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EAST INDIA (INDIGO COMMISSION).

RETURN to an Address of the Honourable The House of Commons,
dated 15 February 1861;—for,

- “ COPIES of a LETTER from the Governor General, dated the 29th day of December 1860, to the Secretary of State for *India*; together with the MINUTE of the Lieutenant Governor of *Bengal* on the REPORT of the INDIGO COMMISSION : ”
- “ Of the REPORT of the INDIGO COMMISSION, with EVIDENCE and APPENDICES : ”
- “ Of PROCEEDINGS which led to the Appointment of the COMMISSION : ”
- “ And, Of any MEMORIALS presented or COMMUNICATIONS made to the Government of *India* by the PLANTERS, and the REPLIES of the Governor to the same.”

India Office,
26 February 1861. }

J. HAWKINS,
Secretary, Judicial Department.

(*Sir Arthur Buller.*)

III.

PAPERS RELATING TO INDIGO CULTIVATION IN BENGAL.

Ordered, by The House of Commons, to be Printed,
4 March 1861.

— III. —

PAPERS RELATING TO INDIGO CULTIVATION IN BENGAL.

— No. 1. —

CORRESPONDENCE relating to the CULTIVATION of INDIGO.

From *W. Grey*, Esq., Secretary to the Government of India, Home Department, to *A. R. Young*, Esq., Secretary to the Government of Bengal (No. 1374), dated 27 July 1860.

Sir,

I AM directed to forward the accompanying copy of a petition presented to the Government of India by the Central Committee of the Bengal Indigo Planters' Association, on behalf of the association, and to intimate that the Governor General in Council will be glad to have the Lieutenant Governor's remarks on the statements made in the petition.

PETITION of the Bengal Indigo Planters' Association to the Right Honourable His Excellency the Viceroy and Governor General of India in Council.

Respectfully Sheweth,

That your petitioners' association is composed principally of persons engaged in the cultivation of indigo in the lower provinces of Bengal, a cultivation which has been by one right honourable member of the Council remarked upon as one of the few in India attracting British capital to native labour, and one which the Government would, above all others, wish to encourage.

2. That although your petitioners are convinced of this desire on the part of the Government of India, the present Governor of Bengal, the Honourable John Peter Grant, has, since his appointment to his present office, unfortunately acted in such a way as to throw nearly the whole of the indigo districts, and especially Kishnaghur, into confusion, and unless something be done to remedy the present system of misrule, many indigo planters must be irretrievably ruined, while the inevitable result of the withdrawal of British capital from the districts is a matter of no small importance:

3. That your Excellency in Council may probably be, in consequence of your Excellency's duties having made it necessary for you to proceed up the country at the time in question, not minutely acquainted with the origin of the disturbances which have for some months been existing in Kishnaghur and the adjacent districts, and which have already put Government to so much expense.

4. That the origin of those disturbances undoubtedly was the conduct of the Honourable Mr. Eden, then magistrate of Baraset, allowing the ryots of the Baraset district to become aware that his feeling was against the indigo planters; whereupon the manager of the Bengal Indigo Company complained to the then Governor of Bengal, now Sir Frederick Halliday, but that gentleman having retired from office, the matter was finally investigated by the Honourable John Peter Grant, who supported Mr. Eden.

5. That on the 17th August 1859, the Honourable Mr. Eden wrote to the deputy magistrate of Kalarooah a letter, which your Excellency in Council will at once see was intended to point out the advisability of ryots objecting to cultivate : —

“As the cultivation of indigo is carried on to a considerable extent in your sub-division, I beg to forward for your information and guidance extracts from a Letter, No. 4516, dated 21st July 1859, from the Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division.

“You will perceive that the course laid down for the police in indigo disputes is to protect the ryot in the possession of his lands, on which he is at liberty to sow any crop he likes, without any interference on the part of the planter or any one else. The planter is not at liberty, under pretext of the ryots having promised to sow indigo for him, to enter forcibly upon the land of the ryot. Such promises can only be produced against the ryot in the civil court, and the magisterial authorities have nothing to do with them, for there must be two parties to a promise; and it is possible that the ryots, whose promises or contracts are admitted, may still have many irresistible pleas to avoid the consequence the planter insists upon.”

6. That on the 20th August 1859 the said Hemchunder Kur published in the district the following unfortunate and ill-judged proclamation :—

TRANSLATION.

To the Darogah of Thannah Kalarooah.

Take Notice.

A LETTER from the magistrate of Baraset, dated the 17th August 1859, having been received, accompanied by an extract from an English letter from the Secretary to the Government of Bengal, to the address of the Commissioner of the Nuddea division, dated 21st July 1859 (No. 4516), to the following purport: that in cases of disputes relating to indigo ryots they shall retain possession of their own lands, and shall sow on them what crops they please, and the police will be careful that no indigo planter, nor any one else, be able to interfere in the matter; and indigo planters shall not be able forcibly to cause indigo to be sown on the lands of those ryots, on the ground that the ryots consented to the sowing, &c., of indigo. If ryots have so consented, the indigo planter may bring an action against them in the civil court. The criminal court has no concern in these matters, because, notwithstanding such contracts, or such consent withheld or given, ryots may urge unanswerable excuses against the sowing of indigo. A copy of perwannah is therefore issued, and you are requested in future to act accordingly.

Dated 20 August 1859.

7. That the consequence of this was, that the ryots in that and the surrounding districts immediately believed that Government wished to put a stop to indigo planting; and on the 14th October 1859 the manager of the Jinger-gatcha indigo concern brought to the Commissioner's notice the dangerous effects of such a proclamation; and after an investigation, the Commissioner, Mr. Grote, as well as Messrs. Reid & Drummond, who were all men who thoroughly understood the indigo district and the people, unanimously condemned the indiscretion of the magistrate and deputy magistrate, although the Honourable Mr. Grant, on the 7th April 1860, wrote a letter, in which he stated that he considered that Mr. Eden had given a satisfactory explanation.

8. That although that might appear so to his Honor, the consequences in the meantime were serious in the extreme to the planters; and about the beginning of February, on the return of the Honourable Mr. Grant from a tour through the indigo districts, a report spread rapidly throughout the whole of the villages that the Government were opposed to the cultivation of indigo.

9. That your petitioners believe that this was caused by the Lieutenant Governor allowing himself to form and openly express an opinion hostile to the system of indigo planting, although, at a subsequent interview which a deputation of your petitioners' Association had with his Honor, he stated plainly that he had never had any experience in the indigo districts, and that he was very ignorant on the subject; and in order to show that your petitioners' belief on that subject is not unfounded, they would beg your Excellency's attention to the following extract from a letter from Mr. Grant to Mr. Sconce, dated the 23d
March

March 1860, written 10 days after the interview with the deputation, and published by the authority of the Government of Bengal, which is as follows :—

“ I am myself of opinion that the indigo cultivators ” (meaning the ryots) “ have and long have had great and increasing ground of just complaint against the whole system of indigo cultivation.”

10. That the occasion of the writing of that letter was the earnest entreaty of the planters that his Honor should request Mr. Sconce to bring into the Legislative Council a Bill to compel ryots to complete their engagements, a measure which was absolutely necessary, as, from the rapid spread of the disaffection amongst the ryots, many planters saw ruin staring them in the face; while the districts were becoming so disturbed, that neither life nor property were safe.

11. That the Legislative Council at once saw the necessity of speedy action, and the Act XI. of 1860 was passed, and received your Excellency's assent.

12. That your petitioners believe that, if the local authorities had been permitted to carry out the provisions of this Act, without interference on the part of his Honor the Lieutenant Governor, none of the difficulties with which the planters have to contend would now exist, while, instead of having a prospect before them of utter ruin to many factories next season, matters would have gone on to the mutual advantage of the capitalist and labourer, all differences between them being settled, like every other commercial arrangement, upon the simple question of price.

13. That immediately upon the Act being passed, his Honor published, on the 4th April 1860, a letter of instructions which is hereto annexed and marked No. 1, which refers to a previous letter published by his Honor, and which is hereto annexed and marked No. 2, and your petitioners humbly submit to your Excellency in Council, that at a time when the ryots were all under the belief that the Lieutenant Governor was opposed to the system of indigo planting, it would have been more proper to leave the magisterial officers to exercise their own discretion as to the mode of acquainting the ryots with the terms of the Act, instead of directing the magistrates to communicate to them the desire of Government, or pointing out to them, as in the 7th paragraph of the letter marked No. 2, that the Act was only to apply to the current season, hereby keeping alive, in the minds of the ryots, a feeling of excitement that a discreet magistrate, if left to himself, would have known how to avoid.

14. That considering the powers which his Honor has as to the removal of magistrates, it was, as your petitioners submit, uncalled for, unless the Honourable the Lieutenant Governor could not trust the magisterial officers of the district, to hold out as he did in the letter No. 1, a threat of removal if any magistrate interpreted the Act contrary to his Honor's views.

15. That the Lieutenant Governor, in laying down rules for the interpretation of the Act, exceeded, as your petitioners submit, his powers, and trespassed upon the province of the Legislative Council and of the judicial officers of the Government, because, where a question as to the meaning of an Act arose, a judicial tribunal, where both sides could be heard, was the proper forum to interpret it.

16. That your petitioners beg to draw to the earnest consideration of your Excellency in Council that the Lieutenant Governor has, since that Act was passed, interfered with the working of it in such a way as to make it wholly useless for the purpose which the Legislative Council had in view; and your petitioners have only to refer to the records of the Government of Bengal containing the papers relative to indigo planting, which are published by authority, to show that his Honor has exercised an improper and most indiscreet interference with sentences passed by the magistrates.

17. That soon after the passing of the Act a mookhtear was tried by Mr. Betts for instigating ryots to break their engagements, and a number of ryots were sentenced for ploughing up indigo that had been sown.

18. That both of these offences had become very common, and it was necessary, for the sake of example, to put them down at once; but notwithstanding this, and the express provision by the Legislative Council that there should be no appeal, the Lieutenant Governor, on the 19th April 1860, ordered the Commissioner to review these proceedings, as appears by the letter hereto annexed, and marked No. 3.

19. That by adopting such a course the prosecutors had not even the chance which, if there had been an appeal, they would have had of showing that the convictions were proper, and the Lieutenant Governor soon afterwards ordered the release of the mookhtear and the ryots, which did more harm than your Excellency can imagine.

