enaums at pleasure; sometimes at once, sometimes gradually, by

a small quit-rent at first, and then raising it to a greater, next to a half, and so on to the full rate of assessment. In India, revenue always follows the population and the produce, wherever they go. This is the usage, and it cannot be relinquished without endangering the future resources of the country; because, as the Government waste-lands, together with the jagheer and enaum lands, are equal to from one-fourth to one-half of the whole of the lands in cultivation, if they were permanently exempted from the payment of revenue, they would gradually, instead of lying half waste and poorly cultivated, as at present, become completely cultivated, by drawing off the cultivators and stock from the lands now paying revenue, which would be proportionably diminished. If an effect of this kind has not already been experienced, in provinces containing a large proportion of jagheer and enaum, it is because it is prevented by the usage of transferring the assessment from the deserted to the newly cultivated lands. Whenever it is found that the revenue of a district has been considerably diminished by the abandonment of assessed, and the occupation of waste lands belonging to jagheerdars or enaumdars, an assessment, proportionate in some degree to the loss, is imposed on the jagheer or enaum. It is this which guards the public revenue from loss, by former profuse grants; and if this power were relinquished, we should have no means of saving it from very considerable defalcation. The smaller enaums, though they separately contain only a few acres each, are very extensive collectively. They have, for the most part, been granted without authority, by heads of villages and revenue servants; and when they have escaped notice for a few years, and have afterwards been discovered, they have been allowed to continue, from charitable or interested motives, and they have, from various causes, a constant tendency to increase.

The investigation of enaums was therefore, among the Native Governments, like an inquiry into the state of the nation; and it is advisable that we should occasionally investigate and resume, in order to prevent the abuses and increase to which enaums are liable from neglect.

(Signed)

THOMAS MUNRO.

VIII.

MINUTES ON THE STUDY OF THE NATIVE LANGUAGES BY OFFICERS OF THE ARMY.

7th November 1823.

G. O. March, 17th, 1823. Commander-in-chief to Government, 17th October 1823. THE orders issued by His Excellency the Commander-in-chief respecting the qualifications required in officers before they can be appointed interpreters to Native corps, will, no doubt, have the effect of inciting young officers to study the Hindoostanee language, and of fulfilling the instructions of the Honourable Court of Directors, as far as is practicable with the means in his Excellency's hands. It is well known, however, that though many officers of the army are sufficiently acquainted with that language for carrying on their ordinary duties, very few of them have such a knowledge of it as would enable them to interpret to a court-martial; and it would therefore, at most stations, be difficult, if not impossible, to find a committee capable of deciding whether an officer was sufficiently versed in Hindoostanee to be eligible to the office of interpreter.

The knowledge which many of our Native troops have of English, and Hindoostanee not being the prevailing language of the Peninsula, are perhaps the chief causes of the superiority of the Madras officers generally to those of Bengal, in the knowledge of Hindoostanee; but, whatever may be the causes, the fact is certain; and if it has not been thought safe to trust to the opinion

G. O. By the Commander-in-chief in India, 17th February 1823. of a military committee there on the fitness of an interpreter, without the check of the College examiners, it seems to be still more necessary

here to have recourse to the same precaution. Unless this is done, we do not take the measures necessary for accomplishing the object proposed by the instructions of the Honourable Court, in which they say, "We rely upon your care and vigilance that no officer be selected for the important situation of interpreter, who is not fully qualified to perform all the duties of it, especially the serious and responsible duties of interpreter to courts-martial." I would therefore suggest that officers, who may be declared by a committee of officers to be fit for the duties of interpreter, shall be eligible to hold the office, but shall not be confirmed in it until they shall have been examined by the

College committee, and receive from it a certificate of their competency.

With regard to the furnishing of college-books to the officers engaged in the study of Hindoostanee, as proposed by his Excellency, I am of opinion that a reference should be made to the College to ascertain the names of the books, the number of copies of each that can be furnished, and the prices, and we can then determine whether the books should be lent or issued to the officers on their paying for them.

The measure recommended by the Commander-in-chief, in his minute, would undoubtedly greatly promote the important object of encouraging the study of the Hindoostanee language among the junior officers of the army; but there is an objection to it which Government cannot remove; namely, that its expense would exceed that of the former system of granting rewards for proficiency, which was abolished by order of the Honourable the

Court of Directors, first in 1814, and finally in 1818. It is observed, that though two moonshees to each corps may now be necessary, in consequence of the great number of young officers, one

may hereafter be found sufficient.

This reduced number would, however, occasion an annual expense of 24,360 rupees, which would still exceed the probable charge under the former system: it would be nearly equal to fourteen donations, which is perhaps a greater number than would be given one year with another; we ought not therefore to revive a charge which has already been discontinued by the Honourable Court, without their previous sanction; but the object in view is so essentially useful to the army, that it may be advisable to bring it again to the notice of the Honourable Court.

It is not necessary to specify all the difficulties which a young officer on this establishment has to overcome in learning the Hindoostanee language; but among them may be mentioned, that of his seldom hearing the language spoken, as his Native servants speak English, and the language of the Carnatic is Tamul; and in none of the provinces under the Madras Government is Hindostanee the language of the people.

The chance of obtaining the appointment of interpreter is not of itself a sufficient inducement for a young officer to incur the expense and the labour of studying a language which he finds he can do without; but the inducement might be rendered more effectual by carrying into execution the instructions of the Ho-

Court of Directors, 4th Feb. 1815, para. 281. *nourable Court,—that a competent knowledge of Hindoostanee shall be an indispensable qualification in every candidate for a staff-appointment.*

I would therefore recommend that the paragraph in question should be adopted as a rule, and published to the army.

It is not necessary that the same proficiency should be required from every staff-officer as from the interpreter; but he should have that knowledge of Hindoostanee which may enable him to discharge his duty efficiently.

Some officers have a talent for acquiring languages, who are in all other respects unfit for a staff employment, and cannot therefore be reckoned in the number of those who are eligible to it. There are other officers who, though they study Hindoostanee, with the hope of obtaining a staff-appointment, would study it without any such object, and would think the expense well compensated by the satisfaction of being able to communicate with the natives, and by the superior advantage it gives them in the discharge of their public duties. But it is notwithstanding certain, that the number of officers who acquire a moderate knowledge even of Hindoostanee is very inadequate to the demand of the service, and that stronger motives than now exist are requisite, in order to procure a sufficient supply. There are two ways of effecting this: one is by providing moonshees and books for the students; the other is by reviving the donation of five hundred pagodas: the donation has this advantage, that while it is the cheapest of the two, it is paid only for proficiency; in the other case, the expense is the same, whether there be proficiency or not.

(Signed) THOMAS MUNRO.

Minute, November 1823.

I CONCUR entirely with His Excellency the Commander-in-chief in the observations in the minute regarding the importance to the public service of young officers acquiring a knowledge of the Native language, and that the expense which might be incurred in promoting this object would be a judicious sacrifice; but, as the Honourable the Court of Directors have repeatedly ordered the allowance formerly granted to be discontinued, and have said that the quarter-mastership and other staff-offices ought to form a sufficient incitement to the study of the Hindoostanee language, I do not think that the necessity of the case is so urgent as to

justify our acting contrary to their orders. We have not, in the present instance, the same causes as in that of the Judge-Advocate, to expect that the Honourable Court would view with indulgence our acting without waiting for their sanction. There was no encouragement whatever for men to qualify themselves for the office of Judge-Advocate, and this most serious inconvenience had been felt from irregularities in the conduct of the proceedings of courts-martial. We cannot say that there is no encouragement to the study of Hindoostanee, when we know that it opens the road to almost every staff-appointment. Some immediate or certain pecuniary aid would no doubt increase the encouragement, and produce a greater number of students; but still we find that, without this aid, it has a very great effect, and of this there can be no better proof than the list brought forward by the Commander-in-chief of fifteen officers examined in the current year, since the beginning of May. I am persuaded that we shall have as great, or even a greater proportion every succeeding year, because, besides the incitement held out by the new office of regimental quartermaster, there is the additional one of knowing that an acquaintance with the Hindoostanee language will now form an essential part of the qualifications for many other staff-employments.

If the Honourable Court authorize any expense on account of the students, it might be done either by restoring the former donation, or by granting such a sum as may be equivalent to the charges incurred by the officers on account of moonshees and books. I cannot recommend the plan of fixed moonshees to corps; it would lead to much inconvenience, and probably to disputes and references. An officer will not do much good with a public moonshee, whom he can have only at a particular hour: if his wish is to make rapid progress, he must have a moonshee of his own, whose service he can command at all hours.

The Commander-in-chief is undoubtedly the proper authority, by which officers are to be selected for the situation of quartermasters; but Government does not fulfil the instructions of the Honourable Court, if it does not see that these officers have a competent knowledge of the language; and the only way in which it can satisfy itself in this respect, is by the report of men qualified to judge. The officers at this Presidency who conducted the examinations are perfectly qualified, and we may safely trust to their opinion; but this is an accidental circumstance, and their successors may not be equally qualified; but Government should

not be satisfied with any authority, however respectable, when it can get a better. That of a permanent body, like the College, is unquestionably to be preferred to that of a committee of officers. Examinations have sometimes been made at the Presidency by a committee composed of one or two members of the College with the Judge-Advocate-General, or some other officer conversant with Hindoostanee; and I see no objection to this mode being still adopted. It is, I believe, well understood, that young officers who must attend to their military duties, as well as to the language, are not expected to undergo the same rigid examination as civil servants, who are excused from all public duty while prosecuting the study of the country languages.

(Signed)

THOMAS MUNRO.

IX.

MINUTE ON INCREASING THE NUMBER OF EUROPEAN OFFICERS
EMPLOYED IN THE ARTILLERY.

21st January 1823.

I HAVE carefully examined the plan proposed by His Excellency the Commander-in-chief, for augmenting the establishment of the European officers with the corps of artillery; and though the inconveniencies from the present want of officers, pointed out in that document, are in general undeniable, it appears to me that they may be removed by a much smaller increase than that which has been proposed.

2. It is certainly desirable that the artillery corps should always have at its head, in this country, an officer of the rank of major-general, and that when such an officer can be found qualified for the command, it ought not to be left to one of inferior rank; but where all the major-generals may have lost their health from long service, the situation of commandant may sometimes, with more advantage, be confided to a field-officer.

3. Among the evils resulting from the want of officers, it is stated that the horse brigade is the only corps of artillery commanded by a lieutenant colonel, while two battalions are commanded by majors, and one by a regimental captain; but I do not consider this as any material objection, because captains are usually from fifteen to twenty years, and majors from twenty to thirty years' standing in the service, and must then be just as

competent to command a corps as they ever can be at any future period. In the infantry and cavalry, as well as in the artillery, a corps is frequently commanded by a major or a captain, and without any injury to the service; and no reasonable augmentation that could be made could secure to us the actual presence of a lieutenant-colonel with every corps.

4. Another of the inconveniencies stated to result from the want of officers is, that twenty-one companies are commanded by subalterns. We cannot say that there is a want of officers, merely because there is not always a captain to each company. The command of a company is not so important or difficult, that it may not with safety be entrusted to a subaltern of from ten to fifteen years' standing. An officer must have served to very little purpose, who is not in that time qualified for a higher command than that of a company.

5. The number of officers employed as commissaries of ordnance, is urged in support of the propriety of an augmentation; but the establishment of officers, when full, is so ample, that it may, without impairing the efficiency of the corps, furnish these commissaries. Besides, in cases of emergency, these ordnance officers are always available for service with the artillery, as they may be ordered to deliver over charge of the stores to an assistant-commissary or conductor, and join their corps.

6. In support of the expediency of the proposed augmentation of European officers with the Golundauz corps, it is observed, "that such a corps, being composed of natives, is as much, if not considerably more dependent upon its European officers than any other." This is a principle which has never yet been admitted with regard to our other Native troops, and to the justness of which I cannot assent. I am so far from thinking that the efficiency of Native troops is increased in proportion to the increased number of European officers, that I think that the number of officers may be too great, and that, when this is the case, it injures the discipline of the corps, and lessens the respect of the Natives for their European officers. Native troops are quiet, orderly, and easily managed. The Native officers are well acquainted with all their duties, and expert in their execution. They conduct almost all the inferior details, and leave but little for the European officer to do. They are, however, apt to grow indolent and careless when left to themselves, and European officers are therefore absolutely necessary to direct them, but not many; one to a company is quite enough for every useful purpose.

7. The only increase of European officers which is really wanted, is to the Golundauz corps, and it should consist of two captains, two first and two second-lieutenants; this, added to the present establishment, would give two European officers to each company, and, allowing for absentees on staff and other duties, would probably always secure the presence of one with each company. Were the corps of Golundauz to remain together in a body, I should consider the present establishment of European officers as quite sufficient. It is only because it is broken into detachments that I recommend an augmentation.

8. There seems to be no sufficient cause for increasing the European officers of the foot-artillery. The present establishment is, one captain, two first, and two second-lieutenants to each company, which, if kept complete, would be an adequate allowance both for ordnance and artillery duties, even if the commissaries of ordnance were exempted from acting as regimental officers. But I am satisfied that they ought to act both as ordnance and regimental officers. There is no commissary where there is not a detachment of artillery; and there can be no necessity for employing any other officer than him to command it. I see nothing serious in the objections stated to this measure. I cannot admit that each of the "two situations require the full and undivided attention of one officer;"—any commissary has ample time for them both. There is no difficulty in his leaving "the charge of his stores, and marching with the artillery, if called upon for service. He has an assistant-commissary, or conductor, competent to the charge, and his making it over to him happens frequently. The check required by the Regulations to be exercised by the commanding-officer of artillery over the commissary is not a material objection, as the issues to the detachment of artillery are very trifling, and their expenditure may, if necessary, be ascertained from his orderly-book, as the issues to all the other troops must be verified by their commanding-officers respectively, and as the commissary is under the check both of the commandant of the station and of the Military Board. The union of the ordnance and artillery has grown out of the experience of its convenience. It is the system best adapted to the nature of the service in this country; and I am convinced that their separation would be attended not only by great expense, but with great detriment to the service.

9. We have, no doubt, too few artillery officers at present;

but this has arisen, not from a defective establishment, but from that establishment not having been kept complete from home. There are now thirty-six officers wanting to complete it. Had this number been sent out, it would have supplied, twice over, all the deficiency occasioned by officers being employed in the ordnance, and on duties belonging neither to the ordnance nor artillery.

10. We have here the same proportion of artillery officers with relation to the strength of the corps, as in Bengal; and the inconvenience felt from the detachment of artillery officers on extra duties, is not greater here than there, as appears from the annexed abstract :—

Bengal officers employed in ordnance	8
On other duties, not artillery	13
	<hr/>
Total	21
	<hr/>
Madras officers, ordnance	11
On the other duties, not artillery	6
	<hr/>
Total	17
	<hr/>

Nothing but the strongest necessity ought to induce us to increase the establishment of European officers with any particular branch of the service, not only because it increases our expense, but because it alters the relative chance of promotion between the different branches of the army, which ought to be kept as equal and as permanent as possible.

(Signed) THOMAS MUNRO.

X.

MINUTE ON THE IMPOLICY OF MIXING EUROPEAN AND NATIVE
TROOPS, THROUGH DISTRUST OF THE FIDELITY OF THE
LATTER.

Dated 18th February 1823.

1. His Excellency the Commander-in-chief has dissented from my proposal of relieving the European corps at Quilon, by a battalion of sepoy's instead of his Majesty's 41st regiment now in Fort St. George, on the following grounds:—1st, The danger from the disturbed state and actual rebellion in which the country has been within these few years. 2ndly, The treacherous character of the inhabitants rendering it unsafe to place any confidence in the present apparent tranquillity. 3rdly, That it was in Travancore that the most recent attempt was made to alienate the minds of our Native troops, and that, by withdrawing the Europeans, they would again be exposed to similar temptation. 4thly, The expediency of having European corps with all large bodies of Native troops, not only in order to check incipient discontent, but, in a military point of view, to assimilate discipline, and accustom them to place confidence in each other.

2. These arguments are all entitled to the highest respect; and were I not satisfied that some of them have not the same force which they would have had some years ago, I would not have recommended the present measure. There has been no rebellion, or rather insurrection, in Travancore for above twelve years; and it ought certainly to create no anxiety now. Such disturbances have occurred in many other districts as well as Travancore, without creating any apprehension *now* for their tranquillity.

They are the consequences which, in almost all countries, usually follow, for a time, the establishment of a foreign dominion. Malabar was agitated by rebellion, and is now perfectly quiet; and though one regiment of Europeans is stationed there, it is not entirely for the purpose of keeping the country in subjection, but also for that of more general service, as it can, in case of emergency, be readily moved either to Mysore, or by sea to Bombay and Canara, which, in the early part of our Government, though disturbed by insurrections, and occupied by a large

European and Native force, has long since been left to the care of a single battalion of sepoys.

3. With regard to the treacherous character of the natives of Travancore rendering it unsafe to trust them, I can see nothing in all the transactions of that country to justify the opinion that they are more treacherous than the inhabitants of Malabar and Canara, or that they differ materially from them in their general character.

4. As to Travancore having been the place where the most recent attempt to alienate the minds of our Native troops was made, that event took place in 1812, and ought to excite no apprehension of such attempts being repeated, when the causes which produced them no longer exist. When we advert to these causes, we shall see nothing extraordinary in the attempts, and nothing which might not have happened in any other country as well as Travancore. We had begun, as allies, by furnishing troops for the protection of that province, and we had finished, in a very few years, by reducing it to subjection. In such circumstances, it was not all extraordinary, but was perfectly natural, that the Dewan should wish to recover his rank and power, and the independence of his country, by the expulsion of the invaders, and that, in order to give him a better chance of success, he should endeavour to seduce our Native troops. He prevailed on a few to join in his projects; and his gaining these few seems to have been occasioned by the guard from one of the battalions being left too long near him without being relieved, which gave him opportunities of tampering with them. It is true that, under the influence of alarm, and the credulity which usually attends it, the conspiracy was by many believed to have been extensive, and to have extended to all the corps in Travancore. But Sir Samuel Auchmuty, the Commander-in-chief at the time, after a full and able investigation of the evidence, has recorded his opinion, that the conspiracy was of the most contemptible kind;—that three, out of four corps, had no share in it; and that in the fourth corps it was confined to one jemadar, and a few non-commissioned officers and sepoys of bad character.

MINUTE, SIR S. AUCHMUTY.

8th Feb. 1813.

5. With respect to the expediency of keeping one European corps with all large bodies of Native troops, in order to

“ I have now gone through a large mass of evidence, and my opinion is, that the conspiracy was

check incipient discontent, I have great doubt of the policy of the measure, because I think that it would show suspicion, without being efficacious in preventing the danger apprehended; for it is remarkable, that in the only instance in which a conspiracy against the lives of the European officers

was carried into execution, a European regiment was present, with only two battalions of sepoy; and yet that regiment was so far from being able to protect the European sepoy officers, that it lost a great part of its own officers and men, and was saved from destruction only by the timely arrival of troops from Arcot. I do not, from this, mean to infer, that European troops may not be useful on such occasions, but that they do not furnish such security as can be entirely depended upon, or as ought to be purchased by any great sacrifice of convenience or economy. I think that the best way of ensuring the fidelity of our Native troops is to show no distrust, but confidence at all times; to treat them well; to keep them occupied; to relieve the different stations regularly; to bring all the corps at certain fixed periods, back to their respective Native districts; and to take care that none of them be permitted to remain too long in any place where they are likely to be tampered with by any Native chief.

6. It appears to me, that in all our cantonments our European corps are so situated as to be exposed to great danger, and to be incapable of acting efficiently in the event of any general conspiracy among the Native troops. The European barracks are so near those of the sepoy, as to be always liable to surprise. In order to be secure, they ought to be at some distance from them: this would enable the European corps to guard against surprise, and more effectually to overawe any combinations of Native troops.

7. It will be obvious, from what has been said, that I do not consider it to be necessary that an European regiment should continue in Travancore. Were it necessary, I should not object to the expense which it would involve; but as it is not, I am unwilling that Government should incur an expense for barracks of not less than rupees 12,100,154, more especially when we have barracks for a complete regiment at Wallajabad, Arnee, and Vel-

lore, without a single European soldier in either of them. There are also other reasons for withdrawing the European regiment from Travancore. In that remote situation, it is not easily available for general service, not only on account of the distance, but of the violence of the monsoon rendering all access to Quilon by sea impracticable during several months in the year.

It is likewise desirable, on account of the tranquil state of the country and of the propriety of our gradually relinquishing all interference with its government, that we should, by degrees, reduce our force there, and begin by removing the European part. The force to be permanently stationed at Quilon should not be more than what the Dewan or the Rajah, when he comes of age, may deem sufficient to secure the stability of his power. I shall probably, on some future occasion, state my reasons for thinking that Travancore may, with safety, be left entirely to the management of its own rulers.

8. For the present, I would recommend that the European regiment be replaced by a sepoy corps, which I have no doubt we shall be able to withdraw next year without any inconvenience. As it is believed that the 69th regiment will be ordered home in the course of the year, it ought to halt and remain either at Arnee or Wallajabad, until the time of its embarkation. We shall thus avoid the inconvenience and expense of marching it into Fort St. George, and then out again, in order to be drafted, and much of the irregularity which always attends the drafting of Europeans so near both to the black town and to the artillery cantonments at the Mount.

(Signed) THOMAS MUNRO.

XI.

MINUTE ON THE HALF-CASTE POPULATION.

14. THE allowance to the European wives of soldiers, and to their children, has now become a charge of considerable magnitude in India. It appears to require the attention of the Honourable Court of Directors; and it would be desirable that they should fix the rates, and, if practicable, equalize them at the different Presidencies. They ought not to be more than is absolutely necessary; and upon this principle they are undoubtedly

too high at present. The coming out of European women to this country should be restricted as much as possible ; for the climate and the way of living are unfavourable to every decent woman who is the wife of a soldier.

15. I have already stated my sentiments on the allowance to half-caste women and children. The measure would in time lead to so much expense, and produce so much distress, and is altogether so extravagant and impolitic, that I should consider myself as wanting in my duty, if I did not recommend to the Honourable Court not to sanction it in any shape, or in any degree, but to reject it entirely. In speaking of the half-caste population, I have chiefly spoken of them as depending on us, not as what they would be if left to themselves, but as what they are made by our injudicious interference. If we limit our care of them to the support of schools, and leave them in every thing else to their own exertions, they will become a numerous, industrious, and useful race of men ; but they must expect, like every other great population, to have among them every gradation of condition, from independence and affluence to poverty and hard labour. They are at present, as far as regards the means of living, in better circumstances than the people of England. Comparing them with an equal number of the people of England, there are among them a smaller proportion subjected to extreme poverty, and a greater who live comfortably. This may last while their number is small, and employment easily found ; but it must gradually cease as they become numerous ; and they must then, like every other great community, have their full proportion of poor. There is no cause why they should not by their own exertions become a thriving people ; they are not at present so well qualified as the Hindoos for hard labour, but they will gradually acquire the habit of labour from necessity ; and they have the advantage of having fewer prejudices, and a better education, and this advantage of education will always continue. The influence of the superior schools at the Presidency will extend to those at a distance, and the acquisition of knowledge will no doubt be encouraged, both by the aid and example of the most respectable part of their own community.

16. It is rather from the desire of concurring, in some degree, in the sentiments of the Commander-in-chief, than from any conviction of the expediency of the proposed increase, that I now agree to adopt some part of it, instead of previously referring the whole subject for the orders of the Honourable Court, as suggested in my former minute.

XII.

MINUTE ON NATIVE EDUCATION.

10th March 1826.

THE Board of Revenue were directed by Government, on the 2nd July 1822, to ascertain the number of schools, and the state of education among the natives in the provinces; and with their letter of the 21st of February last, they transmitted the reports on this subject which they had received from the several collectors. From these reports, it appears that the number of schools, and of what are called colleges, in the territories under this Presidency, amount to 12,498, and the population to 12,850,941; so that there is one school to every thousand of the population. But as only a very few females are taught in schools, we may reckon one school to every five hundred of the population.

2. It is remarked by the Board of Revenue, that of a population of twelve millions and a half, there are only 188,000, or one in sixty-seven, receiving education: this is true of the whole population, but not as regards the male part of it, of which the proportion educated is much greater than is here estimated; for, if we take the whole population, as stated in the Report, at 12,850,000
 And deduct one-half for the females, the remaining
 main population will be 6,425,000
 And if we reckon the male population between the
 ages of five and ten years, which is the period
 which boys in general remain at school, at one-
 ninth, it will give 713,000

Which is the number of boys that would be at school, if all the males above ten years of age were educated; but the number actually attending the schools is only 184,110, or little more than one-fourth of that number. I have taken the interval between five and ten years of age as the term of education; because, though many boys continue at school till twelve or fourteen, many leave it under ten. I am however inclined to estimate the portion of the male population who receive school education, to be nearer to one-third than one-fourth of the whole, because we have no returns from the provinces of the numbers taught at home. In Madras, the number taught at home is 26,963, or above five times greater than that taught in the schools. There

is probably some error in this number ; and though the number privately taught in the provinces does certainly not approach this rate, it is no doubt considerable ; because the practice of boys being taught at home by their relations or private teachers, is not unfrequent in any part of the country. The proportion educated is very different of different classes : in some it is nearly the whole ; in others it is hardly one-tenth.

3. The state of education here exhibited, low as it is, compared with that of our own country, is higher than it was in most European countries at no very distant period. It has, no doubt, been better in earlier times ; but, for the last century, it does not appear to have undergone any other change than what arose from the number of schools diminishing in one place and increasing in another, in consequence of the shifting of the population from war and other causes. The great number of schools has been supposed to contribute to the keeping education in a low state, because it does not give a sufficient number of scholars to secure the service of able teachers. The monthly rate paid by each scholar is from four to six or eight annas. Teachers, in general, do not earn more than six or seven rupees monthly, which is not an allowance sufficient to induce men properly qualified to follow the profession. It may also be said, that the general ignorance of the teachers themselves is one cause why none of them draw together a large body of scholars. But the main causes of the low state of education are the little encouragement which it receives from there being but little demand for it, and the poverty of the people.

4. These difficulties may be gradually surmounted. The hindrance which is given to education by the poverty of the people may, in a great degree, be removed by the endowment of schools throughout the country by Government ; and the want of encouragement will be remedied by good education being rendered more easy and general, and by the preference which will naturally be given to well-educated men in all public offices. No progress, however, can be made without a body of better instructed teachers than we have at present. But such a body cannot be had without an income sufficient to afford a comfortable livelihood to each individual belonging to it ; a moderate allowance should, therefore, be secured to them by Government, sufficient to place them above want ; the rest should be derived from their own industry. If they are superior both in knowledge and diligence to the common village schoolmasters, scholars will flock to them, and augment their income.

5. What is first wanted, therefore, is a school for educating teachers, as proposed by the Committee of the Madras School Book Society, in the letter of the 25th October 1824, which accompanied the second Report. I think that they should be authorized to draw seven hundred rupees monthly from the treasury, for the purposes which they have stated; namely, for the payment of the interest of money employed in building, and the salaries of teachers, five hundred; and for the expenses of the press, two hundred. I would next propose that Government should establish in each collectorate two principal schools, one for Hindoos, and the other for Mohammedans; and that hereafter, as teachers can be found, the Hindoo schools might be augmented, so as to give one to each tishildary, or about fifteen to each collectorate. We ought to extend to our Mohammedan the same advantages of education as to our Hindoo subjects, and perhaps even in a greater degree, because a greater proportion of them belong to the middle and higher classes; but as their number is not more than one-twentieth of that of the Hindoos, it will not be necessary to give more than one Mohammedan school to each collectorate, except in Arcot and a few other collectorates, where the Mohammedan population is considerably above the usual standard.

6. We have twenty collectorates. The number of tishildaries is liable to change; but it will be sufficient for the present purpose to estimate them at fifteen on an average to each collectorate, or three hundred in all. This would, according to the plan proposed, give about forty collectorate and three hundred tishildary schools. The monthly salaries of the teachers of the collectorate schools might, on an average, be fifteen rupees to each, and those of the tishildary nine rupees to each. These allowances may appear small, but the tishildary schoolmaster, who receives nine rupees monthly from Government, will get at least as much more from his scholars; and, considering all circumstances, his situation will probably be better than that of a parish schoolmaster in Scotland.