20. That in order to show what the wish of his Honor was, this proceeding has been followed up by his directing the release of many other ryots imprisoned duly according to law, and the removal from the indigo districts of the magistrates, Messrs. Betts, Mackenzie, Macneill, and Taylor, and the substitution for them, in cases coming under the new Act, of some of the principal Sudder Ameens of other districts.

21. That the effect of his Honor's interference has, amongst other things, been to create an impression, not only in the minds of the magistrates, but also of the planters and ryots, that any decisions in favour of the planters would meet with the disapproval of the Government of Bengal; and your petitioners would beg leave to draw the attention of your Excellency in Council to the evidence, amongst others, of Mr. Forlong and Mr. Taylor, given before the Indigo Commissioners (the evidence on oath of men of the most unimpeachable character), to show the effect of these acts of his Honor, and the absurdity of continuing to institute suits under the new Act.

22. That in a recent case in which a decision has been given by Mr. Herschell, magistrate of Kishinaghur, which your petitioners consider to be entirely contrary to the evidence, and most unjust to the planter concerned, his Honor has, upon a special report of the case to him, ordered copies of it to be distributed among the officials, before whom cases under Act XI. 1860, are tried, with an intimation that Mr. Herschell's decision is to be taken as a rule to guide them in all similar cases. This your petitioners look upon as a most unusual and unauthorised interference with the ordinary course of law, and the proper independence of the judicial authorities, and especially unfair and injurious to your petitioners, inasmuch as the evidence produced was chiefly that of books and documents, kept according to the common practice of all indigo factories, which are thereby, and in this particular case, unjustly condemned wholesale, as not to be received as good evidence of claims against ryots, and being the only corroborative evidence planters have to produce, such claims are practicably rendered impossible of proof.

23. That your petitioners beg to draw particular attention to the evidence of Mr. Taylor, a man of the highest honour and reputation (given before the Commissioners), by which it appears that, while the decision of cases under Act XI. was left to the gentlemen acting as magistrates in the district, every case was decided in his favour; but every case which has since their removal been brought by him before the principal Sudder Ameen, although supported by the same class of evidence as in the previous cases, has been dismissed,—a fact that, as your petitioners submit, shows the effect of the interference which they now complain of.

24. That in several districts contracts have been entered into for three years and upwards, and in the absence of any legislative enactment to the contrary, such contracts are in every way binding, and many planters have made their calculations for the several seasons on the knowledge of these contracts; but his Honor, without taking this fact into consideration, or indeed considering for one instant the serious effect on all cultivators of indigo of such a proceeding, lately published a proclamation, the immediate effect of which was to cause the ryots, in many districts, who were previously perfectly quiet, and especially in Messrs. Watson & Co.'s factories, to combine against their employers.

25. That

25. That the proclamation is as follows:—

Ishtahar by the order of the Honourable the Lieutenant Governor.

THE following Ishtahar is issued for the information of those ryots who have been put in prison on account of claims against them for non-fulfilment of their contracts for sowing indigo, or having taken advances for the current season, and those against whom claims are now pending, as also those who are in any way connected with indigo.

The Act XI. of 1860, respecting indigo, which is now in force, will only remain so for a short time. Commissioners will be appointed before the commencement of next season for sowing indigo to inquire into the cause of complaint by the ryots in respect of the cultivation of indigo, and on their report to Government, such rules will be laid down as will benefit all parties, and will undoubtedly show no partiality to any one. On the expiration of the present season, it will be optional for the ryots to receive advances, and to enter into contracts for sowing indigo; that is to say, that as for those who have been imprisoned for not sowing indigo this season in terms of their contracts on proved claims, it will rest with them to receive, or not receive, advances to sow indigo in future, although for this season they are required in terms of their contract to sow indigo.

Revenue Commissioner's Office,
Nuddea Division.

26. That if there were any doubt in the mind of your Excellency in Council as to the views of his Honor on the subject of the indigo disputes, and his interference with and implied disapproval of the Act of the Legislative Council, this proclamation would, as your petitioners believe, remove it, and the effect of it upon the contracts not yet completed will be irretrievably injurious. That in consequence of this constant interference of his Honor, the people of Lower Bengal are losing all respect for the officers of Government, and the minds of the people in the indigo districts are kept in a state of greater excitement and uncertainty than they were before Act XI. of 1860 was passed. The districts of Jessore and Pubna, hitherto comparatively quiet, are becoming seriously disturbed, and in them, as well as in Kishnaghur, the greatest difficulty is experienced by planters in inducing the ryots to cut the fine crop of indigo plant now ripe for manufacture, and which will give a handsome return to both planters and ryots, unless allowed to perish by the misguided folly of the people.

27. That although in the course of the evidence taken under the Commission appointed to inquire into the state of the cultivation of indigo, and which Commission was appointed at the earnest request of your petitioners, a mass of evidence in support of the allegations that the ryots are opposed to the cultivation of indigo, and that it is anything but advantageous to the people to have it cultivated, has been given, your petitioners refer with confidence to the evidence of the planters themselves, and more particularly to the plain, visible, and undeniable fact, that wherever indigo factories are situated in Bengal, there the people are richer, the country more highly cultivated, and the province in a more advanced and prosperous state than in any district where factories do not exist: and your petitioners point with pride to the fact that, within but a few years, miles and miles of country which were covered with the rankest jungle are now highly cultivated and productive lands.

28. That your petitioners believe that if your Excellency in Council is desirous of retaining English capital in Bengal, it is absolutely necessary to adopt some measures to prevent his Honor the Lieutenant Governor of Bengal from interfering, as he now does, behind the backs of persons interested, in cases pending or decided, with the due administration of the law, and to direct his Honor to leave to the Legislature and the regularly appointed tribunals of the country the promulgation and administration of the law.

Your petitioners therefore humbly pray your Excellency in Council to take into consideration this petition, and to pass such orders as may oblige his Honor the Lieutenant Governor of Bengal to refrain from pursuing a course of conduct which cannot but be ruinous to the indigo planters in Bengal, and to point out to his Honor the impropriety of interfering with the due course of the administration of the law by the regularly appointed judicial officers as laid down by the Legislative Council of India, and which interference is, as your petitioners submit, both illegal and unconstitutional, and especially indiscreet in the case of a dispute between capital and labour; and that your Excellency may pass such further orders as may, under the above circumstances, seem proper.

APPENDIX.

(No. 1.)

From *A. R. Young, Esq.*, Secretary to the Government of Bengal, to the Commissioners of the Nuddea and Rajshahye Divisions, dated 4 April 1860.

Sir,

THE "Bill to enforce the fulfilment of Indigo Contracts, and to provide for the appointment of a Commission of Inquiry," as read a third time, and passed in the Legislative Council on Saturday last, differs in some respect from that read the first and second time, in regard to which general instructions were conveyed to you in my letters Nos. 1273 and 1290, dated the 27th and 28th ultimo respectively.

2. It is necessary, therefore, that the state of the law, as it will now stand when the anticipated assent of his Excellency the Governor General is given to it, so far as it affects the ryots, should be very carefully explained to them, in the same manner that the provisions of the Bill in its former state were explained to them.

3. The following are the most important changes made:—

4. The summary and exceptional process available by this law may be applied to the whole matter of any agreement to cultivate indigo during the present season, for which any advance in cash has been received, instead of being restricted to so much of it as was made in consideration of the advance in cash; and there is no maximum to which the damages assessable by the magistrate are restricted in proportion to the amount of cash advance received. Moreover, the magistrate may now decree specific performance; he may decree costs and compensation against a complainant failing to prove his case, and his decision bars all further proceedings in the matter of the contract in question. The provision that there shall be no appeal from the magistrate's order remains as it was before it was proposed to give him these extended powers. These changes add materially to the responsibilities of the officers vested with magisterial powers under the Act, and they make it more than ever imperative on those officers to give their utmost attention to the equitable principles it will fall to them to apply, and to the careful ascertainment of the facts whenever there may be any dispute of facts regarding the nature as well as regarding the existence of an agreement such as is provided for. On this point, I am directed to request that attention may again be directed to the remark made in para. 4 of my letter of the 28th ultimo, No. 1290.

5. The special provision in Section III. of the Act will point the magistrate's attention to the general principle that fraud and force, and unlawful intimidation vitiate agreements.

6. As the Legislature allows no appeal from the decisions of officers vested with powers under this Act it becomes doubly incumbent on Commissioners to keep themselves constantly informed of the manner in which these officers discharge the very difficult and responsible duty now imposed upon them, and of the principles by which they are guided in their decisions. These powers, and the opportunity of acting upon them, must not be retained for a day in the hands of any officer who may show himself not competent to exercise them in such a manner as to do full and substantial justice to all parties.

7. The Act will have effect from this date; but under Section XI. public officers are indemnified from any acts done before the 4th instant, which would have been justifiable under the Bill as read on the 24th ultimo.

8. One hundred copies of the Act in Bengalee are herewith forwarded to you, and should be circulated.

(No. 2.)

From *A. R. Young, Esq.*, Secretary to the Government of Bengal, to the Commissioners of the Nuddea and Rajshahye Divisions (Nos. 1273 and 1274), dated 27 March 1860.

Sir,

I AM directed to draw your immediate attention to the Bill to enforce the fulfilment of Indigo Contracts, which was read a first and second time in the Legislative Council on Saturday last.

2. This Bill, as it is framed, when passed into law, will take effect from Saturday last, the 24th instant, and the Lieutenant Governor directs that its provisions be immediately enforced by magistrates, as though the Bill were law at this moment. The wording of the Bill shows that this is the intention and object of the Legislative Council.

3. The provisions of this Bill, so far as they affect the ryots, must be very carefully explained to them. In the Lieutenant Governor's opinion explanation will be best made by the several thannadars, each in his own thanna.

4. With

4. With this view it will be proper for you to issue forthwith, through your subordinates, for promulgation in all those places where any excitement or unusual feeling in relation to indigo planting exists, a notice in conformity with those provisions.

5. It must be stated that it is the desire of Government that those ryots who have received cash advances, upon their agreement to cultivate indigo during the current season, shall honestly fulfil that agreement. It must be explained that any such ryot who refuses or delays so to fulfil his agreement, shall be liable to be brought before a magistrate, on the complaint of the indigo planter who made the cash advance; and if the magistrate, after hearing both parties and taking evidence, decides that the ryot has broken his agreement, that ryot may be ordered immediately, in presence of the magistrate, to pay five times the cash advance, and if he has had seed advanced to him, five times the value of the seed, failing which, he will be sent to gaol, whilst the amount of the fine will be levied by the sale of his property. This, it may be said, is the order of Government.