7. The total expense of the schools will be as follows:—

Madras School-Book Society, per month	Rs.	700
Collectorate schools, Mohammedan, 20 a. 15 Rs.		300
Ditto, Hindoo, 20 a. 15 Rs.		300
Tishildary schools, 300 a. 9 Rs.		2,700
	Per month	<u>4,000</u>
	Per ann. Rs.	48,000

This expense will be incurred only by degrees, because it will be long before a sufficient number of qualified teachers can be obtained. The charges for the Madras School Book Society and the collectorate schools are all that will probably be wanted before the sanction of the Honourable Court can be received. The sum for which we ought to request their sanction, ought not to be less than half a lac of rupees. None of the endowments in the collector's Report are applicable to the present object. They do not exceed twenty thousand rupees in all; and only a small portion of them are public grants, and this small portion belongs chiefly to teachers of theology, law, and astronomy. Whatever expense Government may incur in the education of the people, will be amply repaid by the improvement of the country; for the general diffusion of knowledge is inseparably followed by more orderly habits, by increasing industry, by a taste for the comforts of life, by exertions to acquire them, and by the growing prosperity of the people.

8. It will be advisable to appoint a Committee of Public Instruction, in order to superintend the establishing of the public schools, to fix on the plans most proper for them, and the books to be used in them; to ascertain in what manner the instruction of the natives may be best promoted, and to report to Government the result of their inquiries on this important subject.

9. We must not be too sanguine in expecting any sudden benefit from the labours of the School Book Society. Their disposition to promote the instruction of the people, by educating teachers, will not extend it to more individuals than now attend the schools. It can be extended only by means of an increased demand for it, and this must arise chiefly from its being found to facilitate the acquisition of wealth or rank, and from the improvement in the condition of the people rendering a larger portion of them more able to pay for it. But though they cannot educate those who do not seek, or cannot pay for education, they can, by an improved system, give a better education to those who do receive it; and by creating and encouraging a taste for knowledge, they will indirectly contribute to extend it. If we resolve to educate the people, if we persevere in our design, and if we do not limit the schools to tishildaries, but increase their number so as to allow them for smaller districts, I am confident that success will ultimately attend our endeavours. But, at the same time, I entirely concur in the opinion expressed in the Fifth Report of the Calcutta School-Book Society, when speaking of the system,

that "its operation must therefore of necessity be slow ; years must elapse before the rising generation will exhibit any visible improvement."

(Signed)

THOMAS MUNRO.

XIII.

MINUTE ON PUBLIC SERVANTS BEING PERMITTED TO HOLD LANDS.

In Consultation, 11th July 1826.

1. I HAVE examined with attention the voluminous proceedings of the Board of Revenue, on the question of public servants being landholders, and the sale of Merasi lands in Tanjore for arrears of revenue, and the purchase of them by public servants and their connections.

2. The report of the sub-collector, Mr. Roberts, points out very distinctly the abuses which this practice has occasioned, and while it is authorized, the ease with which they may be committed, and the difficulty of preventing them.

3. I concur entirely in the sentiments expressed by the Board of Revenue, of Revenue, regarding the possession of lands by public servants, either by inheritance or private purchase, in the district in which they are employed, and the sale of lands by public auction for arrears of revenue to them and their connections. There is no prohibition against the possession of private property in land by public servants, in the districts in which they serve. It is however better on the whole, even in districts permanently settled, that a proprietor of land should hold no high office in the district in which his land lies. In districts not permanently settled, the possession of land ought not to cause the removal of a tishildar or other principal servant ; but it ought to be sufficient to prevent the owner from being appointed to any high office in his own district. An influential officer, like a tishildar, ought not to be permitted to purchase land in his own district, when sold either by private or public sale, without previously resigning his office. Should he purchase without resigning, he should be dismissed from

office ; and if the purchase be of land sold for arrears of revenue, the sale should be null. It may be thought that there could be no harm in allowing him to purchase land when sold by private sale. But it appears to me to be objectionable on two grounds : first, on that of his becoming a landholder in his own district ; and secondly, on that of its leaving an opening for converting into a private, what would otherwise have been a public sale. In all unsettled districts, but especially in Tanjore, where the settlements fluctuate annually according to prices ; and in many villages, both according to prices and to produce, the principal revenue servants have many means of causing the sale of lands and villages, without appearing to be concerned in it. They may overrate the produce and the prices. They may prevent remission where it is necessary, by underrating the loss of crop from want of water or other causes ; and they may insist on punctual payment of the kist when the delay of a month or two would have saved the land-owner from great loss ; and he may, in this manner, often be obliged to sell his land, in order to avoid a distress by attempting to retain it. I believe that it is generally understood by the revenue servants, that they are not to purchase land in the districts in which they serve, and that this circumstance restrains them ; but were this check removed by such purchases being openly authorized by Government, they would soon be carried to an extent which would be extremely injurious both to the landholders and to the public revenue.

4. The question of revenue officers being proprietors of land in their own districts, is, however, of much less consequence than that of they and their relations being the purchasers of land sold by public auction for arrears of revenue. Wherever such a practice is suffered to exist, it must tend to facilitate the oppression of the land-owners, to spread corruption among the revenue servants, and to destroy the confidence of the people in the protection of the Government. The statement given by the Board of Revenue sufficiently proves how rapidly such a mischievous practice increases when it meets with any encouragement, as in Tanjore. It appears that land belonging to nine hundred and fifteen individuals, bearing an assessment of rupees 1,00,523, has been sold on account of arrears amounting to rupees 3,09,544, and produced at sale, rupees 120,384 : that these arrears have been accumulating from so old a date as 1801-2, the first year of the Company's undivided administration of the province : that of this land thirty-two lots

Board of Revenue,
August 8, 1825,
para. 13, 14, &c.

were purchased by public servants and their relations and connections: that of these lots only four were purchased previous to 1820, and the remaining twenty-eight between 1820 and November 1823. That the assessment upon the land thus sold was rupees 37,571—the arrears due, rupees 1,23,193—and the purchase-money, rupees 44,101; and that though in general the purchase-money was less than the arrears, yet in two cases it was more than five times the amount.

5. The purchases made by the public servants and their connections, from 1820 to November 1823, show how rapidly the evil was increasing, until it was checked by the petitions of the inhabitants; and the two instances in which land is sold for more than five times the amount of the arrears, would probably not have occurred, had the public servants not been concerned; and farther explanation respecting them ought to be required.

6. The detail given by the Board of Revenue of the circumstances under which the villages of Tenderah and Paravalunden were sold, exhibits very distinctly the abuses with which the practice of selling lands for arrears of revenue has been attended in Tanjore. The village of Tenderah was sold in April 1823, for arrears to Venkat Row, the late Dewan of Travancore, who is related both to the head serishtadar of Tanjore and to the tishildar of the district in which Tenderah is situated.

7. These arrears commenced so early as 1801-2, and amounted, at the time of sale, to chuckrums 63,844, of which more than one-half, or chuckrums 3,73,7 43½, accrued while the village was under sequestration, and managed by sirkar servants. During the period of sequestration, which, with an interval of two years, lasted six, the whole of the proprietor's share of the produce was taken by the sirkar for arrears. The cultivators who had received tuckavi received no part of the cultivator's share, and in three of these years not one individual in the village received any share of the produce of his labour; and yet in each of these six years there is entered a balance against the village, on account of revenue, and in five years of the six on account of tuckavi. The particulars of the arrears and sale of Paravalunden are nearly similar to those of Tenderah.

8. The system followed with regard to these arrears has been unjust and oppressive to the inhabitants, and has, no doubt, been likewise injurious to the revenue. The Meerassadars ought to have been liable only for such arrears as rose while the villages were

in their own hands. The arrears which occurred under sequestration ought to have been borne exclusively by Government. The cultivators who received tuckavi, were no doubt answerable for it; but accidents often happen, which render them unable to pay it; and when this accrues, it should be remitted. A measure so harsh as the seizure of their whole share of the produce for its liquidation, ought never to be resorted to.

Govt. to Board of Revenue 9th August 1821. 9. The balances of fushies 1211 and 1212 are included in their arrears, though they were ordered by Government to be struck off; and no cause is assigned for their having been retained. The Board

Board of Revenue, 5th August 1816. Ditto, 8th August 1825, para. 32. of Revenue recommended that after remitting star pagodas 62,467,29,37 on account of fushies 1218 and 1219 in the province of Tanjore, leaving a balance of star pagodas 10,947,15,15,

the collector should exercise his discretion in collecting it. The balance on this account, however, notwithstanding the sale of so much land, is still rupees 19,413, which I think

Para. 35. ought at once to be remitted. The principle stated by the Board of Revenue, in recommending a remission of star pagodas 59,108 out of a balance of star pagodas 86,597,35,51 on account of the lease from fusly 1220 to 1224, due from villages originally rented, but afterwards assumed and managed by the sirkar servants, namely, "that the deficiency which then occurred could not in fact be regarded in the light of a balance so much as an unavoidable reduction in the settlement," is perfectly correct.

10. The custom of keeping the accumulating balances of a great number of years standing, against districts, is productive of many serious evils, and is scarcely ever attended with any real advantage. We see how small a portion of them has been recovered in Tanjore after the lapse of so many years, and the adoption of such rigorous measures; and if we could trace all the effects of this recovery, we should probably find that it had been obtained partly out of the current year's revenue, and partly by disabling the proprietor from carrying on his cultivation to the usual extent, and that Government had, in fact, gained little or nothing by the recovery. We see that these old balances are good for little else than furnishing the means of corrupting the revenue servants, and of oppressing the inhabitants; and I am therefore of opinion that a period ought to be limited beyond which no balance of land revenue should be demanded. It ought perhaps

APPENDIX.

1423
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in no case to exceed two years after the close of the year in which the balance became due; but in general it might with advantage be confined to the commencement of the kists of the ensuing year, or to the first six months of that year. This rule might be applicable not only to all unsettled districts, but, with some exceptions, to all under temporary leases. The Board of Revenue might be desired to take the subject into consideration, and report their sentiments regarding it; and in Board of Revenue, 8th August 1825, para. 38. the mean time the remissions recommended by them in 1816, on account of the triennial and quinquennial leases in Tanjore, ought to be authorised.

11. I entirely agree with the Board of Revenue in their remarks on the conduct of the revenue servants of Tanjore in the sale of lands for arrears of revenue, being injurious to the inhabitants, and calculated to throw discredit on the Government, and on the propriety of annulling, as far as may be practicable under the Regulations, all sales of Merasi land, for arrears of revenue, and particularly such as have been made to the public servants of the revenue, and their connections.

12. The Board of Revenue, in their proceedings of the 19th June, continue their observations on the sale of lands in Tanjore. It appears that purchases by public servants had begun so far back as 1812. The then collector said that the purchase by public servants of lands exposed for public sale had been repeatedly and publicly prohibited, and he recommended, and the Board directed the servants concerned to be dismissed, and suits to be instituted for annulling the sales. These measures, and the orders of the Honourable Court of Directors, which were conveyed to the present collector, and his attention particularly called to the paragraphs which prohibited the sale of Merasi lands, ought to have made him more cautious in authorising their sale. But he seems to have considered this severe measure rather as the ordinary way of recovering Board of Revenue, balances, than as one which was to be resorted to para. 23 and 28. only in extreme cases; and I agree with the Board in thinking, that the two villages which he was anxious to sell for arrears, were not such urgent cases as to require an immediate decision, and make them anticipate the full consideration of the general question, as in one of the villages the arrears were very trifling, and in the other, the last item comprising the arrears, had become due seven years ago, and ever since that time the revenue had been punctually realized.

Bd. of Rev. 19th June, 1816, para. 3 and 6.

13. The collector observes, that what is usually termed sequestration in Tanjore, is nothing more than the superintendence of the sirkar servants, as the Meerassadar continues to manage the land, and to cultivate it with his own people. The Board of Revenue object to such a nominal system of sequestration. It would be certainly more complete if the land were taken entirely out of his hands; but this may be often inconvenient; and as the sirkar servants superintend the cultivation, and reaping, and measuring, there is such a degree of interference, or sequestration, as ought to exempt the proprietor, after the delivery of the sirkar share of the produce, from every other demand; and the sale of lands, under such circumstances, on the plea of their not having yielded the amount at which they had been estimated or assessed, is a severe and unjustifiable measure.

14. The collection of old arrears is destructive of exertion and of agricultural enterprise: but it appears that no less than four hundred and seventy-four villages have been sold, either in whole or in part, for arrears of which a very considerable part is of an old date.

The particulars are as follow:—

	Villages.	Meerassadars.	Rupees.
Sold entire,	170	belonging to 740	paying a revenue of 135,628
Sold in part,	304	do.	1289 do 143,824
	<u>474</u>	<u>2029</u>	<u>279,452</u>

Board of Revenue, para. 44 and 49. The balances for which they were sold amounted to rupees 810,836. The sales yielded rupees 359,188, or considerably less than half the balances. Mr. ———'s sales have not only been much more extensive than those of all his predecessors, but they have been for older arrears, and have been rendered still more objectionable by the great purchases of the public servants. Those of Narhari Row alone pay a revenue of rupees 17,479 : 8 :—those of all the other servants, rupees 30,502 : 13,11. The first purchase, with one single exception, was made by the serishtadar Goonda Punt, in August 1820, and was soon followed by many others, but all small in comparison with those of Narhari Row, which included the two whole villages of Paravalunden and Tenderah, whose affairs have been so fully investigated by the Board of Revenue. It appears that these villages are held by Kisnah Row, the second son of Goonda Punt; that Kisnah Row was adopted by Narhari Row, who is son-in-law of Venkal Row, the

late Dewan of Travancore ; that Sreniwas Row, the purchaser, is the son of Venkal Row ; and that Goonda Punt endeavoured to get the villages at a low assessment through the application of the Dewan at Madras, who repeatedly urged the subject under the plea that the villages were for himself, while, in fact, they were purchased for the serishtadar's son, Kisnah Row.