6. It should, moreover, be explained that any person who shall by threats or otherwise attempt to prevent ryots who have entered into contracts of the above nature from fulfilling those contracts, or who shall conspire with others in any such attempt, shall be punished by fine or imprisonment, or both, and any person who shall maliciously destroy or damage, or shall conspire or attempt to persuade others to destroy or damage any growing crop of indigo, shall be similarly punished.

7. But it must also be explained that the order extends only to the current season; and it is the intention of Government, before the period of taking advances for next season arrives, to institute searching inquiry into the cause of the disputes between indigo planters and ryots engaged in the cultivation of indigo, and to pass such further laws and orders as will ensure to both parties their just rights, and shall remove any reasonable causes of dissatisfaction which the ryots may have to show. With this object a special Commission of Inquiry will very soon be appointed.

To Commissioner of Nuddea.

8. It is very desirable that wherever there is a large indigo cultivation, and the probability of numerous disputes regarding indigo agreements, there should be in the close neighbourhood an officer at hand to carry out this new Act, and with this object three additional officers with full magisterial powers have recently been placed at your disposal, and can be located wherever you consider they are most likely to be required; other officers now in your district are of course also available for the same duty. If any of those officers who have not now full powers are, in your opinion, competent to decide cases under this Act, they will be specially vested with the requisite powers for this particular purpose, on your recommendation. You will bear in mind what was said in a late letter regarding the necessity of giving every officer deputed into the interior of a district where excitement prevails, a sufficient guard of military police to maintain his authority.

To Commissioner of Rajshahye.

8. It is very desirable that wherever there is a large cultivation, and the probability of numerous disputes regarding indigo agreements, there should be in the close neighbourhood an officer at hand to carry out this new Act. All officers having full powers of a magistrate who are now in your districts, are of course available for this duty, and can be located as they seem to you advisable. If any other officers, who have not now full powers, are, in your opinion, competent to decide cases under the Act, they will, on your recommendation, be specially vested with the requisite powers for this particular purpose. Mr. Furrell, of the Arungabad Sub-division, has this day been vested with those special powers. Should you require an additional number of officers to give effect to the Act in any district, you should lose no time in applying for them. It is necessary that every officer deputed into the interior of a district for the purpose of carrying out this Act, should be attended by a sufficient guard of the military police to maintain his authority, and to put down immediately any disturbance.

(No. 3.)

From A. R. Young, Esq., Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division; (No. 1838), dated 19 April 1860.

Sir,

I AM directed to acknowledge the receipt of your letter, No. 100 Ct., dated the 18th instant, enclosing Mr. Herschell's seventh weekly report on the state of the indigo districts in Zillah Nuddea. In this special reference is made to the working of the new law, which, Mr. Herschell observes, has been much misrepresented by the planters to the ryots, the sentences passed under it being held out as threats over the latter, with a view to coerce them to take advances. You seem to think that there is good ground for this belief.

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The Lieutenant Governor is confident that if, as represented by Mr. Herschell, the planters are straining the law "to invest it with greater terror than it really has," you will see that the magistrates effectively prevent such abuse.

The circumstances you report, that some ryots have entered into agreements and taken advances since the promulgation of the law, is remarkable. It proves at least this, that all the ryots who used to cultivate indigo were not, as a matter of course, under agreement to cultivate this year, and therefore great care is requisite in requiring proof of the agreement whenever the fact is disputed, otherwise grievous injustice may be done.

Mr. Herschell states, that in the cases which have been tried, the evidence for the factories was their own books, as to the payment of advances, and the oath of one of their own native servants, whilst no other defence has been put forward than a simple but steady denial of the receipt of advances by the ryot. The Lieutenant Governor makes no doubt that the cases were decided in conformity with substantial justice, and presumes that in this, as in all other civil actions now, the defendant is allowed to give his own evidence on oath, as well as the plaintiff and his native servants. But the manner in which the trials are spoken of, makes this a little doubtful. If the case be not so, then justice is not done. When the defendant's oath contradicts that of the plaintiff's native servant, the obvious duty of the judge is to seek out, by all means, independent evidence, to show which story is the more credible. This duty, it is to be hoped, is never neglected.

The factory books show that advances have been charged to the owner of the factory; but it is not stated that they contain the receipts of the payees; and it is not stated what the evidence of the European assistant who signs them, shows regarding the system of payment and entry.

These omissions in Mr. Herschell's report of the general character of these trials, the infliction by Mr. Mackenzie of the extreme penalty for the first case ever tried under the new law for destruction of indigo, and the unexplained sentence of a legal agent of some ryot apparently to imprisonment for six months, show the necessity for the earliest possible revision by you of these proceedings, in order to make it quite sure now, and to be able to make it manifest hereafter, that the principles of equity and moderation are observed by each officer entrusted with extraordinary powers granted by the new law.

From A. Money, Esq., c. b., Officiating Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department; (No. 4356), dated 22 August 1860.

Sir,

WITH reference to your letter, No. 1374, dated the 27th ultimo, and the petition from the Bengal Indigo Planters' Association, which accompanied it, I am directed to forward, for the purpose of being laid before His Excellency the Governor General in Council, a copy of a Minute recorded by the Lieutenant Governor on the subject of the complaints and remarks contained in the petition.

MINUTE.

I AM sorry that an illness of a few days' duration, which made it difficult for me to do more than dispose of current business, too important and too urgent to bear any postponement, has delayed my answer to this complaint longer than was desirable.

2. The general charge made against me by the Bengal Indigo Planters' Association is, that since my appointment to my present office I have acted in such a way as to throw nearly the whole of the indigo districts, and especially Kishnaghur, into confusion; and the general prayer of the memorial is, that I be restrained from pursuing a course of conduct alleged to be ruinous to the indigo planters of Bengal; that the impropriety, illegality, unconstitutional character, and especial indiscretion in relation to a dispute alleged to be between capital and labour, of interference with the due course of the administration of the law by the regularly appointed judicial officers imputed to me, be pointed out and checked; and that His Excellency in Council will pass such further orders as may seem proper.

3. It is assumed in the commencement of this memorial that His Excellency in Council, in consequence of His Excellency's absence in the Upper Provinces until the 22nd of May last, may not be minutely acquainted with the origin of what the memorialists call the disturbances in Kishnaghur and the adjacent districts. It is enough to say upon this, that every proceeding of the Bengal Government

Complaint of the
Bengal Indigo
Planter's Associa-
tion.

Government, since the difficulties of the planters were first represented to me, early in March, has been reported in full to Her Majesty's Secretary of State, through the Government of India, at first by every weekly mail, and latterly by every fortnight's mail from Calcutta.

4. To the general charge of having acted in such a way as to throw nearly the whole of the indigo districts, especially Kishnaghur (or Nuddea) into confusion, it may perhaps be enough to reply, by stating the undeniable fact, that those districts are not in confusion. It is unquestionable, that whilst there is a great disagreement and much ill will between the manufacturers of indigo, and the producers of the raw material, the indigo districts, and Kishnaghur especially, in every general sense, are perfectly tranquil. At the commencement of the excitement there were two affrays, one in Moorshedabad and one in Pubna, and there was great risk of a serious and extensive disturbance breaking out, caused by the animosity of the ryots against the indigo factories in many places. But a timely display of force, sent into these districts for the general purpose of maintaining order, and for the special purpose of protecting the interest which is now complaining of injury from Government, prevented all breach of the peace, and saved the indigo factories. The best magistrates available were placed over the excited districts, and by their exertions, supported by an adequate force, a dangerous crisis was passed over without disturbance of the general quiet. To talk of districts being in "confusion," because of a commercial disagreement between two classes concerned in one particular trade, when the law is in full force, and when, practically, the life, property, rights, and personal liberty, even of the humblest cultivator were never before more secure than they now are in those districts, is not, I think justifiable.

5. There are no affrays, no forcible entries and unlawful carrying-off of crops and cattle, no ploughing up of other men's lands, no destruction of trees and houses, no unlawful flogging and confinement in godowns now reported. Even the offence of kidnapping ryots seems almost arrested. One factory gomashtha in Pubna is now indeed under trial for it; but since the abduction of Seetul Turufdar, whose death, under circumstances which appear to make the whole affair amount to murder, occurred about July 1859, I have not heard of a single case of lawless violence in Nuddea.* Even in matters relating to the present commercial disagreement, law and justice prevail. The persons and property of planters are everywhere inviolate; and whilst, on the one hand, planters do not carry off by unlawful force indigo plant in the lawful possession of other people; on the other hand, if they have advanced a single copper pice for any indigo plant, to which they have a claim under a contract, but of which they have a difficulty in obtaining delivery, they have now the means of establishing the fact, and obtaining possession legally in three or four days. Where no contracts and advances are established, we have reports of planters and their European assistants going about themselves amongst the ryots, and actually paying for the plant, to the owner's content, in cash on the field. This healthy state of things is novel indeed; and if Government is accused because it is novel, I will not defend Government on that charge. But I cannot admit that this practical introduction of the supremacy of the law into the indigo districts is evidence of "confusion."

6. I must notice another misdescription in this memorial. The commercial disagreement in question is designated a dispute between capital and labour; and I am accused of especial indiscretion, on the ground that such is the character of the dispute. I am aware of no such dispute. Some few instances have been reported to me in which manufacturers of indigo have found difficulty

* Since this passage in the text was written, I have received a report of an outrage which occurred last month in Jessore. According to the Commissioner's Report of this case, a band of 25 lattials were assembled in an indigo factory, and marched in broad daylight to carry off a certain obnoxious and influential ryot from his village. The party attacked had warning, and defended themselves. An affray occurred, in which the ryot whose abduction was designed was killed by three spear-thrusts, and three other men were wounded, and are still missing. Seven men have been apprehended, and will be tried for this offence. This is a lamentable affair, but unfortunately there is nothing new in the case; and certainly it is not an instance of violence of which the indigo planters' association can complain, or which can be attributed to Government.

culty in obtaining a sufficient number of coolies, and sufficient boats and carts; but in all these cases the difficulty was overcome eventually by the good sense of the parties, and sometimes, with the help of the good offices of the magistrate, in the natural and proper way of an adjustment of rates. The disagreement actually existing is between the manufacturers of the dye, and the producers of the plant, which is the raw material of the dye. Both classes are capitalists, and so far from it being true that the capital of the producers is so small, comparatively, that they may be truly described, for practical purposes, as labourers, their capital, in the aggregate, infinitely exceeds the capital of all the manufacturers of indigo dye. The capital of the ryot is in his land, his crops, and his cattle, and in very many cases in his means of hiring labourers, over and above the value of his own bodily labour. The whole cultivation of Bengal is in his hands; and the ruin of this mighty interest would be the ruin of the country. The capital of the manufacturer of indigo dye is partly in his manufacturing premises and utensils, and in his means of hiring labourers, but mainly in the debts due to him by the former class of capitalists, namely, the ryots. If the planters should suffer losses, there is no one who would more sincerely deplore the circumstance than I should; and there is no one who desires more than I to do every thing to assist them that justice and fair dealing with the rights of others, and the principles of freedom and of sound commercial policy, will permit. But as a national interest, the owners and cultivators of the soil must be ranked second to none in an agricultural country like India.

7. Both the interests involved in the present disagreement are capitalists of great national importance; and both should be treated, not only with justice, but with consideration. A Government which should approach the question with any less impartial view of it than this, would err as much in point of sound economical policy as in point of fair dealing. It is proof enough of a mistaken view of the whole question on the part of the memorialists, who complain of my proceedings, that they make it a part of their charge that their disagreement with the class which either owns or farms all the land in Bengal, is not "discreetly" treated as a dispute between masters and labourers.

8. I now proceed to discuss the specific points of complaint affecting myself taken in this memorial.

9. The first of these that I can extract is that on the 7th of April 1860, I pronounced an opinion that Mr. Eden, who had been called upon to explain the publication by a police darogah, in Baraset, of a certain perwannah, supposed to have been ordered or approved by him, had given a satisfactory explanation on that point; satisfactory, that is, so far as he was concerned in the affair, notwithstanding that three other gentlemen had unanimously condemned Mr. Eden's indiscretion. Seeing that Mr. Eden, in his explanation, showed conclusively that the publication was made a month after he had given over charge of the magistracy, and had left the district; that he neither ordered, authorised, approved, or knew anything about the perwannah, and that he first saw it in the newspapers, I do not see how I, or any reasonable person could have pronounced Mr. Eden's explanation regarding this publication as anything but satisfactory.

10. The second specific ground of complaint is, that I caused a report to spread throughout the villages, about the beginning of February, on my return from a tour through the indigo districts, to the effect that the Government was opposed to the cultivation of indigo, and that this was caused by my having formed and openly expressed an opinion hostile to the system of indigo planting; such formation and expression of opinion being the more wrong inasmuch as afterwards, namely, in the earlier part of March, I plainly stated to a deputation of the association that I had never had any experience in the indigo districts, and was very ignorant on the subject. The memorialists do not name or allude to any one as having ever heard me express an opinion hostile to indigo planting, and they do not mention any time or place when and where such an opinion was expressed by me; they merely state their belief in the imputed fact of the formation and open expression by me of the opinion in question, and in the assumed consequence thereof in the village report above mentioned. But they adduce, in proof of the fact and of its consequence, this

argument,

argument, that in a letter of mine to Mr. Sconce, dated the 23d of March, wherein, on the application of the memorialists, I proposed to the Legislative Council the passing, in their favour, of a special law for the enforcement of indigo contracts, with the stipulation that it should be followed, as prayed for by them, by a commission of inquiry into the whole system of indigo planting, I wrote the following words, viz.: "I am myself of opinion that the indigo cultivators," (meaning the ryots) "have, and long have had, great and increasing ground of just complaint against the whole system of indigo cultivation."

11. I do not see how this quotation proves either the open expression of opinion imputed to me in and before February, or the consequences inferred from that supposed fact; but as the printed book, from which only the grounds of the Memorial can have been taken, contains two denials by me, addressed to two gentlemen interested in indigo, of my having ever expressed any opinion which could have given rise to any such village report as is mentioned, I think I have fair ground to complain, if not of the belief of the memorialists, in support of which they can advance nothing, at least of their publishing that belief now, without any mention of the fact of my having formally denied all ground for its existence.

12. I must observe, that the whole passage in the memorial of which I have given the substance above, is thoroughly wrong in matter of fact. I did not return from any tour in the indigo districts about the beginning of February; I returned on the 10th of March from a tour of 10 weeks, not in the indigo districts, but in Southern Behar, namely, through the Chota Nagpore country, and the Gyah, Arrah, and Patna districts, from which I returned by way of Monghyr, Bhaugulpore, Rajmehal, and the line of railway. In the whole course of that tour I had no occasion to express in conversation any opinion on the subject of indigo; and every written communication from me on that subject is printed in the Blue Book. I had no oral communication with any one in the course of that tour, concerning indigo, till I arrived at Rajmehal about the end of the first week in March, when the district officer there informed me of the assault on the factory gomashtah near Aurungabad. I have never made what can be called a tour in the indigo districts; but in August and September last year I made a tour in Eastern Bengal by water, in which I touched for two or three days at the sudder stations of Kishnaghur and Berhampore, amongst others. Nowhere in the course of that tour had I any conversation about indigo, other than a few ordinary words with planters about the crops. Many written petitions were given in to me by ryots of Nuddea, a large body of whom followed me to Berhampore for the purpose; and I learnt then that the natives in Nuddea were dissatisfied with the magisterial treatment in that district of their complaints against planters. All those petitions were disposed of by the written orders which will be found printed at full length in the Blue Book; but neither at Kishnaghur nor elsewhere did I express any opinion on the indigo question, or, on that occasion, speak on the subject to any native.

13. Thus, not only is the belief of the memorialists mistaken; the whole body of supposed facts on which it has been formed is wrong.

14. There has been some misunderstanding of a remark I made to the indigo planters' deputation in March last. I remember saying that I had never had any experience in an indigo district; and I have no doubt that I disclaimed all knowledge on the subject of indigo from personal observation; but I am sure that I did not say that I had no knowledge on the subject derived from others. I knew perfectly the native opinion on the subject; and I had had a peculiar opportunity of becoming more fully acquainted than most public servants with the common abuses in connexion with indigo, in all districts, so far back as in 1835, when I was employed in digesting a mass of reports from every indigo district in Bengal, which reports led to the repeal, under the orders of the Home Government, of Section III. of Regulation V. of 1830; and when, also, all the remonstrances from indigo planters against that measure came under my eye. As to my letter to Mr. Sconce, the opinion therein expressed was founded upon facts which were known to everybody, and were denied by nobody.

15. I have never formed or expressed but one opinion on indigo planting.

This opinion is, that so far as it is conducted justly and lawfully, in accordance with the rights of all parties, upon sound commercial principles, and by the free will and to the mutual benefit of all concerned, like the trade in other staples, it is a source of national wealth, deserving of the same high consideration as all other great branches of trade. But so far as it is conducted unjustly or unlawfully, in disregard of the rights of any class, upon the false principle of a forced cultivation, unprofitable or oppressive to the cultivator of the raw material, it is an evil of great magnitude, whether in its political or in its commercial aspect, and one which urgently requires correction. This correction, whenever actually required, I have always thought, and I continue to think, will be self-acting and complete in the natural course of things, under a legitimate, vigorous, and truly impartial magisterial action, which, leaving disputes in civil cases to be settled by the constituted civil tribunals, abstaining from all support of either party not warranted by the law, and founding itself wholly on the law, will give that equal protection from unlawful violence to both parties in practice, which the law in theory has always intended.

16. I accept all responsibilities for holding this opinion, and for acting upon it, so far as the occasion required, whenever the necessity of so doing has been forced by circumstances upon me. I have insisted that unlawful violence, on any pretence, shall be prevented or prosecuted to punishment by the police, without respect to persons, or classes, or complexions. I have objected to the police forcing unlawfully, or assisting or protecting others in forcing unlawfully, any unwilling person to cultivate any sort of crop whatsoever; and I have insisted that the police shall not support one man in unlawfully sowing another man's land by force, on any plea whatsoever. There is nothing new in this doctrine, which has been the law of the country for 70 years; and there ought to have been nothing new in the practice. If the announcement or enforcement of such very plain and long established principles of police law has really had any effect upon the indigo system, the effect can have been only corrective of evils which should have been corrected long ago.

17. The next specific point of complaint in the memorial is, that I have interfered, to the prejudice of the planters, with the local authorities in carrying out the temporary Act passed for the enforcement of the current seasons' indigo contracts; but for which interference, it is contended, all differences between the manufacturer and the agriculturists [the capitalist and the labourer are the terms used in the memorial], would have been settled to mutual advantage, like every other commercial arrangement, upon the simple question of price. Now there is nothing, and there never has been anything in the whole dispute, but "the simple question of price." If the planter had paid, in cash, such a price for indigo plant as would have made it more profitable to the ryot to grow that crop than any other, abstaining also from all molestation of the ryot by himself or his servants, no one pretends that the planter would not have got, year after year, as much indigo plant as he could pay for. If planters generally had acted, in the matter of indigo, upon the principle of giving a remunerating price, the ryots would have been anxious to sow, instead of declining to sow; and if the planters were prepared to pay such a price, they would have had no more reason to fear a want of indigo plant next year, and in future years, than the traders in jute, sugar, saltpetre, silk, or oil seeds, have reason to fear the want of those articles next year, and in future years. But the planters' position, so far from being the position of free traders, as here assumed, was this,—that, in consequence of an extensive refusal to sow indigo, they had been driven to ask for a special law, exclusively in their own favour, and of extreme stringency against the ryot. The Legislature thought it right to pass such a law, to be in force for six months only, under the sudden emergency which allowed no time for inquiry; but it carefully put into the body of that law a provision for the re-assurance of the ryots, and to calm the alarm, the ryots could not but be likely to feel at being thus suddenly and specially legislated against, whereby a full and impartial inquiry into the whole system of indigo planting was ensured before the next sowing season should come. As I would not have proposed, so also I know that the Executive Government of India would not have supported a special law against the ryot, even of six months' duration, without such a provision, which promised, in effect, the redress of all proved grievances; and I have not a doubt that the Legislative Council

Council would not have passed any coercive measure at all, without such a provision. So strong was the feeling of the Legislature on this point, that whereas in the Bill presented to them mention of the commission of inquiry was only made in the Preamble, as the Council amended it, a large part of the body of the law consists of provisions for the commission; and this was done for the very purpose of showing to the public, and to the complaining ryots, that though existing lawful contracts must be enforced, an effective inquiry would be almost immediate.