15. The transactions regarding these two villages show to what an extent the frauds of the public servants may be carried, if not completely put a stop to by adequate measures.

Para. 68. The Board of Revenue should be therefore authorized to annul the sales to public servants and their relations ; to dismiss the serishtadar and his deputy ; to require the collector's report on

Para. 70. the other servants ; to prohibit private purchase of land, on pain of dismissal from office ; and to call on the collectors for a report on old balances, in order that such as cannot be collected may be written off. I concur in the

Para. 73 and 75. opinion of the Board of Revenue, that the power of sale cannot be relinquished in districts settled rayetwar, without endangering the realization of the revenue, but that it should be cautiously exercised.

Para. 78.

(Signed)

THOMAS MUNRO.

XIV.

MINUTE ON PROMOTION OF NATIVES.

27th April 1827.

1. THE appointment of Mr. Cassmajor to the office of Resident at Mysore, seems to present a fit occasion for revising the local administration of Seringapatam, which the great changes which the place has undergone have, for some time past, rendered every day more necessary. The great importance of Seringapatam, when it fell into our hands, required that its civil administration should be vested in an European officer ; but since that time, from the fall of the Poona States and other causes, it has lost almost all its political and military importance. It is no longer a principal military station ; its garrison consists only of a part of a local corps—its numerous population, originally drawn together by its having been the seat of Government, has been for

many years dispersing itself over the country, and the portion which is left is still diminishing every day, from the want of employment and the insalubrity of the climate.

2. Under these circumstances, I am of opinion that the employment of a civil servant exclusively for the management of the civil duties of Seringapatam is unnecessary. I think that the island of Seringapatam should be annexed to the collectorate of Coimbatore;—that all judicial authority in the island should be entrusted to an intelligent native;—that his jurisdiction should extend over the districts of Kolligall and Sattigall;—that he should exercise all the powers, civil and criminal, of an assistant judge;—and that his court should remain at Seringapatam until it can be conveniently removed to Kolligall.

3. Seringapatam is itself extremely unhealthy; and we are not sure that Kolligall is favourable to the European constitution. It is therefore desirable, for this cause alone, even if there were no other, that natives, who are less liable to suffer from the climate, should be employed instead of Europeans. Should the experiment, in the present instance, prove successful, as I am confident it will, the employment of Native judges may then, by degrees, be extended to some other remote and unhealthy districts, such as Soondah, and in time to every place where their services may be useful.

4. At present, the highest Native officers in the judicial department act immediately under the eye of the European judge. The highest Native judicial officer who is entrusted to act for himself at a distance from the judge, is the District Moonsiff; but his situation is a very subordinate one: in criminal matters he has no jurisdiction, and in civil it is limited to suits of rupees five hundred. The District Moonsiffs, by their general good conduct, have become a very important part of our judicial system: they have fully realized all the expectations which were formed of their utility; and the public benefit which has resulted from their employment, ought of itself to be a sufficient motive for our availing ourselves of the services of Natives in a higher judicial station than that of District Moonsiff. That office, though no doubt respectable, is still very subordinate, and ought to be rather the beginning than the limit of Native promotion. We ought to look forward to a time when Natives may be employed in almost every office, however high, and we ought to prepare them gradually for such a change, by entrusting them with higher

duties from time to time, in proportion as experience may prove their being qualified to discharge them.

5. The employment of Natives in high offices will be as much for our own advantage as for their's: it will tend both to the economy and efficiency of the administration of public affairs. Every time that a Native is raised to a higher office than had before been filled by any of his countrymen, a new impulse will be given to the whole establishment; the hope of attaining the higher office will excite emulation among those who hold the inferior ones, and improve the whole. But this improvement will take place in a much greater degree when the new office is one of a high and independent nature, like that of a judge. The person who is appointed to it will be conscious that he enjoys some share in the administration of the affairs of his country; he will feel that his own rank and character have been elevated by his having been selected for the high office which he holds, and his feelings will pervade every class of the department to which he belongs. I do not mean to say that we are not to expect misconduct in a Native judge; we shall certainly meet with it in him, as in all classes of public servants; and when we do, it must be punished by dismissal: but this ought not to discourage us from continuing the office; for I am convinced that the instances of misconduct will not be numerous,—that they will become more rare every day, and that they will weigh nothing in comparison with the advantages to be derived from the employment of Native judges.

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

As the Native judge will receive no fees, his pay, in order to be suitable to his station, and to render his office an object of ambition to all Native judicial servants, ought not to be less than rupees 300 per month.

The selection for the office of Native judge should be made by the Provincial Court, or by the Sudder Adawlut, from among the District Moonsiffs or the officers of the courts, according as the person best qualified may be found among the one or the other.

It would perhaps be advisable that all prisoners committed for trial by the Native judge should be sent to the gaol of Coimbatore or Salem, because it would greatly extend the distance of the circuit, and prolong its duration, were the court of circuit to visit Kolligall or Seringapatam. It is in fact only the prisoners belonging to Seringapatam who have ever been tried any where else than at Salem, or Coimbatore; and the Seringapatam prisoners would be less liable to sickness in the gaol of either of these places than in their own.

(Signed) THOMAS MUNRO.

Fort St. George, 6th April 1827.

XV.

MINUTE ON THE MODE OF REMUNERATING OLD AND FAITHFUL NATIVE SERVANTS.

In Consultation, 9th March 1827.

THE Honourable the Court of Directors, in their letter of the 11th June 1823, have desired, "That should the original Native Pension Fund not have been abolished, it be continued under the regulations submitted to Government on the 25th of March 1817, subject to such amendments as may be deemed advisable;" but that, in the event of its having been abolished, Government should consider and adopt the best means of reinstating it."

It is the duty of Government to carry into effect the intentions of the Honourable Court, as far as may be now practicable. But after again reading every document connected with the subject, from first to last, I still continue to think that the measure is not only unnecessary, but hurtful to the public service. I think also, that even if the measure were in itself without objection, we have not in this country the means of conducting it properly, or so as that it shall not produce more evil than good.

The Honourable Court do not think that the
Para. 31, 32, 33. Native servants, except in very few instances, have the means of laying up any provision for their families; and they believe that those who have, are more disposed, while in

office, to spend the surplus in charity and maintaining poor relations, than in saving. They do not admit that public servants ought to be assimilated to private, in being left to depend upon parsimony and their relations, and think that they have a claim to a certain extent upon the State. I never saw any objection to this claim to a certain extent; but I saw very serious objection to its being, by means of a Pension Fund, artificially augmented to an unmanageable extent, which it has been for some years. Long before the establishment of the Pension Fund, claims of real distress were heard, and, I believe, better satisfied than at present, because they were not overwhelmed with a mass of those of another description; and the claims of long and meritorious service were not less attended to than now. The Pension Fund will not provide better for either of these classes than was done without it. But it will certainly do what was not done before,—it will provide for the families of the thoughtless and improvident, at the expense of the careful and frugal; and I agree with the Committee of 1817 in thinking, that it will, among the great body of the Native Servants, have a bad effect in lessening their provident habits. I cannot concur in the opinion of the Honourable Court, that saving is very rare among our Native servants. I believe that it is very general, even among those whose pay is small; and that there are few who, when old, have not, either from their own savings or the aid of children or relatives, the means of subsistence, or whose families, after their death, have not, from some helps, the means of maintaining themselves. If we suppose with the Honourable Court, that few servants can save, there would then be few whose families would not require pensions, and pensions could only be given to a few, by withholding them from many who required them as much as themselves. This is, I believe, what does happen, and what must always in a great degree happen, in the distribution of pensions, founded on our imperfect estimate of the circumstances of our Native servants.

The stoppage for the Pension Fund is said by the Honourable Court to be only the enforcement of a moral obligation. It is a nice point to determine where Government ought to interfere in the enforcement of moral obligations. In many cases, it is best to leave the observances of them to the discretion of the party; and the present appears to me to be one of those cases. Were it certain that Government could discover the objects really entitled to the pension, and grant it accordingly, there might be some

ground for interference ; but as it has no means of effecting this, there can be none, more especially as there can be little doubt that it will often add to the distress of some families, by bestowing on others the stoppages made from their salaries, which might otherwise have been saved for their own benefit. One main objection to the Pension Fund is, that after appropriating the whole, whatever may be its amount, we shall not provide for all the families claiming aid, but, on the contrary, we shall have more families claiming aid, on account of distress, than if no such fund had ever existed. In little more than eight years from the commencement of the payment of the pensions till 1819-20, they had reached the sum of rupees 92,61,26,10 ; and with the charges (rupees 4,957,15) exceeded the sum originally allotted for their payment, (composed of the whole of the annual interest of the capital, and one-half of the annual subscription,) in the sum of rupees 70,73. There were then two hundred and ninety new claims for decision ; and had the payment of pensions not been limited, there can be no doubt that the new claims would, in a very few years, have swallowed up the remaining half of the subscription. We should then have had no means of paying now, except from the lapse of old pensions, while there would have been no sensible abatement of the claims of distress. Much distress has been relieved by the fund ; but more, I imagine, has gone unrelieved. The system itself produces and augments distress, by encouraging thousands to depend on the fund, rather than on their own exertions. If we persevere in attempting to carry on such an unmanageable plan, we shall receive no gratitude for what we give, but much censure for what we withhold : and the censure will not be without ground ; for we shall, from our ignorance, as often reject as take the real objects of charity.

The Pension Fund, among its disadvantages, has a tendency to prevent the dismissal of bad servants ; for, though a servant is found to be unfit for his duty from negligence, incapacity, or other cause, there is often a reluctance on the part of his superior to dismiss him, because it is thought hard to deprive a man of employment after he has paid stoppages for several years. There is also another inconvenience attending the stoppages ; namely, that in many instances it is doubtful whether they are real or nominal. The rates of pay are so various and fluctuating in every rank above that of a peon, that there is reason to apprehend that they will be gradually increased, so as, at least, to counter-

balance the stoppage. At the Presidency, where the duties are of a more fixed and uniform nature, this is not so easy; but in the provinces the case is different, and the fluctuation in the rates of pay must long continue there, because it will be very long before such an uniform system of order can be introduced as will enable us to fix the rates of pay for any considerable time. Our knowledge of every district is more or less imperfect. Investigations must be carried on to enable us to bring them into better order; and the pay of the Natives employed must be regulated by their qualifications, and not by any invariable scale.

I have hitherto been speaking of the Family Pension Fund. I shall now make a few short remarks on the proposed Superannuation Fund, which was disapproved of by the Committee of 1817. I have strong objections to both funds; but of the two, I have the least to the superannuation, because it is much simpler, much easier in its management, and much less liable to abuse, than the other; as we can always ascertain when a servant is superannuated, though we cannot whether a family be in distress or not. But, notwithstanding these advantages, I am averse to the introduction of this fund; because I am averse to every new establishment whose utility is not obvious. Superannuated servants, having claims upon the State, know that they will always be attended to; and it would be better that they should be defrayed from the treasury, than from a subscription fund. The pension in this way would be more honourable, and more acceptable to the pensioner. If it be given from a fund, however moderately and cautiously given at first, it will soon be given with profusion, and exhaust the fund. The heads of departments and officers who recommend, would be partial to their own servants. The very circumstance of there being a fund for the purpose would make them more liberal in proposing the reward, would make them gradually become less severe in their estimate of public merit, and, in time, think it hard to exclude almost any man of a tolerably fair character. It may be said, that Government can prevent any unnecessary expenditure in this respect. It certainly can, if it give sufficient time to the subject; but if we are to judge from experience in all similar matters, it certainly will not, because it could not possibly find time for the requisite inquiry. Were superannuation to be determined solely by length of service, the difficulty would be lessened. But as decay of sight and other infirmities must have a place, the difficulty will continue. There is in the system itself a principle of profusion,

in the encouragement which it gives to constant claims. Government cannot be always on its guard, or at leisure to examine them in detail, and they will undoubtedly soon swallow up the fund.

The Family Pension Fund was never thought of until August 1807, when it was first suggested by the Committee of Finance. No inconvenience had ever been felt from the want of it, during the long previous existence of our Native establishments. No recommendation of it, no call for it, had ever come from any quarter. The opinions of every Committee employed upon the fund have been against it. The Committee of 1813 pointed out the great difficulty of deciding upon claims, and how little aid could be derived from the recommendations of heads of offices. The Committee of 1817 expressed great doubts of the utility of the institution. They showed that it occasioned great and continually increasing labour, and that from the lapses annually accruing in a body of thirty-six thousand subscribers, it would in time become a business of immense detail, and that it tended to corrupt the moral feelings of the natives; and they requested that some other permanent arrangement might be made for the management of the fund, as it occupied too much of the time required for their other duties. When I hear such opinions from a committee composed of men remarkable for their application to public business, I am satisfied that, by establishing a Pension Fund, we are needlessly involving ourselves in a mass of useless and interminable labour, which will waste the time of many public servants, which will lead to expenses which we do not foresee, and which Government will not be able to prevent, or even check, in any degree, without neglecting its more important duties.

As I disapprove entirely both of the Family and Superannuation Pension Funds, I have thought it right to state the grounds of my opinion; but as the Honourable Court have directed their continuance or reinstatement, it only remains for the Board to carry their orders into effect in the way most likely to produce the benefit contemplated, with the least injury to the service, and the least waste of public labour. I am not aware that any better plan can be devised for this purpose than that which has been already suggested, of excluding the lower classes of servants from the Family Pension Fund, and not admitting any claim to superannuation until after thirty years' service. It will not be sufficient to exclude peons and servants whose pay is under three

pagodas. The exclusion ought to extend to all servants whose pay is less than pagodas eight, or rupees twenty-eight, and to all who do not belong to establishments of a permanent nature, whatever the amount of their pay may be.

XVI.

ON THE ABOLITION OF ZILLAH COURTS.

30th January 1827.

1. I HAVE considered with attention the letter from the Honourable the Court of Directors in the judicial department, dated the 11th April 1826. Some of the measures recommended in this letter may be immediately adopted with advantage; but there are some which it would not be advisable to adopt, and others which it may be found useful to introduce hereafter, when the system is more consolidated and better understood, but which it would be inconvenient to carry into effect at present.