18. On the passing of the law containing that provision, it became the duty of every loyal subject desiring a continuance of the good feeling of the agricultural class towards Her Majesty's Government, and interested in the preservation of the peace of the country, to make the existence of this consolatory accompaniment of the Act as fully known, and as thoroughly understood, as the coercive portion of Act. And this was very especially the duty of the Lieutenant Governor of Bengal.

19. The first article under the general charge of improper interference, as far as I can analyse the memorial in this part, is that, on the passing of the above Act, I directed its provisions to be very carefully explained to the ryots. Unless the drift of this complaint is that I took measures to prevent any false impressions, such as would have unfairly helped the planters, regarding the true design and actual effect of the law becoming general amongst the persons subjected to its coercive provisions (and it is on record that endeavours to induce such false impressions were not *wanting), I do not see any meaning in the complaint. If that is its meaning, it deserves no answer. The law went no further than to provide a summary procedure, and a new tribunal, for the enforcement (by a stringent civil process involving imprisonment) of lawful contracts in actual existence. I certainly would not have proposed, and the Legislature certainly would not have passed, any law that went further than that. Even as it is, there are two opinions amongst disinterested persons as to whether any special law against the ryot was justifiable, under the circumstances or not; and if the law had gone a step further than the just and legal enforcement of actual contracts, there could have been, amongst disinterested persons but one opinion about it. If it is meant that the Executive Government, whilst leaving to the Legislature the outward show and pretence of fair intention, should have quietly allowed the law to be understood in the mofussil, and acted upon, as though it had been a law to force ryots, being Her Majesty's free subjects, to cultivate indigo, whether they wished to do so or not, at prices fixed by the purchaser, though they might be under no obligation to do so, and though they might never have received a farthing of consideration,—such an act, in short, as no Legislature would have dared to put into plain words,—His Excellency in Council will not expect me to notice the complaint.

20. It is a part of the same article of charge that I directed the magistrates to communicate to the ryots "that it is the desire of Government that those ryots who have received cash advances upon their agreement to cultivate indigo during the current season shall honestly fulfil that agreement." Now, this is precisely what the deputation of the Indigo Planters' Association, which had had an interview with me, had asked me to publish to the ryots, with the object of doing away with an impression which they believed to exist, that Government was opposed to indigo cultivation; and it is precisely what I had said in a notification published in accordance with that request.* Yet this memorial comes from the very same body, complaining of that being said in a letter to the magistrates, which, at their own prayer, had just before been published in a proclamation.

21. Again: it is complained that in para. 9 of the Secretary's Letter of the 27th of March 1860, it was pointed out to the magistrates, for the information

* See page 354 of the Blue Book. To show the effect of such communications of the desire of Government, the following passage may be cited from a report of Mr. Hershel's: "I went to one of the villages in the Khaboleah concern, where the ryots refused to sow. On explaining the law to them they submitted, it being clear that they had taken their advances. 'If that is the order of the Government,' they said, 'of course we must sow.' This is the general feeling." Page 407 of the Blue Book.

of

* See Mr. Hershel's seventh Weekly Report and Mr. Grote's Report of 18th April 1860, page 460 of the Blue Book.

of the ryots, "that the Act was only to apply to the current season, there by keeping alive in the minds of the ryots a feeling of excitement that a discreet magistrate, if left to himself, would have known how to avoid." The meaning of this must be, that although the Legislature had passed only a law for the moment, and had most carefully provided that the law itself should show that measures to ascertain, before next season, if any actual grievance required remedy, had been resolved upon, and had thereby unequivocally committed itself to the adoption of any remedy required; nevertheless, I was to blame for not concealing this formal promise from the class for whose reassurance it had been made. After what I have said above, I need not say more on this point, than that if this promise had not been published, and the fairness of the designs of Government had not been made known, I believe that the Government would have had a very different sort of excitement to meet than one involving only the peaceful refusal of one party to strike a bargain with another party, for next season's indigo. I believe that, but for the measures taken, combining the reassurance of the people in the just intentions of Government, with a prudent show of force, there would have been a movement in which the planters would have been the first but not the only sufferers.

22. The next article of specific complaint is, that in the Secretary's Letter of the 4th April 1860 I held out a threat of removal if any magistrate interpreted the Act contrary to my views. This is a misrepresentation; I never held out such a threat, or said anything that can be made to have the appearance of such a threat. I have not, even in any single instance, interpreted the Act or expressed to any magistrate my views as to how it ought to be interpreted upon any point. I have pointed attention to the provisions of the Act *seriatim*, as plainly expressed in the Act in unequivocal terms; but I have never myself interpreted the Act or any part of it. How necessary, as it has since been proved, it was at that time of excitement to draw attention strongly to the several provisions of the law, as it actually stood, will be seen from the extract

"On the first issue of the new law it certainly was very generally understood by the police to signify that indigo was to be sown this year just as usual; and although the meaning of the words, 'cash advance,'* very speedily got known, the proviso was such a clog on all attempts to adopt general measures, that it was practically put out of sight, and, if possible, it would have been shirked; but the ryots had perceived their advantage, and used it. I early noticed that the police generally were attempting to override the law, by expounding it in their own way to mean simply 'sow.'"

* The original complaint.

in the margin, taken from a late report by the magistrate of Nuddea. I have inculcated the duty, in every really contested case, of a careful sifting of evidence on both sides, and of an attentive consideration, in a true spirit of equity, of every case where the fact of a contract with advances was at issue, and I am sorry to say that I shall have to show that this caution was very far from being needless. But I have never said a word which was not as much in favour of the planter, when his cause was just, as it was in favour of the ryot when his cause was just.

23. The position was in all respects peculiar. For the sake of the planters, at the moment the Act was passed, time was everything. A large number of officers with magisterial powers were required, all to be set to work at once, otherwise the object would be lost. There were no officers with magisterial powers existing who had any the least experience in civil judicial business, and many of the only officers available to me were gentlemen of little experience in any business; whilst of no one of them, all being wholly untried in such business as was suddenly put upon them, could it be certainly predicted that he was qualified for the new and very peculiar task. At the same time the duty, being the rapid trial of equity suits without appeal, was in itself a difficult one, requiring much more than usual calmness and caution, by reason of the excitement, clamour, and misrepresentation on all sides which prevailed. With all this, on the justice of every decision might depend the question of the profit or incalculable loss of the factory, and the question of the comfort or the imprisonment and beggary of the ryot. From a very limited number of available officers, I chose those who seemed to me the most likely men to do this new duty well; but being responsible for having tried these officers at this new work, I should have been inexcusable if I had retained one of them at it after he had shown that he was not qualified to do it, which many officers, good enough in their ordinary line, would be likely to prove to be. It was thought necessary, for the object of the law, that the causes in question should be tried without appeal;

appeal; but it was not necessary, for any object, that they should be tried by officers who proved to be disqualified for the duty.

24. I did not attempt to review the work of these officers myself. The Commissioners of Divisions, who are gentlemen of eminent qualifications, and of long experience, were directed carefully to watch the judicial action of the young assistants and the deputy magistrates employed. I give in the margin the passage in my orders, which the memorialists describe as a threat of removal to any magistrate who should interpret the Act contrary to my views.

“As the Legislature allows no appeal from the decisions of officers vested with powers under this Act, it becomes doubly incumbent on Commissioners to keep themselves constantly informed of the manner in which these officers discharge the very difficult and responsible duty now imposed upon them, and of the principles by which they are guided in their decisions. These powers, and the opportunity of acting upon them, must not be retained for a day in the hands of any officer who may show himself not competent to exercise them in such a manner as to do full and substantial justice to all parties.”

25. The memorial next complains that in laying down rules for the interpretation of the Act, I have exceeded my powers, and trespassed on the province of the Legislative Council and the judicial tribunals; but the assertion that I have ever laid down rules for the interpretation of the Act is contrary to the fact. A perusal of the records will show that, as I have above stated, I have never expressed so much as an opinion regarding the interpretation of the Act. The law allowed of no appeal, therefore there was no person who could pass any interpretation of the Act, or could inform the magistrates on points on which they doubted, and asked for information, or could correct errors, or could keep the magistrates together in any consistent course with judicial authority; but the magisterial officers, though inexperienced in civil business, were desirous of acting according to law, and were reasonably and conscientiously willing to learn the law from high legal authority. On points, therefore, on which they doubted or differed in opinion, or acted on what appeared questionable principles, I have several times obtained, and circulated for their information, in a general form, the opinions of the Advocate General, to which it is but right to say that these officers have always attached due weight. These opinions have been sometimes in favour of the planter, and sometimes in favour of the ryot, but always very much to the benefit of the interests of justice; but, for myself, having no power to interfere with the civil decisions, I have neither attempted to interfere with them, nor expressed to the magisterial officers any opinion on their merits, one way or the other.

26. The next complaint is that I have made the Act wholly useless for the purpose which the Legislative Council had in view, by an improper and indiscreet interference with the sentences passed by magistrates under the penal clauses of the Act. In these cases also there was no appeal, but in them, as in all criminal sentences, the Government has the power of mitigation or remission; and this power involves the duty of exercising it on proper occasions. The absence of an appeal of right made it incumbent on Government to see that, at a moment of great clamour and excitement, the great irresponsible power vested for the most part in young and inexperienced officers, was not abused by systematically hasty, and, consequently, unjust convictions and sentences; and to provide that the only possible remedy of any such sentences as might be passed, should be applied by means of the remitting power of Government. The Commissioners of Divisions were therefore instructed to keep an eye upon the general action of the magisterial officers. This was done most efficiently by those experienced and able officers. When they found that a prisoner had been convicted unjustly, or had been punished with very excessive severity, they reported the case to me, with their recommendation for remission or mitigation. Except upon the recommendation of one or other of those experienced officers, I have never mitigated or remitted a single sentence. It will be in the recollection of the honourable members of Council, that, in discussions preceding the passing of the law, this very safeguard was stated as a reason for not allowing, as in all other cases, an appeal of right under this Act.

27. I say confidently, though I say it with regret, that but for the exercise of this power, and the check which some calls for explanation in some very glaring cases of carelessness imposed upon systematically hasty convictions, unsupported by law or by evidence, and in some instances by either law or evidence, great injustice would have been committed in the criminal department, a justifiable spirit of hostility to Government would have been excited in

the people, and much disgrace would have been incurred by the British administration. The records are open, in proof of this assertion.

28. The case of the mookhtar or attorney of certain ryots, imprisoned by Mr. Deputy Magistrate Betts, selected for mention in the memorial as the best case against Government and the Commissioners, is perhaps as striking an example as I could myself have selected of what would have happened, but for the watchfulness of Commissioners. That mookhtar, at the complaint of a planter who was about to prosecute ryots for breaches of alleged contracts which they denied, was sentenced by Mr. Betts, after a trial which from the record could not have lasted 10 minutes, for what was no offence at all, on evidence of what was no offence at all, to six months' imprisonment and a fine of 200 rupees, and in default of payment to a further imprisonment of six months.

29. The deputy magistrate had been so hasty, and his bias towards conviction had been so strong, that he did not stop to look at the law to see what act constituted an offence under it. Of course, after that flagrant case, the ryots of that quarter could obtain the services of no legal agent to defend their causes; and the prosecutors for several days had it all their own way. There was another mookhtar in another place similarly treated. It is made by the Association matter of formal complaint against me, that I remedied this injustice as soon as it was reported to me by Mr. Grote, the Commissioner. The release of a mookhtar who had committed no offence, and his return to defend in lawful course the causes of his clients, is one of the ways in which it is said that the Act has been made inoperative, and more harm has been done than can be imagined. I am quite sure that the Association have adopted, as a body, an argument which every single indigo planter who belongs to it would disdain to use in his own case. No individual planter, I am satisfied, would say that he desired the ryots he himself prosecuted to be deprived of all legal advice, by sending their mookhtars for no offence to prison.

30. I append a statement of all the remissions and commutations that have been made, with remarks. The number of prisoners who benefitted by these reviews is 126, of the unjust imprisonment of very few of whom could a plausible doubt be raised; and when it is known that at one time the jail of Nuddea alone held no less than 588 prisoners, confined at the prosecution of planters under the Indigo Act (so as to oblige me to empty it of ordinary criminals), the number of innocent prisoners released at the recommendation of the Commissioners will not seem so large as to justify the dissatisfaction of the Association. It appears to me that there are no grounds for asserting that a sufficient number of respectable ryots have not been incarcerated under the Act to make an example.

31. The next specific complaint made is of the alleged removal from the indigo districts of Messrs. Betts, Mackenzie, Macneill and Tayler. Of three of these gentlemen it is not the case that they have been removed either from the indigo districts, or from the most excited part of those districts. When the Indigo Act was passed, it was necessary immediately to place an officer with full powers in the neighbourhood of all those places where numerous suits were expected to be filed; and amongst the officers selected for this purpose were Mr. Mackenzie and Mr. Tayler for Nuddea. When Mr. Mackenzie's services could be spared from Nuddea, he was appointed to the charge of the subdivision of Narail, in Jessore, and when Mr. Tayler's services could be spared in Nuddea, he was sent to his own subdivision of Magoora, also in Jessore. At both of these subdivisions, which are in the thickest of the indigo country, subdivisional officers were urgently required in consequence of the indigo excitement. So far from being removed from the indigo districts, these gentlemen were posted at two of the most important points in them, and were promoted to subdivisional charges. Mr. Macneill stood appointed to the subdivision of Bongong, in Nuddea, and when his services were no longer urgently required there, and were urgently required at the Sudder station of the same district to fill the vacant office of joint magistrate and deputy collector there, he was promoted to act in that office.

32. Mr. Deputy Magistrate Betts had been taken temporarily from his subdivision at Diamond Harbour, to do duty under the Act, in the interior of
Nuddea.

Nuddea. In consequence of the hastiness and want of judgment and attention which he manifested in his proceedings, whereby injustice was done, the Commissioner, Mr. Grote, ordered him into the Sudder station, an act of which I entirely approved. As experience had shown that the services of Mr. Betts could not be unobjectionably employed in proceedings under the Indigo Act, he returned to his own subdivision, and to the ordinary line of his duty. It was Mr. Betts who committed the grave error of imprisoning the mookhtar, on a charge of what was no offence,—an error which caused much local excitement, and involved the administration in much local discredit till it was rectified. It is unhappily too apparent that Mr. Betts' return to his ordinary line of duty was not too soon; for it has since, quite accidentally, come to my knowledge, that in one of his civil cases, he gave the planter a decree against the ryot, on a written agreement purporting to have been made in 1856, executed on stamped paper which, on inspection, proves to have been sold in 1859. When it is remembered that the absence of appeal makes redress in these civil cases impossible, however glaring the injustice done; and that on such false suits as this, thus hastily decided, respectable ryots in comfortable circumstances, are sold out of house and home, sent to prison, and reduced to beggary, no human power existing to remedy the wrong; can I be justly blamed for having done from the first my utmost to secure both parties from liability to suffer under such hasty decisions?

33. It is not open to the Indigo Planters' Association to complain of my removing from the indigo districts a magisterial officer, on the ground of his being wanting in the qualities necessary for the proper discharge of the duties required of such an officer, at this critical time. For this very same body, on this very same ground, lately petitioned me to remove from this very same district of Nuddea, Mr. Herschel, the magistrate. Considering the circumstances of the time, this application appeared to me quite reasonable, provided the facts assumed were established. Mr. Herschel's official position was much higher than that of Mr. Betts; but I immediately called upon him for an explanation upon the points on which exception was taken to his acts; and I directed the Commissioner to report upon them, and upon the general character of Mr. Herschel's proceedings. Upon receipt of the explanation and report, I carefully went into them point by point. The result, as it happened, was highly creditable to Mr. Herschel; and all the complaints proved to be without any sound foundation. But if the result had been otherwise, I should certainly have acceded to the prayer of the Association, by transferring that officer to some more quiet district. It will not be contended that unqualified officers should be removed when the complaint comes from one side, but should not be removed when it comes from the other side. Yet unless this principle is contended for, the complaint by the Association of the removal of Mr. Betts is as little to be justified as their complaint of the removal of the three other gentlemen named, who have not been removed.

34. Again, it is complained in the memorial that I substituted two experienced principal Sudder Ameens, for the young assistants and deputy magistrates in the trial of the civil suits under the Act. This measure was recommended by the Commissioner, and was carried into effect when the sowing season was over; and when, therefore, there was no longer any object in very rapid decisions of these civil suits. Such decisions could no longer have any effect on ryots other than the parties in the suits; and if the plaintiffs got their decrees and execution by the end of the season, they would be compensated in good time for the loss of the plant. The ordinary business of the Nuddea District was getting into excessive disorganization, by nearly the whole time of its magisterial and revenue officers being occupied in these civil suits, which were quite foreign to the proper functions of these officers. Under these circumstances I requested the Sudder Court to select two principal Sudder Ameens to try the remainder of the civil cases, leaving to the magisterial officers all trials under the penal clauses of the Act, as a part of their proper business.

35. The objection taken to this measure is, that prosecutors have complained, not that in any single instance a claim has been improperly rejected by the principal Sudder Ameens, but that their claims, when submitted to

these experienced and able civil Judges, are thrown out of court to such an extent that the planters have found "the absurdity of continuing to institute suits under the new Act." As it is impossible to contend that the young assistants and deputy magistrates, who had had no civil judicial experience, tried civil causes more properly than selected principal Sudder Ameens, who have been at that business all their lives, and who, in their own line, try irreproachably civil suits unlimited in amount, in cases that go eventually before the Privy Council, I can only treat this as a complaint by plaintiffs, who may win and cannot lose, of having to bring their causes before good judges. It must doubtless have been agreeable to planters when their suits were tried in such a fashion, that decrees were obtainable on agreements purporting to be four years old, though written on stamps which were in the vendor's shop one year ago. But I do not admit that I am to blame for a measure, an incidental effect of which has been the trial of suits in a thorough manner, because the majority of claims have broken down under such a trial.

36. It is indeed too true that, before the principal Sudder Ameens took up these suits, decrees against the ryots upon alleged contracts and alleged cash advances, were rapidly obtained in large numbers; and that since that time, on the very same sort of evidence, the same sort of claims have been for the most part rejected upon the question of fact. But the reasonable reference is, that the fault was rather in the decisions of the inexperienced officers, who decided in a hurry, at a time of great excitement and clamour, when the question of sowing was at issue, than in the experienced judges, who decided at leisure, when there was nothing to distract their minds from the plain question of fact involved in each case. And unhappily the injustice done by the hasty decisions of the former period is not left to mere inference. I have mentioned one striking case, accidentally come to notice, but it is little worse than several others. I have information of a ryot who was imprisoned for three months, but against whom no award was ever given; and of another, all whose property was sold in execution, though no decree was ever passed against him, and no proclamation of sale was ever issued. The Indigo Commissioners found two ryots imprisoned under this law, in Nuddea Gaol, who were stone blind, and who therefore could not have contracted to cultivate, and could not have cultivated if they had been under contract to do so. All the damages given at first were infinitely higher than they ought to have been, being more than double the maximum penalty universally entered in indigo contracts, wherever such contracts in writing exist. One of the largest and most respected planters in India has himself lamented to me this error. It was reported to me that one deputy magistrate cast the defendants in 79 cases within four days, and assessed the damage in every case at 20 rupees a beegah, exactly double the well-known customary maximum rate, which is 10 rupees a beegah. It is not doubtful that these cases, which every villager knew in his heart to be wrongly decided, shook the confidence of the people in our just intentions.