2. The Honourable Court, after noticing the abolition of the zillah courts, between February 1821 and March 1823, observes, that the local and superior judicial officers should have been required to report their opinion, before measures of such extreme importance were decided on. The abolition was not hastily adopted; it had been frequently discussed among the members of Government, who were unanimous in their opinion regarding its expediency. Had the members of Government been men of little experience, and unacquainted with the operation of the judicial system, I should undoubtedly have thought it necessary to make a reference to the judicial officers; but Messrs. Stratton and Thackeray, the two civil members, were, from their general knowledge of the service, and experience in the judicial line, at least as competent as any of the local officers to form a just opinion on the subject under consideration; and to have waited, under such circumstances, to collect opinions from every quarter, would have been a mere waste of labour. There are some cases in which it is useful to have the opinion of every local officer; there are others in which that of only one or two of the most intelligent can be of the smallest use; and there are some in which none is necessary. I considered the present to be a case

in which Government could have derived no aid from other opinions in forming its own ; for it possessed in itself as extensive a knowledge of the localities of every district under this Presidency, and of the character and customs of the inhabitants, as could have been obtained anywhere else ; and as it had before it the periodical returns of the business done in the several courts, it was enabled, by observing what was done in some of the larger and more populous zillahs, to determine how far some of the smaller ones might be united, without detriment to the due administration of justice.

3. It is obvious too, that on such a question as that of the reduction of the number of zillahs, an impartial opinion could hardly have been expected from the judicial officers. They must be supposed to be, like other men, favourable to the branch of service to which they belong ; and, however conscientious, they may be liable to be influenced, without being sensible of it, by their wishes and their interests. Had the number of zillah courts been double or even treble of what it actually was, I am satisfied that not a single reduction would have been recommended.

4. Petitions against the abolition of the courts are in general of little weight. They prove nothing against the measure—they arise out of partial local interests. In whatever town or village a zillah court is established, it is beneficial to the inhabitants, not only for the sake of justice, but because it adds to the value of their houses and other property—gives them additional employment, and a better market for their produce. The removal of the court will of course be a loss to the inhabitants of that place and its neighbourhood, and produce petitions ; but the same thing would happen if the court were not reduced, but removed within the same zillah, from a small town to a larger one, more conveniently situated for the population of the zillah. Or even if, on removing the court, two courts instead of one were established in the same zillah, the inhabitants of the place from which the court had been removed would still complain. Had the courts been originally three times as numerous as they were, the reduction of any one of them would have produced petitions. Government cannot act upon such petitions, but must look to the wants of the whole country, and be guided by them in distributing the courts.

5. On the introduction of the judicial system, the courts were established at once, without any previous knowledge of the num-

ber that would be requisite. It was soon discovered that there were too many, and several were reduced. Longer experience showed that the business of some courts was much less than that of others; that the business of all had considerably diminished by the operation of the Regulations of 1816 and subsequent enactments; and that a farther reduction could be made without inconvenience, and without imposing upon the courts more labour than they formerly had. It was upon this ground that the reductions from 1821 to 1823 were made; and it is to be regretted that any expression in the minute proposing them should have led the Honourable Court to think that they were connected with the establishment of sub-collectors. There was no connection between the two measures; the sub-collectors would have been appointed had there been no courts to reduce, and the courts would have been reduced even if there had been no intention of appointing sub-collectors. But it was regarded as a satisfactory circumstance, that while we were increasing the expense of one branch of the service, we could lessen that of another, without impairing its efficiency. If we compare Bengal and Madras with respect to their relative extent of territory and amount of revenue, property, and population, and if we take into the account the relief which the Madras zillah courts have derived from the regulations of 1816, I believe it will appear that Madras has as large a proportion of zillah courts as Bengal.

6. The Honourable Court have quoted some reports of judicial Para. 11, 12, officers, regarding the great distance which witnesses 13, 14. have sometimes to travel. A case is stated in Canara, in which some of the witnesses resided at the distance of two hundred, and others of two hundred and sixty miles from the zillah courts. Mangalore, the Court station, is about fifty miles from the southern extremity, and one hundred and sixty from the northern extremity of Canara, and about two hundred and ten from the most distant part of Soondah. There was a zillah court at Honawur, which was abolished many years ago by a former Government; and had the remaining court been then transferred from Mangalore to Cundapoor or Burroor, where the collector's cutcherry was for some years, though it would have been equally distant from the northern and southern points of Canara, it would have obviated, as far as regards distance, every material inconvenience which has been since experienced. Canara is a long narrow tract of country, not more than twenty or thirty miles in its average width; and Soondah, which is

situated above the Ghauts, is almost an entire jungle, thinly peopled, and very unhealthy. In such districts, therefore, as Canara and Soondah, the partial evil of distance cannot be removed without giving to them more courts than the amount of their population and property requires. The pressure of business at Canara is much greater than in any other zillah, and has frequently engaged the attention of the Board; and though I have little doubt that it grew out of the misconduct of the Court at a former period, yet I am convinced that it can now be remedied only by the aid of an assistant-judge. A case is brought forward as one of great hardship in Chicacole, where some rayets travelled three times from Aska and Gomsoor to the zillah court, making a distance of a thousand miles. These are evidently extreme cases, which seldom happen. Gomsoor is a remote, unhealthy, hill zemindary, over which our courts have a very imperfect authority.

7. Such complaints are not peculiar to this country. In all countries we have the same, or perhaps greater, aversion of prosecutors or witnesses to attend the courts, and leave their homes and business; and the same complaints of distance and detention. In many of our old zillahs, the Court station was not central, but at one extremity of the district, like Masulipatam. It would be an useless multiplication of courts to attempt to bring every remote corner of a district within a limited distance of them. The people of India, both from habit and climate, attach much less importance to distance than we do;—they travel at little expense, as they pay nothing on their journey for their accommodation. They would, no doubt, rather travel forty or fifty miles to a court than eighty or a hundred; but it is the leaving their homes, and the time they are to be absent from them and their business, which they think most of. A man who has to go fifty miles knows that he can reach the court in two or three days,—if a hundred, in as many more; but he can form no guess how long he will be detained there;—it may be one, two, or three weeks, or as many months. And it is this which they chiefly complain of, and from which no increase of courts could afford more than a very trifling relief.

8. It is observed by the Honourable Court, that
 Para. 16, 17. as the average of suits instituted in the zillah courts did not exceed the value of one hundred and seventy-five rupees, most of them might have been carried to the district moonsiffs, had the parties wished it. It is not easy to ascertain

the motives which may have led to this preference. In some instances it may have been the belief that the case would have been better examined in the zillah court,—in others, it may have been the contrary. The character of the court, and the case being a plain or intricate one, would often influence the suitor in his choice of a court. In many cases, recourse was no doubt had to the zillah judge, because the suitors resided in the town which was the station of the zillah court: but one thing is clear, that, as all causes coming before the district moonsiffs might have gone to the judge, and as so small a proportion of them did go, the moonsiff's court is much more popular than the zillah court. It cannot be denied, that the abolition of the zillah courts was attended with inconvenience from the loss of the services of the sudder ameens. But it was soon remedied by the appointment of additional moonsiffs.

9. It is apprehended by the Honourable Court, Para. 20. that when, in consequence of the late reduction of the zillah courts, "access to justice becomes very difficult, crimes are winked at or compromised, prosecutions are prevented, information is suppressed, and acts of fraud and violence, scarcely less terrible to the community in their commission than in their discovery and its consequences, must necessarily increase, although the Government may not be aware of the sufferings of the people." There is no cause, I think, for the apprehension here expressed. When, at an earlier period, several zillah courts were reduced, and Cuddapah and Bellari, each more extensive than any of the enlarged zillahs, were left with one zillah court each, no such apprehension was entertained, and no such consequences followed; and there is no reason to believe that they are more likely to follow in the recently enlarged zillahs. Crimes have not increased, they are gradually diminishing, and will continue to diminish. If the Honourable Court suppose that crimes can be prevalent without the knowledge of Government, or that the sufferings of the people can be concealed from it, they have formed an opinion of the state of things under this Presidency which is far from being correct; there can hardly be any crime, and there can be no suffering of the people, concealed from Government. There may be a very few exceptions in some of the hill zemindaries, where the authority of Government scarcely reaches, but in all other districts the detailed nature of our internal administration, and the innumerable body of rayets who hold their lands immediately of Government, bring us into such

universal and direct intercourse with the people, as to preclude the possibility of their sufferings being concealed from us.

Para. 22. 10. It is remarked by the Honourable Court, that the village moonsiffs, estimated to amount to fifty thousand, are vested with much uncontrolled power, and are subject to great temptations, which too many of them are unable to resist; that the fear of prosecution in the zillah courts was an useful check upon them, and that the late reduction of courts will remove this check. This opinion is not supported by any experience we have yet had. The village moonsiffs are so far from abusing their power, that very few of them act at all; their dread of being summoned on some false complaint or other to the zillah court is so great, that most of them avoid exercising the authority intrusted to them. This unwillingness was foreseen at the time the regulation was passed, but not to the extent it has since been found to exist. Had they been left, according to ancient usage, responsible, in the first instance only, to their tishildar, they would, in general, have discharged the duties of the petty jurisdiction assigned to them; but the fear of the court is so great, that only a small portion of the more intelligent venture to act at all; the abolition of the courts has not made them more confident; and it will yet be a very long time before they acquire confidence sufficient to enable them to become so useful in their subordinate station as they ought to be.

Para. 22. 11. It is stated very justly by the Honourable Court, that in order to form a just estimate of the merit due to the district moonsiffs, from the small proportion of appeals made from their decision, we ought not to compare the number of appeals with the number of decisions, but with the number of suits appealable; and that, if this were done, the result would be less favourable to the moonsiffs. It is also remarked, that many appeals are prevented by expense and other obstacles; but this surely is not peculiar to the moonsiffs, more than to the zillah and provincial courts. Even if we take only the appealable suits, the proportion of appeals will still be so small as to be very creditable to the moonsiffs. The records of the Government-offices do not supply the information required, as they do not distinguish between the suits above and below twenty rupees; and as it would take a considerable time to get it from the provinces, it will suffice, for the present purpose, to exhibit the returns which I have obtained from two of the nearest zillahs, Combaconum and Cuddapah.

	Number of Suits of 20 rupees and upwards instituted in the District Moonsiff's Court.	Number of such Suits settled by Ra-seeenamah.	Number of such Suits decided on the merits.	Number of such Suits decided and appealed to the Zillah Courts.
Combaconum	{ 1825 1764	491	640	57
	{ 1826 1620	491	618	137
Cuddapah . .	{ 1825 —	—	—	—
	{ 1826 1357	455	653	33

There is, I think, no sufficient foundation for the supposition that great abuses are practised by the district moonsiffs in the decision of suits under twenty rupees, from their not being appealable. Their proceedings are public, they are known to the whole district; and were they unjust, their courts would soon be deserted, and their fees would be lost. The cause of this would soon be known to the superior court, and they would be dismissed from office. The collectors and magistrates can take up complaints against them; and as they have every facility in learning the conduct of the moonsiffs towards the inhabitants, it is impossible that abuse of authority in giving unjust decisions can long remain undiscovered. Suits under twenty rupees can hardly afford a bribe to corrupt the moonsiff; and it is very improbable that the trifle which could be given should ever, except in very rare cases, tempt him to sacrifice his place and all his prosperity in life. The district moonsiffs are disliked by the servants of the zillah courts, because they carry off much of their former business; and they are still more disliked by the tishildars, because they exercise a new authority in the district superior to theirs, and occasionally summon them before them. It was therefore apprehended, that, unless the moonsiffs were strongly supported, and guarded from all unnecessary interference, as far as it could be safely done, they would meet with so much counteraction and opposition as would render them quite inefficient. It was with the view of giving them weight and character among the people, that it was thought advisable to vest them with authority to decide, without appeal, suits under twenty rupees. This measure has answered the expectations entertained of it. The moonsiffs' courts have now acquired the confidence of the people, and are eagerly resorted to by them; but though they are now so firmly established as not to require the same support as at first, and

though their authority might not be shaken by making suits not exceeding twenty rupees appealable, such a change would, I think, be highly inexpedient, as it would only tend to multiply business without any adequate advantage; and as it is impossible that the present exemption of petty suits from appeal could be materially abused by the moonsiffs, without complaint and discovery; and as no such complaints have yet appeared, I am of opinion that the present system ought not to be disturbed. Should any evil be found to arise from it on future experience, Government has the remedy in its own hands, and ought then to apply it, and not before.

12. Among the evils supposed to have been occasioned by the consolidation of zillah courts, are the diseases, and even loss of life, to which prisoners are said to be exposed, by being sent from the hilly parts of Rajahmundry to gaol at Masulipatam. I regarded this statement, at the time it was brought forward, as undeserving of attention, and as being founded in prejudice in favour of a favourite medical station, and in a want of due investigation. Government has often had cause to question the correctness of medical theories respecting the health of prisons: they are often at variance with each other. A prison is said to be unhealthy, because it is too little ventilated, or too low, or too much exposed! while, after all, the unhealthiness is merely casual, and originates in causes not known; and perhaps affects the habitations of the people, and the barracks of the military, as much as the prison. I doubt the authority both of the medical officer and the foudary adawlut, when they tell us that prisoners confined at Rajahmundry cannot be removed to the sea-coast without danger to their lives, more than those apprehended in the neighbouring districts. In every district under this Presidency, except Tanjore and the Jagheer, there are unhealthy hilly tracts, as well as in Rajahmundry; yet it has never been thought necessary to have particular prisons for the offenders from such tracts in these districts. The district of Rajahmundry is in general open, the population among the hills is very small, the great mass of the people, and Rajahmundry itself, are in the open country. Ganjam and Vizagapatam are both more hilly and unhealthy than those of Rajahmundry; and yet no objection has ever been made to bringing prisoners from the interior of these districts to the coast. The districts of Masulipatam are as unhealthy as those of Rajahmundry. They are mixed with each other: the hill inhabitants of the one are sent without hesitation

to Masulipatam on the sea-shore ; but the hill inhabitants of the other, it is said, can only, with safety to their lives, be sent to Rajahmundry. The real hill inhabitants, those who actually reside upon the hills, are very few, and they would probably suffer from confinement in any gaol ; but the people who fill our gaols are those of the plains, and of the valleys among the hills, and they are so much the same race, that no line could possibly be drawn so as to distinguish which of them should, for the sake of health, be sent to one gaol, and which to another.