37. The next specific complaint is the circulation, for the general information of magistrates, of a decision given by Mr. Herschel, which, in the Commissioner's opinion afforded a striking example of the necessity of testing the truth of the papers and accounts produced by the plaintiffs, as evidence in their own favour, before admitting them to be conclusive. In this matter the Commissioner of Nuddea reported to me in the words

"My object, however, in submitting the record, is, to afford the Lieutenant-Governor an opportunity of judging from actual facts of the system on which, in this instance, the factory accounts appear to have been kept; of the manner in which the advances to a number of ryots are asserted to have been conducted, and of the gross attempt to establish proof of their having been made, by the production of evidence of the most weak and worthless description."

transcribed in the margin. He applied for eight printed copies of the decision he forwarded, for circulation, in order to show officers "the necessity of patiently and thoroughly sifting the evidence in similar cases, before pronouncing judgment." This was approved, and the copies were furnished. I cannot see any good ground for objecting to the

circulation of an instructive case, showing the practical necessity of caution in admitting paper evidence; or to the inculcation of patiently sifting all evidence. Where the factory papers are true, testing them will make their value apparent; it is only fabricated documents, such for example as the old agreement on a new stamp, above mentioned, that can suffer by a thorough scrutiny. The common result of a proper judicial scrutiny into the evidence advanced in support of the mass of attempts to establish contracts and cash advances, is shown by the fate of

of the majority of the cases tried, when experienced civil judges, able to give as much time as was necessary to get at the truth of every claim, were employed in these trials.

38. I do not wish to be understood as desiring to justify my measures by throwing blame, personally, on the prosecuting planters. It is avowed and known that the work of prosecuting claims was left to the native amlah of the factories, who do not appear to have been under any practical check, and whose peculiarly unscrupulous character is denied, in general terms, by no person, European or native, of any class. I believe the planters themselves are more cheated and deceived by these men than any other persons are. The best-intentioned planters, therefore, must expect an intelligent and just judge to spare no pains in testing evidence got up by such agency.

39. In one passage of the memorial it seems to be implied that the loss of their cases before the principal sudder ameens by planters is the result of interference with those officers. If this be meant, it is no less unfair to those gentlemen, whose judicial impartiality is unimpeachable, than to others. For myself I can only say that, since Messrs. Bell and Davidson were appointed, I have neither interfered with them nor corresponded with them, and with reference to a statement made by a planter to the Indigo Commission, I have received from the Commissioner of Nuddea a denial of all interference with them on his part.

40. The last specific complaint made in the memorial relates to a notification published by the Commissioner of the Nuddea Division in Bengali, of which a translation into English is given in the memorial. It is objected to this notification, that it shows my views on the subject of the indigo disputes (which it is inferred are such as to be blameable), and my interference and implied disapproval of the Act passed concerning them. I speak sincerely in saying that I cannot answer this, because I cannot see the process of reasoning by which the inference as to my views, and the assertion as to my interference, are founded upon this notification. As to my views, whether they are blameable or not, I have in paragraph 15 of this paper explained them in plain words. As to my disapproval of the Act, I recommended the Act myself. The Act as originally prepared was in many points much improved by the Legislative Council in Committee; and in some points it was altered, in my opinion disadvantageously, by enlarging its scope too much for the raw hands into which its execution was of necessity first entrusted. But I approve of the Act; and how my disapproval can be argued from Mr. Lushington's notification I cannot see. And as to interference with the Act, the notification does not contain one word.

41. It is objected further to this notification, that it will be injurious in the case of contracts now in existence extending beyond the present season. The original notification is in Bengali, and I do not know how far the translation given in the memorial is quite precise. It appears to me from its purport to have in view only cases in which ryots are free to contract or not next year. But it may be that the wording might have been more clear on this point; for Mr. Herschel objected to the Bengali wording, on the ground that it might lead ryots, under unexpired contracts, to expect release next year, which at present, pending action on the Indigo Commission's Report, no one is in a position to promise, and therefore that it might possibly give rise to popular disappointment and irritation next year.

42. My concern in this matter was this: from the weekly reports received from the Nuddea District, it appeared that a very large number of ryots, even when cast in damages, preferred being sent to prison and sold up, to cultivating indigo for this one season. It was a grievous thing to see a gaol crowded with worthy men of this respectable class. I had reason to suspect that so many ryots would not have preferred this ruinous alternative if they had been fully assured that by cultivating indigo this one year their position next year would be none the worse. This suspicion was confirmed by a report, then lately received, that certain ryots on the borders of the Jessore District were still ignorant of the promise of a commission of inquiry. With a view, therefore, to make the ryots

understand their true position, the following instructions were issued to the Commissioner of the Nuddea Division :—

“ The Lieutenant Governor desires that you will strongly urge on all the magisterial authorities engaged in the enforcement of the new law, the great importance of impressing upon the minds of the ryots who have been prosecuted and cast, and upon all their neighbours who, there may be reason to believe, have taken advances for this season, and upon all ryots in general who are in the same position, but hesitate to sow, the fact that the present law is temporary in its operation, and that before the next sowing season has come round, a commission of inquiry will have sat who will listen to whatever grievances they may have to complain of, and on whose report it is certain that such a system will be established next year as will be equal and just to all parties. After this season it will be at the option of the ryots to contract and take advances for indigo or not, as they please; and those who this year fulfil their bargains for this year, will be in every respect as free to choose their own course next year before the season for sowing arrives, as those who foolishly go to prison and involve themselves in ruin.”

Accordingly a notification, in Bengali, to the above effect was prepared and issued by the Commissioner, for circulation in the Kishnaghur, Jessore, and Baraset Districts. Mr. Herschel, the officiating magistrate of Nuddea, however, as I have observed, objected to the issue of the notification in his district, chiefly on the ground that in it the orders of Government had not been correctly expressed. But the Commissioner, feeling himself satisfied on that point, issued the notification himself. When Mr. Herschel's objections were brought to my notice, the notification had been already issued; and the sowing season was nearly over. I did not think therefore that any good would be done by entering upon the question raised.

43. The evil was that some ryots determined, at all hazards, to be free of indigo in future; and looking upon the penalty of the sale of all they possessed, and imprisonment, however painful the process, as a final and unquestionable severance from the indigo system, and being ignorant that their position next year would be no worse without this sacrifice than with it, were ruining themselves, often as much to the loss of the planter as to their own loss. The object was to save all parties from this needless evil, by explaining the actual effect of the temporary law in force, and the true design of Government in passing it. All public officers did no more than their bare duty in using their utmost endeavours that no person should be ignorant or deceived in this important point.

44. On the concluding prayer of the memorial I have only to submit that I have never interfered in any judicial cases pending or decided, having no power to do so; and that I do not know what is meant by that part of the prayer which speaks of the promulgation of the law being left to the Legislature. But the duty of exercising the power of remitting criminal sentences, whenever proper occasions for the exercise of that power arise, and the duty of seeing that magisterial powers are not entrusted to partial or incompetent officers, are duties of which I cannot divest myself. And every government is bound to make the law known to the people, when it is essential to their interests and to the public tranquillity that they should not be ignorant or deceived about it.

45. I have now replied to every complaint, general or specific, that I can discover in this memorial. I have discussed each point at length, because I have thought it well to take this opportunity of respectfully submitting to his Excellency the Governor General in Council a full exposition of the principles on which I have acted throughout the agitation in the indigo districts. I have made it my first object to preserve the public tranquillity. The authors of the few breaches of the peace that have occurred have been all promptly punished, and the general tranquillity has been preserved. I have insisted that all classes of men should have the protection of the law in person and property, as far as the magistrate has power to protect them, and all classes have been throughout protected. I have taken care that the law passed for the summary enforcement of true and lawful contracts, whereof the whole spirit and design are equitable,

equitable, should be understood and acted upon as it was passed; and not as many would have had it as if it had been a law confiscating for the current season the ryot's land for the planter's profit. And this object, too, in a short time, was accomplished. I should have taken shame to myself if I had so acted as to gratify either party at the expense of the just rights of the other. But so far as was consistent with law and justice, and so far as was possible without infringing the freedom and rights of any class of Her Majesty's subjects, it has been my earnest wish to assist the planters in their difficulties. I confidently refer to the proceedings of Government in proof of this. And had there appeared amongst the district officers the slightest indication of an undue disregard of the just rights of the planters, or of the advantages given by the new law to all who had made any actual cash advance, the error would not have been for a day uncorrected by me.

46. The indigo crisis has been known for some time by well-informed men to be inevitable, and to be the more likely to be dangerous the longer it should be deferred. But I do not believe that the most sanguine of those who expected the sudden and violent break up of a false system ever expected that the crisis would pass over so peacefully as it has done, and, on the whole, with so little injury to the great interest at stake.

(signed) *J. P. Grant.*

17 August 1860.

STATEMENT of REMISSIONS and COMMUTATIONS of PUNISHMENT under Act XI. of 1860.

Name of Prisoner.	Offence charged.	Sentence.	Name of the Officer who Tried the Case.	GROUNDS OF RELEASE.
(1.) Teetooram Chuckerbutty, Mookhtar.	Instigating ryots not to sow indigo.	Six months' imprisonment and a fine of 200 rupees; in default, to a further imprisonment for six months.	Deputy Magistrate Mr. G. C. D. Betts.	The offence charged was not an offence under the law. The defendant was the legal adviser of the ryots, and as such was acting legitimately in advising them to follow what course he thought best. Moreover, the prisoner was found guilty of the charge on what was no evidence of any specific act or speech whatever. This case created a great sensation in Nuddea. For some time the ryots were without any legal adviser whatever.
(2.) Tara Chand Sheik, Manick Mullick, Moli Sheik, Joshun Sheik, Mechai Mundul.	Maliciously destroying and damaging a growing crop of indigo.	Three months' imprisonment each, with labour; commutable to fines of 25 rupees each.	Deputy Magistrate W. L. Mackenzie.	The Commissioner recommended the release of these prisoners, on the ground that the trials were conducted in the most unsatisfactory manner, and the prisoners convicted on the most insufficient evidence. On a perusal of the statements of the trials, the Lieutenant Governor concurred with the opinion of the Commissioner, and ordered the release of the prisoners.
(3.) Sadoo Churn Karmokar, Kheno Sheik, Ramjoy Das, Nathoo Sheik, Meghal Mullick, Haboo Sheik, Dauesh Sheik, Gooreeb Sirdar, Amir Sheik, Jadub Sheik, Hossein Ali, and Ismaili Sheik.	- - ditto - -	Six months' imprisonment each, with labour; commutable to fines of 50 rupees each.	- - ditto - -	Ditto - - ditto - - ditto.
(4.) Bharan Mundul, Moneraj Biswas, Hyder Mundul, Kurreem Mundul, Ramesharan Malaw.	- - ditto - -	Three months' imprisonment each, with labour; commutable to fines of 25 rupees each.	- - ditto - -	In this case, although the conviction was borne out by the evidence, the punishment awarded appeared to be unnecessarily severe. The Lieutenant Governor, therefore, on the Commissioner's recommendation, ordered it to be reduced to one half.
(5.) Haradhun Biswas, Baukallah Sheik, Golami Sheik, Beekul Mundul.	Intimidating ryots -	Baukallah Sheik to one month's imprisonment, and a fine of 8 rupees, and Golami Sheik and Beekul Mundul to a fine of 10 rupees each.	Deputy Magistrate Mr. F. T. Platts.	The offence charged in the indictment was intimidating ryots, whereas the offence constituted under section V. of Act XI. of 1860, is intimidating a person who has contracted to sow indigo this season; but the ryots, said to have been intimidated in these two cases, were not shown to have entered into any contract at all. In consequence of this fatal legal objection, as well as of the incorrectness of the verdicts, the Lieutenant Governor, on the Commissioner's recommendation, ordered the release of the prisoners.
(6.) Ameer Halsana - -	- - ditto - -	Three months' imprisonment, and a fine of 10 rupees.	- - ditto - -	Ditto - - ditto - - ditto.