Para. 26, 29.

13. The Honourable Court have adverted at considerable length, and with just severity, upon the conduct of the native police officers in extorting confessions from prisoners, and they specify some very atrocious cases, among which are the murder of a man by a peon, in endeavouring to extort a confession, and the maiming a prisoner by a potail, in torturing him for the same object. In both these cases, however, it is satisfactory to know that the offenders were convicted and punished, one capitally, and the other with two years' imprisonment and hard labour. The judge who reports, fears that cases of forced confession are too common, even among the officers of Government ; but observes, that the proof is difficult. When violence really takes place, the proof cannot be difficult ; but I believe that, in a great proportion of the cases where it is charged, none has been used. It is much more general in Malabar and Canara than in other zillahs, and the difference is probably owing to the people of Malabar and Canara still retaining much of the turbulent and vindictive character which they acquired while divided into petty states, and little restrained by any regular authority from exercising acts of outrage on each other.

14. It is, no doubt, too certain that many irregularities are used in obtaining confessions, and that in some instances atrocious acts are committed ; but when we consider the great number of prisoners apprehended, and the habits of the people themselves, always accustomed to compulsion where there is suspicion, how difficult it is to eradicate such habits, and how small the proportion of cases in which violence has been used is to the whole mass, the number of these acts is hardly greater than was to be expected, and is every day diminishing. The prohibition against forced confessions is known to all native police officers ; and it seems extraordinary that they should ever employ force, for they know that they have much to lose and nothing to gain by such conduct ; but some of them, in spite of every injunction to the

contrary, when they believe that a prisoner is guilty, think it right to extort a confession. Police officers in general, however, will not gratuitously expose themselves to loss of place, and their families to ruin, by such conduct. Prisoners are sometimes hurt by attempting to escape, and notorious offenders are sometimes roughly treated by the villagers who assist in securing them; the marks thus caused are sometimes exhibited as evidence of extorted confession. Wherever there is proof of force having been used for such a purpose, the police officer should be invariably punished, and dismissed from the service. But great caution is necessary in believing the accusation of force; it should always be very clearly established, before it is entitled to credit. Police matters are so public, that the charge of violence, when true, can hardly be concealed. There are two things in which there is constantly very great exaggeration—the number of persons concerned in a robbery, and the number of extorted confessions: only a small part of the alleged cases of extorted confessions are ever substantiated. The circuit court say that the proof is difficult: I believe that, when true, the proof is easy, and that the difficulty lies in by far the greater part being unfounded. The charge is easily made, and the effect of its receiving belief from the court of circuit is so generally known, that offenders very frequently bring it forward in some stage of the trial. It is a point which demands the greatest possible circumspection on the part of the magistrate. If he lets the person escape who has been guilty of extorting confession, he encourages one of the worst offences against the administration of justice. If he punishes the police officer charged with this offence in only a very few instances, on false evidence, he will effectually deter the whole body from the zealous exercise of their duty, and let loose a host of robbers upon the community. No number of zillah courts would prevent the excesses complained of among the native police: were we to double the number, it would have no effect in restraining them. They can only be checked, and effectually put down, by the vigilance of the magistrates,—by never letting them pass unpunished,—by the police officers finding from experience that they never could gain any thing from the use of force, but would certainly suffer disgrace and punishment,—and by time working a change in their habits.

15. The irregularities committed by the police are now much more difficult of concealment than when the offices of zillah-judge and magistrate were united in one person, confined to a fixed

station ; and though too many of the police officers are still frequently guilty of such irregularities, yet the conduct of the great body of them is highly useful and meritorious, and its effects are becoming every day more evident in the increasing tranquillity of the country, and the gradual diminution of organized bands of robbers. The amelioration, though occasionally retarded by the misconduct of local officers, continues to advance, and is gradually diminishing the number of crimes.

Para. 28, 29. 16. The cruelties reported by the circuit judge to have been inflicted on certain inhabitants by the Parbutti and Holkars, in Malabar, were investigated by the collector, and found to be without proof. The observation quoted from the report of the Board of Revenue, as to the "rayets not being in that state of ease and security in which the justice and liberality of the British Government means to place them," was made by the Board, from perceiving that the courts could give no effectual security to the great mass of rayets from the exactions of the village and district officers. The subject had frequently, during a long course of years, been brought to the notice of Government ; and as it was manifest that the evil could only be remedied by empowering the collector to enforce the summary restitution of all such illegal exactions, a special Regulation was enacted for that purpose. It is not more courts that we want for the protection of the rayets from exactions, and of the inhabitants in general from theft and robbery, but more systematic experience, and, consequently, more aptitude among our local officers, both Native and European, for the discharge of their several duties. I therefore entirely agree with

Para. 30. the Honourable Court, that a system of training is as necessary in the judicial as in the revenue line ; and that an intermediate class of functionaries, similar to that already established in the revenue, should be introduced into the judicial department. I have long thought that some of the senior registrars should receive higher allowances and extended jurisdiction ; but the appointment of assistant civil and criminal judges is a much better measure.

17. I think that five assistant judges will be sufficient for every object. Canara is the district in which an assistant judge is most wanted : the pressure there has frequently been the subject of deliberation at the Board, and of correspondence with the Sudder Adawlut. Next to Canara, the want of an assistant judge is greatest in Malabar ; and after Malabar, the district which at

present most requires help, is Cuddapah; but I imagine that the pressure there is only temporary; that it has arisen in a great degree out of the disorders caused by the famine in 1823-4, and that it will soon cease. Salem, both from its great extent and population, ought to have an assistant judge, either at Coimbatore or any other convenient station. Masulipatam, for the same reasons, should have an assistant judge; but I am not sure that it may be advisable to transfer the zillah judge to Rajahmundry, and station the assistant at Masulipatam. The towns both of Rajahmundry and Masulipatam are situated on the extremity of their respective districts, but Rajahmundry is central to both.

18. I concur also with the Honourable Court, in thinking that the native judicial officers of the assistant judges should, in the first instance, be taken from the officers of the reduced zillah courts, as far as they may be properly qualified, and that the vacancies which may occur afterwards should be filled from the list of district moonsiffs, in order that we may have a gradation of Native as well as European officers. Such gradation is desirable in every department: it encourages good conduct, and secures to the public the services of zealous and experienced servants. It should however be understood, that merit alone can entitle any individual to promotion.

19. Some advantages might result from carrying into effect the suggestions of the Honourable Court, regarding Para. 38 and 44. the zillah judges holding alternate sessions at different places within the zillah; but I imagine that they would be at least counterbalanced by the inconveniences which would attend the measure. The visiting and inspecting of the district moonsiffs by the zillah judge might be useful; but, on the other hand, the general progress of business would probably be retarded by his absence from the court station, by the time spent in travelling, and by the partial hindrance of the moonsiffs' proceedings while engaged with him. The same object might perhaps be attained by sending occasionally for such of the moonsiffs as most appeared to require instruction, and employing them for a time under his own eyes at the court station. His travelling for the purpose of learning the state of the police, and hearing complaints against it, and communicating his information to the magistrate and the provincial court, would do no good, and might often lead to inconvenient interference, by diverting his attention from the duties more properly his own to those which did not belong to him. It will be much safer to leave the supervision of the

police to the magistrate and the court of circuit. Before coming, however, to any final resolution on the question of the zillah judge visiting the stations of the district moonsiffs, it may be advisable to refer it for the opinion of the judicial department.

Para. 43. 20. The Honourable Court are apprehensive that the allowing fees to the district moonsiffs "may have conduced rather to the quick dispatch, than to the satisfactory adjustment of the business before their courts;" and they observe, that the number of suits appealed should be contrasted with the number appealable, before it can be proved that their proceedings are of a satisfactory character. We have not, as already stated, before us the documents required for making this comparison; but it is sufficiently evident, from the continued resort of the people to the courts of the district moonsiffs, that their decisions are in general satisfactory.

21. As the Honourable Court disapprove of the abolition of fees on suits under ten rupees, which was done with the view of leaving no inducements to the district moonsiffs to use any undue means for drawing such petty suits into their own courts, and as the abolition of the fees does not appear to have had any material effect in any way, it seems proper that they should be restored.

Para. 48 to 50. 22. In order to encourage the district moonsiffs not only to dispose of their business without delay, but also to weigh maturely the merits of each particular case, the Honourable Court recommend that their payment by fees should be abolished, and that they should receive a salary somewhat higher than the average amount of their present salary and fees together; and that "no suit instituted in a district moonsiff's court should be subjected to a higher fee than two and a half per cent.," which reduction, they expect, will bring a large addition in the district moonsiff's court. I do not think that the reduction of fee to two and a half per cent. would increase the business in the district moonsiff's court, because I am convinced that all which now goes there would go even if there were no fees. The business in these courts is more likely to diminish than to increase: some of the moonsiffs already complain of having too little business. It does not appear therefore to be necessary to give them a salary in place of fees, to enable them to weigh cases more maturely. Such a plan may be proper at a future period, but not for many years: it is not suited to the present habits and opinions of the people. The moonsiff system is both popular and

efficient far beyond every expectation that was formed of it, and is becoming more so every day. It is better not to disturb it, but to let it go on as at present until it shall have acquired more firmness by time, by the improved judicial knowledge of the moonsiffs, and the increased respect of the people. If the fee should have a tendency, in some cases, to stimulate the moonsiff to too hasty decisions, it is to be recollected that it is checked by the fear of suitors not coming to his court. If his decisions were wrong, either from haste or any other cause, the people would soon discover it, and carry their suits to the zillah court, if they could not be settled in the village. If the business were in any case actually too great for him to get through properly, the inconvenience could always be easily remedied, by appointing an additional moonsiff. But though I would not think it safe to shake the public confidence in the moonsiff system by so great an innovation as the substitution of salary for fees, I highly approve of the recommendation, that the fee in the district moonsiff's court should not exceed two and a half per cent. I think, however, that it would be more convenient to make the fee half an anna per rupee. The difference is trifling, and the calculation would be more easily understood by the poorer classes of the people. The charge of half an anna is so slight, that it may be adopted for every sum cognizable by the district moonsiff. The decrease of receipt which will be occasioned by the lowering of the fee, should be borne by Government, and it should in no way affect the income of the moonsiff, who should continue to receive, as at present, one anna per rupee.

23. I am doubtful of the propriety of leaving to the district moonsiffs a discretion of admitting pauper cases into their courts; but the subject may be referred for the opinion of the judicial department.

Para. 51. 24. The granting rewards to meritorious moonsiffs and to head police officers for exemplary discharge of their duty, as recommended by the Honourable Court, will no doubt be productive of considerable public benefit, and ought therefore to be carried into effect. It does not appear to be necessary to attach higher allowances to certain districts, in order to reward extraordinary merit in moonsiffs, by appointing them to them. In almost every zillah, there are at present one or two moonsiffs' districts, in which the allowances from fees are considerably higher than in the rest, and to which the more meritorious moonsiffs may be nominated as vacancies occur. It is not

so much an addition to the pay of the moonsiffs, as a higher class of native judicial officers, that we want. I have frequently thought, that in each zillah one, or, in some cases, two native judicial officers might be invested not only with civil, but criminal jurisdiction, and be placed over a large district somewhat in the same manner as is now proposed with regard to assistant judges. Such an office would give great respectability to the native judicial department, and would encourage the exertion, and secure the services of men of integrity and talent in the administration of justice. The subject, however, requires too much consideration to be hastily adopted; but I shall endeavour at some future time to submit to the Board some proposition regarding it.

25. The half-yearly statements of prisoners, noticed
 Para. 52. by the Honourable Court, do not exhibit a diversity in the administration of the same laws; but merely an error in the mode of preparing the statements, which either the provincial court, or the Sudder Adawlut, might at any time have ordered to be corrected, but which seems to have escaped their attention until it was pointed out to them by Government.

26. The Honourable Court are of opinion, that as
 Para. 53, 54. individuals who may have suffered wrong from the magistrates or the police, have no means of appeal against their proceedings during the periods when the judges of the provincial courts are not on circuit; that the judges of the provincial court should have the same authority as the judges on circuit now have to receive and pass orders on petitions against the magistrates and police officers; that the magistrate should transmit, monthly, a statement of all petitions against the police officers to

the provincial court; and that the control of all the
 Para. 55. criminal and police proceedings of all the local authorities, should be immediately in the hands of the judges of the provincial courts.—I apprehend that the alterations here proposed would, if carried into effect, produce more harm than good. There is hardly any case, I believe, except that of vagrants, or persons of bad character confined on suspicion, in which the interference of the provincial court could possibly afford any relief. In other cases, the term of imprisonment would have expired, and the prisoner been released, before the court could receive the petition, make the necessary inquiry, and communicate their orders to the magistrate. The release of vagrants and suspicious characters would, with more advantage, be left, as it

now is, to the magistrate and circuit judge: no possible benefit could in any case be derived from the interference of the provincial court which could compensate for the inconvenience which it would produce. The magistrate's own character, the reports of his conduct by the circuit judge and the Foujdary Adawlut, and the danger of his being removed from his office by Government, are all securities against his committing any act of oppression in the interval between the departure and arrival of the circuit court. I am therefore of opinion that no change ought to be made; but that if any is made, it ought to be, not by giving any new power to the provincial court, but by authorizing the circuit judge to pass orders on petitions from every zillah within his range, during the whole course of his circuit, without any reference to the particular zillah in which he may be at the time.

27. The control of the magistrates and of the police ought not, I think, to be in the hands of the provincial court. The proceedings of both are already sufficiently under check, and to multiply checks would only tend to embarrass the operations of the police, and to divert the provincial court from their proper business, without producing the smallest increase of real control. The magistrates are interested with the direction of the police. All charges against them are cognizable by the court of circuit, and, when necessary, are referred to the Sudder Adawlut and to Government. Government ought to reserve to itself, as much as possible, the immediate control of the magistrates. By delegating it to too many intermediate authorities, it becomes more circuitous and less efficient, and will augment rather than lessen the business of Government.

28. The Honourable Court appear to think that there is a restriction upon receiving complaints against the native heads of police. I know of no restriction: all persons who are punished or injured by the police officers are perfectly free to petition against them.

29. I have not hesitated, in the course of this minute, to avail myself of the permission of the Honourable Court, to dissent from their opinions where I could not agree with them. The Court do not seem to be acquainted with the change which has taken place, and which is still going on, in the character of the people, and the state of the country, from the operation of the courts, of a standing army, and of a strong Government. They reason throughout their dispatch as if the reduction of certain zillah courts had left such zillahs unprotected

by law, instead of being, as they were when incorporated with other zillahs, from the effects of the moonsiff system, of the magistrates' increased jurisdiction, and of other causes, as much protected by the zillah court, and as completely under its control, as they were in their separate state when first established. It is unquestionably the duty of Government to establish all the judicial courts that may be necessary for the due distribution of justice; but it has also another duty,—not to waste the resources of the country in useless and expensive establishments. The judicial establishments of this Presidency were at one time on a scale of extravagance far beyond that of any other country, or what the resources of any country could maintain. They have since been reduced at different times, and are now at a standard more proportionate to the wants of the people; and any temporary pressure which may arise will be easily relieved by the appointment of an assistant judge, without the necessity of any additional zillah courts. In every country some districts must be far from the principal courts, because no country can afford to maintain expensive judicial courts, merely because some individuals of such remote districts may otherwise have to travel an inconvenient distance once or twice in the course of their lives. Expensive establishments, when once sanctioned, are not easily put down. There is never any difficulty in finding plausible reasons to keep up a lucrative office; and if the office be judicial, the protection of the people can always be brought forward in defence of it; but the people would be much more solidly protected by abolishing the expensive establishment, and remitting the amount in their assessment.

30. I shall now recapitulate the several points which I have in this minute recommended for the approval of the Board.

1st, That assistant judges be appointed to certain districts, and that a regulation be framed defining their duties and relation to the zillah judge.

2nd, That the suggestion in the letter of the Honourable Court, regarding the zillah judges holding sessions with their district moonsiffs, be referred for the opinion of the Sudder Adawlut and subordinate courts.

3rd, That the district moonsiffs be authorised to levy fees on suits under ten rupees.

4th, That all suits in the district moonsiffs' courts shall pay a fee of half an anna per rupee, and no more; and that one

anna per rupee shall be paid to the district moonsiff by Government.

5th, That the discretion proposed by the Honourable Court to be allowed to district moonsiffs in admitting pauper suits, be referred to the Sudder Adawlut.

6th, That honorary rewards be granted to meritorious district moonsiffs and native heads of police, at the close of each year.

(Signed)

THOMAS MUNRO.

GLOSSARY.

ABWAB. (A gate, door, or way.) Items of taxation, cesses, imposts, taxes.

ABKARRY. Taxes or duties on the manufacture and sale of spirituous liquors and intoxicating drugs.

ADAWLUT. Justice, equity, a court of justice.

ALTHAMGA. A royal grant in perpetuity; perpetual tenure.

AMEER. A nobleman.

AMEER UL OMRAH. Noble of nobles, lord of lords.

AMLAH. Agents, officers; the officers of government collectively.

ANNA. The sixteenth part of a rupee.

AUMANY, AUMANI, or AUMANIE. Trust, charge.

AUMEEN. Trustee, commissioner, a temporary collector, or supervisor, appointed to the charge of a country on the removal of a Zemindar; or for any other particular purpose of local investigation or arrangement.

AUMIL. Agent officer; native collector of revenue.

AUMILDAR. Agent, the holder of an office.

BABOO. Master, sir, a Hindoo title of respect paid to men of rank, or high in office.

BICE. A man of the third Hindoo cast, who by birth is a trader or a husbandman.

BUNDOOBUST. Tying and binding. A settlement. A settlement of the amount of revenue to be paid or collected.

BUNJARY, or BENJARY. A corruption of the Sanskrit word vanij.—A merchant, a grain merchant. The Bunjaries are merchants, who, in the Peninsula, follow camps, and supply armies with grain and other provisions.

BURGUNDASSES, OR BURKANDAZES. Men armed with matchlocks.

CANIATCHY, or by mistake **CALIATCHY**. A term used in Malabar, signifying landed inheritance or property, having nearly the same signification as the Persian word *Meerassee*.

CANONGOR. An officer of the government, whose duty was to keep a register of all circumstances relating to the land revenue, and, when called upon, to declare the customs of each district, the nature of the tenures, the quantity of land in cultivation, the nature of the produce, the amount of rent paid, &c.

CAURY, or **CARI**. Mohammedan judge or justice, who occasionally officiates also as a public notary, in attesting deeds, by affixing his seal thereto.

CHOKEEDAR. A watchman.

CHOKY, or **CHOKEE**. A chair, seat. Guard, watch.

CHOULTRY. A covered public building, generally of hewn stone, often richly carved and ornamented, for the accommodation of travellers.

CHOUT. A fourth: a fourth part of sums litigated.

CHOWDRY. A permanent superintendant and receiver of the land revenue under the Hindoo system, whose office seems to have been partly superseded, by the appointment, first, of the *Croie*, and, afterwards of the *Zemindar*, by the Mohammedan government.

CHUBDAR. Staff-bearer.

CHUCKEES. Extra assessments in Canara under the former governments.

CHUCKER. A wheel, a circle. Extra assessment in Canara of 1720.

CHUCKLA. A division of a country consisting of several *pergunnahs*, sometimes equal to a moderate-sized English county, and of which a certain number constituted a *circar*, or chiefship.

CIRCAR. Head of affairs. The state or government. A grand division of a province. A head man.

COOLIES, *sing.* **COOLY**. Labourers, porters.

COOLWAR, or **CULWAR**. A statement of the *Ryots* holding lands; or a settlement made with the *Ryots* individually.

Coss. A corrupt term used by Europeans to denote a road measure of about two miles; but varying in different parts of India.

COWL. Word, saying; promise, agreement, contract, engagement.

COWRY. A small shell which passes as money.

CRORE. Ten millions.

CURNUM. Accountant of a village who registers every thing connected with its cultivation and produce; the shares or rents of the Ryot, with the dues and rights of government in the soil. It answers to the term Putwarry in the Bengal provinces. The term is peculiar to the Peninsula.

CUTCHERRY. Court of justice; also the public office where the rents are paid, and other business respecting the revenue transacted.

CUTWAL. The chief officer of police in a large town or city, and superintendent of the markets.

DAROGAH. A superintendent, or overseer, of any department; as of the police, the mint, &c.

DECOITS. Gang robbers.

DECOITY. Gang robbery.

DESMOOK. Head man of a district. Collector of a district or portion of a country; an officer corresponding with Zemindar, but more antient.

DESMOOKIE. The office or jurisdiction of a Desmook.

DESPONDEAH, or DESPANDEAH. Register of a district, who, in the Peninsula, performs the same duties as the Canongoe of the Bengal provinces.

DEWAN. Place of assembly. Native minister of the revenue department, and chief justice in civil causes within his jurisdiction; receiver-general of a province.

DEWANNY. The office or jurisdiction of a Dewan.

DEWANNY COURT OF ADAWLUT. A court for trying revenue and other civil causes.

DOWLE. Form, manner. An estimate.

DOWLE BUNDOBUST. Literally, estimate, settlement.

DUBASH. One who speaks two languages; an interpreter.

DUFFADAR. The commander of a party: also of Peons.

DUFTER. Register, record, office.

DUFTER BUND. An office-keeper. Allowance to the office-keepers of the cutcherries, an item of the Muscorat.

DURBAR. The court; the hall of audience; a levee.

ENAUM. Present, gift, gratuity, favour. Enaums are grants of lands free of rent; or assignments of the government's share of the produce of a portion of land, for the support of religious establishments and priests, and for charitable purposes; also to revenue officers, and the public servants of a village.

ENAUMDAR. Holder of any thing as a favour. A person in the possession of rent-free, or favourably rented lands; or in the enjoyment, under assignment thereof, of the government dues from a particular portion of land, granted from charity, &c.

FAQUEER. A poor man, mendicant, or wandering beggar of the sect of Mohammed.

FASL, or FASAL. Season, crop, harvest.

FIRMAUN. Order, mandate. An imperial decree, a royal grant or charter.

FOUJDAR. Under the Mogul government, a magistrate of the police over a large district, who took cognizance of all criminal matters within his jurisdiction, and sometimes was employed as receiver-general of the revenues.

FOUJDARRY. Any thing appertaining to a Foujdar, as his office, jurisdiction, court, and the like. Also the produce of fines, confiscations, and chout, in the Foujdarry courts.

FOUJDARRY ABWAB. Foujdarry assessments. Assessments made by the Foujdars.

FOUJDARRY COURT. A court for administering the criminal law.

FUSLY. What relates to the seasons: the harvest year.

FUSLY KHEREEF. The autumnal season or harvest, for rice, millet, &c.

FUSLY RUBBY. The spring season or harvest, for peas, wheat, &c.

FUTWAH. A judicial decree, sentence, or judgment; particularly when delivered by a Mufti or doctor of Mohammedan law.

GAM. A village.

GANGANAH. By villages, a settlement by villages. A term equivalent to Monzawar, used to designate a village settlement.

GATWALL. Who has charge of a pass in the mountains, or a landing-place on a river.

GENTOO. Indian. One of the aborigines of India. At Madras our countrymen use this term to designate the language and people of Tellingana.

GHEE. Clarified butter, in which state they preserve that article for culinary purposes.

GIRDAWAR, or GIRDWAR. An overseer of police, under whom the Gozendas or informers act, and who has the power to apprehend those whom the latter point out.

GOMASTAH. A commissioner, factor, agent.

GOOROO. Graves, a grave man ; the spiritual guide of a Hindoo.

GOZENDA. An informer ; a spy to discover public offenders.

GRAM, or GRAMA. A village.

GRAMA KHIRCH. Village charges or expenditure.

HAKIM. Commander, ruler, governor, master. The governing authority in a province.

HASTABOOD. Literally what is and was. A comparative account ; an examination by measurement of the assets or resources of the country, made immediately previous to the harvest ; also, in a more general sense, a detailed inquiry into the value of lands financially considered.

HAVELLY. House, habitation, domain. In Bengal the term is applied to such lands as are held by a Zemindar for his own benefit ; but at Madras it designates such as are under the immediate management of government, without the intervention of Zemindars or Jaghiredars, the revenues of which are either farmed out on short leases, or collected by its own officers, without any other agency.

HINDOO, or HINDU. One of the aborigines of India, by the Persians called Hind.

HOBLY. A district.

HUZZOOR. The presence. The seat of government, or of the European authority in a collectorship.

JAGHIRE or JAGHEER. Literally the place of taking. An assignment of the Government share of the produce of a portion of land to an individual.

JAGHIRE BECKSHEE. A jaghire for the support of a General or Commander-in-chief.

JAGHIRE CIRCAR. The jaghire of the Government ; the Company's jaghire under the Presidency of Fort St. George.

JAGHIRE DEWANNY. The jaghire of the Dewanny ; i. e. of the office of Dewan held by the Company.

JAGHIRE TANAHAUT. Jaghires for the support of Tanahs, or small garrisons of Sebundy troops.

JAMMA. The whole, total, sum, amount, sum total, assembly, collection. The total of a territorial assessment.

JAMMABUNDY. A settlement of the total of an assessment, or a written statement of the same.

JAMMABUNDY NUCKDY. A money settlement of the total of an assessment.

JAMMADAR. A native officer so denominated.

KHALSA. Pure, unmixed. An office of Government, in which the business of the revenue department is transacted: the exchequer. When this term is applied to lands, it signifies lands the revenues of which are paid into the exchequer, as contradistinguished from jaghire, or other descriptions of lands, the government share of whose produce has been assigned to others.

KHALSA. The royal treasury or exchequer.

KHAREGE. What is excluded from the jamma or amount of the rental. Rents from the ryots enjoyed by particular individuals under assignments or grants from Governments, such as the nancar of Crories and Zemindars.

KHAS. Private, peculiar, particular, proper; revenue collected immediately by Government, without the agency of Zemindars.

KHEREEF. Autumn, autumnal harvest.

KHATERY. A man of the second or military tribe.

KHIRCH-GRAM. Expense of the village.

KILLADAR. Warder of a castle; commander of a fort.

KISMUT. Division, proportion, share, part; a division of country sometimes forming part of a circar, and including several districts, more or less: but more generally part of a pergunnah.

KIST. Stated payment, instalment of rent.

KISTBUNDY. A contract for the payment of a debt or rent by instalments.

KOOLCURNY, KOOLKERNIM. A village accountant in the Northern Circars, who is generally a Brahmin.

KORAN. The book containing the religious precepts of Mohammed.

KULLAR. In the Ceded Districts, barren land.

LAC. One hundred thousand.—A lac of Bengal sicca rupees is, at 2s. 6d., equal to 12,500*l.* sterling.

MALIK. Master, lord, proprietor, owner.

MAMOOL. Practised, established, usual, customary.

MARAH. Perquisites from the crop, fees in kind, so called in the Northern Circars; the same as Russoom.

MATHOTE, spelt also **MATHOOT.** Capitation, contribution, im-

position. An occasional impost or tax sometimes included in the Abwab.

MEERASS. Heritage, patrimony.

MEERASSADAR. The holder or possessor of a heritage. Meer-ass. The proprietor of land.

MEEBASSEE. Hereditary, hereditary property.

MOCUDDIMS. Placed before, antecedent, prior, foremost. Head ryot, or principal man in a village, who superintends the affairs of it, and, among other duties, collects the rents of government within his jurisdiction. The same officer is in Bengal called also Mundul, and in the Peninsula Goad and Potail.

MOCURRER. Fixed, established, permanent.

MOCURRERY. As applied to lands, means lands let on a fixed lease.

MOFUSSIL. Separated, particularized, distinguished, divided into distinct parts, detailed. The subordinate divisions of a district, in contradistinction to the term Sudder, which implies the chief seat of government; also the country, as opposed to town; the interior of the country. As applied to accounts, the term signifies detailed, or those accounts which are made up in the villages and pergunnahs, or larger divisions of country, by the Putwarries, Canongoes, or Serishtadars. As applied to charges, it signifies the expense of village and pergunnah officers, employed in the business of receiving, collecting, settling, and registering the rents, such as Mocuddims, Putwarries, Peons, Pykes, Canon-goes, Serishtadars, Aumeens, &c.

MOFUSSIL. Provincial court of civil justice.

MOHREK or MOHIR. A writer, or clerk in an office.

MOLUNGEK. Manufacturer of salt.

MONIGAR. A surveyor, a supervisor, or manager.

MOOPTY. The Mohammedan law officer who declares the sentence.

MOOLERY. A learned and religious man. An interpreter of the Mohammedan law.

MOONSHEE. Letter-writer, secretary.—Europeans give this title to the native who instructs them in the Persian-language.

MOOTAH. In the Northern Circars, a small district or subdivision of a country, consisting of a certain number of villages, more or less. A farm of several villages.

MOOTAHDARRY. What relates to a Mootahdar.

MOOTAH DAR. A person on whom the Zemindarry rights of a mootah are conferred by the government, under the conditions of a perpetual settlement.

MORAH. In Canara, rent in kind. A field, let to a tenant, at will, is reckoned and called a field of so many morahs.

MUDHOORY. Applied to lands, means fresh, in contradistinction to Nemucky, or salt lands.

MUGS. Pirates from the coast of Arracan, who formerly committed great depredations in the river Ganges.

MULLA. A learned man, a schoolmaster.

MUNDUL. A circle, a division of country so called. The head man of a village; the same as Mocuddim.

MUNSLIFF. A just and equitable man; native justice, or judge, whose powers do not extend farther than to suits for personal property not exceeding fifty rupees.

MUSNUD. The place of sitting; a seat, a throne, or chair of state.

MUTSEDDY. Intent upon. Writer, accountant, clerk in a public office.

NAIB. A deputy.

NAIB NAZIM. Deputy of the Nazim or governor.

NAIK. Leader, conductor, chief; petty military officer.

NAIR. Chief, head man. The Nairs are a peculiar description of Hindoos, principally of the military class, who hold lands in Malabar.

NAUNCAR, or NANCAR. Allowance or assignment for bread or subsistence. An assignment of land, or the Government dues from a particular portion of land, calculated to yield five per cent. on the net receipts into the treasury, held by a Zemindar. The term is also applied to the official lands of the Canongoes and other revenue servants.

NAWAB. Very great deputy, vicegerent, viceroy. The governor of a province under the Mogul government, whom we call Nabob.—The title of a Nawab, by courtesy, is often given to persons of high rank or station.

NAZIR. A supervisor or inspector.

NAZIM. Composer, arranger, adjuster. The first officer or governor of a province, and minister of the department of criminal justice: styled also Nawab and Soubahdar.

NEM TUCKY, or NEM TAUKA. A perquisite of half a

rupee in the hundred on the Assul jamma; an additional allowance to the Canongoes.

NESHT, or NISHT. Lost, deficient. Extra assessment in Canara for deficiencies of rent.

NIZAM. Order, arrangement. An arranger. Nizam ul Mulk, the administrator of the empire.

NIZAMAT. Arrangement, government. The office of the Nazim or Nizam. The administration of criminal justice.

NIZAMAT ADAWLUT. The court of criminal justice.

NULLA. A streamlet, rivulet, water-course.

NUZZER. A vow, an offering. A present made to a superior.

NUZZERANAH. By way of offering or present; any thing given as a present, particularly as an acknowledgment for a grant of lands, public office, and the like.

OMLAH. Officers, the civil officers of government. A head of Zemindarry charges.

PADDY. Rice in the husk.

PAGODA. A term unknown to the natives of India, given by Europeans to Hindoo temples: also to a gold coin, often with an image on it, properly called Hun or Hoon.

PARBUNNY. What relates to the Hindoo festivals at the new and full moon. A tax sometimes levied by Zemindars and farmers on the tenants.

PARIAR. A term used by Europeans in India to designate the outcasts of the Hindoo tribes, and the vilest things of their kind.

PEISHWA. Guide, leader. The prime minister of the Maharratta government.

PEON. A footman, a foot soldier. An inferior officer or servant employed in revenue, police, or judicial duties. He is sometimes armed with a sword and shield.

PERGUNNAH. A small district consisting of several villages, being a subdivision of a Chuckla.

PESHCUSH. A present, particularly to Government, in consideration of an appointment, or as an acknowledgment for any tenure, tribute, fine, quit-rent, advance on the stipulated revenues. The tribute formerly paid by the Poligars to Government. The first fruits of an appointment, or grant of land.

PETTAH. The suburbs of a fortified town.

POLLIGAR. Head of a village district. Military chieftains in

the Peninsula similar to hill Zemindars in the Northern Circars ; the chief of a Pollum.

POTAIL. Head man of a village who collects rents from the other Ryots therein, and has the general superintendence of its concerns. The same person who in Bengal is called Mocuddim and Mundul.

POTTAHS TANAJAT. Pottahs or leases given to the cultivators individually.

POLLAH. A lease granted to the cultivators on the part of Government, either written on paper, or engraved with a style on the leaf of the fan palmyra tree ; by Europeans called Cadgan.

POTTAHS TUCKA. Pottahs granted to small farmers.

PUNCHAYET. Five assembled. An assembly or jury of five persons to whom a cause is referred for investigation and decision ; an ancient Hindoo establishment.

PUNDIT. A learned Brahmin.

PUTWARRY. Village accountant ; the same as the Curnum of the Peninsula.

PYKE. A foot messenger. A person employed as a night-watch in a village, and as a runner or messenger on the business of the revenue.

RAJAH. King, prince, chieftain, nobleman. A title in ancient times given to chiefs of the second or military Hindoo tribe only.

RAJE. The title, office, or jurisdiction of a Rajah.

RANNY. Queen, Princess ; wife of a Rajah.

RAZENAMAH. A written testimonial given by a plaintiff, upon a cause being finally settled, that he is satisfied.

ROY ROWAN, or ROY ROYAN. A Hindoo title given to the principal officers of the Khalsa, or chief treasurer of the exchequer.

ROZINAH. Daily, daily allowance. Daily allowance to the Brahmins, &c. An item of the Muscorat.

RUSOOM. Customs, customary commissions, gratuities, fees, or perquisites. Sharers of the crops and ready money payments received by public officers as perquisites attached to their situation.

RYOT. Peasant, subject ; tenant of house or land.

RYOTWAR. According to or with Ryots. A Ryotwar or Kulwar settlement is a settlement made by Government immediately with the Ryots individually, under which the Govern-

ment receives its dues in the form of a money rent fixed on the land itself in cultivation, and not being a pecuniary commutation for its share of the produce, varying as the extent of the produce may vary in each year; but under an Aumanee settlement the Government receives its dues in kind from each cultivator.

SALAM. Salutation, or the form of saluting, generally by touching the forehead with the right hand.

SAWMY. Lord, master, owner, proprietor. A title given also by the Hindoos of the Peninsula to their gods.

SAWMY BOGUM. The lord's enjoyment or possession. The lord's right as proprietor. Quit-rent or acknowledgment of proprietary right in the Peninsula.

SAYER. What moves. Variable imposts, distinct from land-rent or revenue, consisting of customs, tolls, licences, duties on merchandize and other articles of personal moveable property, as well as mixed duties, and taxes on houses, shops, bazars.

SHAIKDAR. Title of an Aumildar, in the Northern Circars, in his capacity of Dewanny or financial delegate.

SHASTER. The instrument of Government, or instruction. Any book of instruction, particularly containing Divine ordinances.

SHERISTAH. A public record.

SHERISTADAR. Keeper of the records; or one who keeps a record of accounts or particular transactions. The recorder in a court of justice under the Company's government. A revenue accountant of a district, who checks the accounts of the regular village Curnum or accountant.

SHEROF. A banker or money changer.

SIRDAR FOUJE; Captain of the military. Title of an Aumildar in his military capacity.

SIRDAR. Chieftain, captain, head man.

SUBAHDARRY. The office or jurisdiction of a Subahdar.

SOUCAR. A merchant or banker. A money lender.

SUBAH. A province, such as Bengal. A grand division of a country, which is again divided into circars, chucklahs, pergunnahs, and villages.

SUBAHDAR. The viceroy or governor of a province.

SUDDER. The breast; the fore court of a house. The chief seat of government contradistinguished from Mofussil, or interior of the country.

SUDDER DEWANNY ADAWLUT. The chief civil court of justice under the Company's government held at the Presidency.

SUDDER NIZAMUT ADAWLUT. The chief criminal court of justice under the Company's government.

SUNNOD. A prop or support. A patent, charter, or written authority for holding either land or office.

TALLIAR. A guard or watchman. A village police officer in the Peninsula who gives information of crimes and offences, and escorts and protects persons travelling to neighbouring villages.

TALOOK. The being dependent, dependence, a dependency. A district the revenues of which are under the management of a Talookdar, *q. v.* and are generally accounted for to the Zemindar within whose jurisdiction it happens to be included; but sometimes paid immediately to Government.

TALOOKDAR. The holder of a Talook, *q. v.* Talookdar are petty Zemindars; some of whom pay their rent, or account for the collections they make from the Ryots, through a superior Zemindar; and others direct to Government. Those denominated Muscoory are of the former description; and the latter are called independent Talookdars.

TALOOKDARRY. The jurisdiction of a Talookdar.

TANNAH. A station. A military post or station, often protected by a small fort. A petty police jurisdiction, subordinate to that of a Darogah.

TANNAHDAR. The keeper or commandant of a Tannah, *q. v.* a petty police officer whose jurisdiction is subordinate to that of a Darogah.

TANNAHJAT, or TANUCHAUT. Small provincial stations or garrison for Sebundy corps.

TEHSIL. Acquisition, attainment. Collection of the public revenues.

TEHSILDAR. Who has charge of the collections. A native collector of a district acting under a European or Zemindar.

TODDY. The juice of the palm tree, which in a fermented state is intoxicating.

TOPE. A grove of trees.

TOTIE. A village police officer, whose duties are confined more immediately to the village, but who also guards the crops and assists in measuring them.

TUCKAVY. Strengthening, corroborating, assisting. Assisting tenants with an advance of money for cultivation, when the necessary means are wanting.

TUNCAW. An assignment on the revenue for personal support, or other purposes.

TUNKEE. Small island.

VAKEEL. One endued with authority to act for another. Ambassador, agent sent on a special commission, or residing at a court. Native law-pleader under the judicial system of the Company.

VEDS. Science, knowledge. The sacred scriptures of the Hindoos.

ZEMINDAR. An officer who, under the Mohammedan government, was charged with the superintendence of the lands of a district; financially considered, the protection of the cultivators, and the realization of the Government's share of its produce, either in money or kind; out of which he was allowed a commission amounting to about ten per cent., and occasionally a special grant of the Government's share of the produce of the land of a certain number of villages for his subsistence, called Nuncar.

ZEMINDARRY. The officer or jurisdiction of a Zemindar.

ZILLAH. Side, part, district, division. A local division of a country, having reference to personal jurisdiction.

THE END.

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CONTENTS

OF

THE SECOND VOLUME.

CHAPTER I.

War with the Mahrattas.—Campaign of General Munro's Division.—General Correspondence. Page 1—86

CHAPTER II.

Returns to England.—Appointed Governor of Madras.—Arrival at Fort St. George.—General principles of Government.—Minute on the state of the Country.—General Correspondence. 87—204

CHAPTER III.

Mode of spending time.—Private Letters. 205—217

CHAPTER IV.

War with the Burmese.—Correspondence with Lord Amherst.—Letters to the Duke of Wellington, Mr. Canning, &c. 218—292

CHAPTER V.

Private Proceedings.—Illness of his Son.—Departure of Lady Munro for England.—Letters to Lady Munro. 293—311

CHAPTER VI.

Tour to the Ceded Districts.—Illness, Death, and Character. 312—332

APPENDIX.

I. Notices on Record of the value attached to the services of Major Munro as a Collector	335
Anecdote of Colonel Munro, from Wilkes's Sketches of the South of India	342
Letter from his Assistant, on presenting him with a piece of plate	343
Letter from Lord William Bentinck to Colonel Munro, on his giving up charge of the Ceded Districts.	344
II. Miscellaneous Memoranda by Colonel Munro	345
III. Memoranda, dated 1812—13	347
IV. On the State of the Southern Mahratta Country, in a Letter to Mr. Elphinstone	356
V. Maxims, Suggestions, and General Principles, collected from the various writings of Sir Thomas Munro	369
VI. Minute on the Conduct of European Functionaries towards the Natives	372
VII. Minute and opinion on supposed erroneous proceedings and decision of the Supreme Court at Madras relative to a Jaghire	376
VIII. Minute on the Study of Native Languages by Officers of the Army	402
Do. do.	404
IX. Minute on increasing the Number of European Officers employed in the Artillery	406
X. Minute on the impolicy of mixing European and Native Troops, through distrust of the fidelity of the latter	410
XI. Minute on the Half-Caste population	413
XII. Minute on Native Education	415
XIII. Minute on Public Native Servants being permitted to hold Lands	419
XIV. Minute on promotion of Natives	425
XV. Minute on the mode of remunerating old and faithful Native Servants	428
XVI. On the Abolition of Zillah Courts	433
GLOSSARY	451

THE
L I F E
OF
MAJOR-GENERAL
SIR THOMAS MUNRO,
BART. & K.C.B. &c. &c.

CHAPTER I.

*War with the Mahrattas.—Campaign of General Munro's
Division.—General Correspondence.*

THINGS were in this state, and the Commission, after meeting with endless delays and opposition, was just beginning to act, when events befell, which turned, for a time, the attention of all concerned into a different channel.

It is scarcely necessary to remind the reader that the Pindarries, encouraged by the peculiar distribution of the British army, a large proportion of which was cantoned in the Deccan, as well as secretly supported by Scindiah, Holkar, Ameer Khan, and others, began, towards the close of 1816, to make frequent and destructive inroads into the Madras provinces. These became at last so annoying, that the necessity of resorting to strong measures for their suppression, could no longer be denied, and the approach of war upon a large scale, and against others besides avowed enemies, was very generally anticipated throughout India. It is true that the Native

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