STATEMENT of Remissions and Commutations of Punishment under Act XI. of 1860—continued.

Name of Prisoner.	Offence charged.	Sentence.	Name of the Officer who Tried the Case.	GROUNDS OF RELEASE.
(7.) Kistola Jowatdar, Kistomohun Jowatdar, Hasil Biswas, and Yasin Biswas.	Intimidating ryots -	Three months' imprisonment, and a fine of 10 rupees.	Deputy Magistrate Mr. F. T. Platts.	A similar case to No. 5.
(8.) Kadar Nath Sircar Mookhtar.	instigating ryots -	Three months' imprisonment, and a fine of 30 rupees.	- - ditto - -	A similar case to No. 1.
(9.) Hullothur Biswas, Sadoo Churn Biswas, Guddahur Biswas, and eight others.	Maliciously destroying and damaging a growing indigo crop.	Three months' imprisonment each, with labour; commutable to fines of 25 rupees each.	Deputy Magistrate W. L. Mackenzie.	The evidence for the prosecution consisted only of factory servants who happened to arrive at the spot from different parts of the country at the same time, but whose statements of what they saw were bare, deficient, and irreconcilable. On the Commissioner's recommendation the prisoners were released.
(10.) Hyder Wollah, Ramzan Mundul, Rutton Poramanick.	Intimidating ryots -	Six months' imprisonment each, and 50 rupees fine, in lieu of labour.	Mr. Assistant Magistrate G. Tayler.	A similar case to No. 5.
(11.) Thirty-nine men (names not given).	Breach of indigo contract.	To pay to Government a fine of 100 rupees each if they did not sow, in default of which they were sentenced to imprisonment.	- - ditto - -	As this extraordinary order was entirely against the law, the prisoners having been criminally punished for breach of a civil contract, they were ordered to be released on the Commissioner's recommendation.
(12.) Lall Chand Mundul, Turibut Mundul, Baool Mundul, and Denoo Mundul.	Intimidating ryots -	Six months' imprisonment.	Deputy Magistrate Mr. W. L. Mackenzie.	A similar case to No. 5.
(13.) Kala Chand Mundul -	- - ditto - -	Fine of 50 rupees, or three months' imprisonment.	Mr. Assistant Magistrate G. Tayler.	The evidence for the prosecution in this case was most weak and contradictory, and the defence was not inquired into. The Commissioner recommended the release of the prisoner.
(14.) Nundo Doss, Mehar Ally Sheik, Kurresm Mundul, Tinkore Mundul, Nokolee Sheik, Jaroo Sheik.	Destroying indigo crop.	Six months' imprisonment.	Deputy Magistrate W. L. Mackenzie.	The Commissioner recommended the release of these prisoners on account of the worthlessness of the evidence for the prosecution.
(15.) Koopobeddee Joardar, and six others.	- - ditto - -	Six months' imprisonment, and 200 rupees fine.	Mr. Assistant Magistrate Maclean.	Ditto - - ditto - - ditto.
(16.) Missur Biswas, Jooke Mundul, and Heedor Mundul.	Intimidating ryots -	Three months' imprisonment with labour.	Deputy Magistrate Mr. W. L. Mackenzie.	Ditto - - ditto - - ditto.
(17.) Nusseram Ghose, Kabeo Sheik, Sadoo Churn, and 16 others.	Malicious destruction of indigo.	Three months' imprisonment.	Mr. Oliphant, Officiating Joint Magistrate.	The evidence against the prisoners showed the fact that their cattle were found grazing an indigo field, but whether they had strayed there, or were driven there on purpose, was proved. The Commissioner recommended release of the prisoners.

From *W. Grey, Esq.*, Secretary to the Government of India, Home Department, to *A. Money, Esq.*, C. B., Officiating Secretary to the Government of Bengal (No. 1639), dated 31 August 1860.

Sir,

I AM directed to acknowledge the receipt of your letter No. 4356, dated the 22nd instant, submitting a copy of a Minute by the Lieutenant Governor on the petition of the Indigo Planters' Association, which was forwarded for His Honor's remarks, with my letter No. 1374, dated the 27th ultimo.

2. In reply I am desired to state, that the Governor General in Council has read with satisfaction the clear exposition of the course which His Honor the Lieutenant Governor has pursued, and which in all its general features were already known to and approved by the Government of India, as being marked by a sound, temperate, and impartial judgment.

3. There is, I am to observe, one point only on which the explanation given is

is not so satisfactory as the Governor General in Council could have wished. It is much to be regretted that the proclamation issued by the Commissioner of Nuddea was so incomplete as not to take cognizance of the position of those ryots who are under engagements to sow indigo in years subsequent to the present year. It is to be regretted that the instructions under which the proclamation was framed did not take distinct notice of the cases of such ryots. The Governor General in Council has reason to believe that in some instances ryots in the above-mentioned position considered themselves to be set free from obligations which it certainly was not the intention of the Lieutenant Governor to overlook; and I am to request that his Honor will consider whether measures should not now be taken to place the matter before these ryots in its true light.

4. With the above-named exception, the Lieutenant Governor's refutation of the charges which have been brought against his Honor's administration, in a time of great excitement and difficulty is complete; and I am desirous to intimate that his Honor may depend upon receiving the full and cordial support of the Governor General in Council in continuing to act on the principles on which he has hitherto acted.

From *W. S. Seton-Karr*, Esq., Officiating Secretary to the Government of Bengal, to *W. Grey*, Esq., Secretary to the Government of India, Home Department (No. 4849), dated Fort William, 17 September 1860.

Sir,

I HAVE the honour to acknowledge the receipt of your letter (No. 1639), dated the 31st ultimo, conveying the orders of his Excellency the Governor General in Council, on the petition of the Indigo Planters' Association against the Government of Bengal.

2. In reply, I am directed to express the satisfaction with which the Lieutenant Governor has learnt that his Excellency approves of the general course which the Government of Bengal has followed throughout the past season. The Lieutenant Governor much regrets the incompleteness of the instructions under which the proclamation of the Commissioner of Nuddea was issued, which has been pointed out by his Excellency the Governor General in Council, but he hopes that no practical mischief has thereby resulted, and he believes that none can possibly have resulted which may not be easily remedied.

3. Apart from all considerations of the precise term of contracts, and irrespective of all questions of lawful obligation to sow indigo, there is a general feeling in several districts against sowing, and this feeling appears nowhere so determined as in Pubna, which is under the jurisdiction of the Commissioner Rajshahye. In that division Mr. Lushington's proclamation was not issued, and could have had no effect.

4. The true position at the present moment of those ryots who are called on to cultivate indigo for a factory, on the ground that, although they are under no advances for this season's cultivation, they are nevertheless under an engagement to cultivate, the term of which has not expired, is that if they do not so cultivate, they must stand their chance of an action for breach of contract in the civil courts, where the case, if brought, will be decided upon its equity. It is impossible in fairness to say more than this to the ryots who are so circumstanced. For all ryots are at liberty to claim such "release from their engagements," as Section V. of Regulation V. of 1830 can give them, whereof the substance, as compressed in the marginal note, is, "persons wishing to be released from their engagements to petition the judge in certain cases." The object of that Regulation as stated in the preamble, is, amongst other things, "to afford persons, who may be unwilling to renew their contracts for the cultivation of indigo, the means of obtaining by summary process, a release from their engagements." The process is to pay into the judge's court any balance due by the ryot to the factory. Moreover, the decisions of the principal Sudder Ameen in Nuddea, under the late Act, go to show that, in the great majority of cases arising in some factories, contracts relied on by the planter cannot be

established in a court of civil justice. The proceedings of the Indigo Commission have proved that, in the parts of the country where the dislike to sow was most marked in the past season, the contract, though nominally for a term of years, was by custom always renewed, on fresh stamp paper, in the autumn of every year when a fresh advance was made. This has been the invariable practice in several large concerns in the district of Nuddea, and in such cases, if the contract is not renewed, and no advance is taken this season, the Lieutenant Governor thinks that it cannot be assumed that the parties did not understand the real contract to be annual; and it is not certain how the courts would deal with the case, even if Regulation V. of 1830 is not resorted to. The Commission have also ascertained that in Nuddea, where the ryot signed at all, his signature was usually taken on a blank paper. The ryot too will always be at liberty to plead illegitimate inducement, to which plea the extreme and palpable improvidence of the bargain on his side, as demonstrated by the Commission, will always give a good colour. Moreover, supposing every point to go against him, so very great is the difference between the value of the produce of some crops on some lands, and the value of an indigo crop on the same land, that in some cases it will be wise for a ryot rather to pay damages than to grow indigo at the price fixed:

5. In order, then, to place the matter before this class of ryots in its true light, a local notification for the Nuddea division might be issued, calling the attention of those ryots who are under valid unexpired engagements, from which they cannot or do not release themselves by proceedings under Regulation V. of 1830, to the fact of their obligations remaining in full force, and of their liability to actions in the civil courts, and to decrees for heavy damages if they do not fulfil them; but the Lieutenant Governor is of opinion that any local proclamation, issued in anticipation of the expected announcement by the Government of India, of what immediate course it intends to follow in consequence of the Report of the Commission, would do harm. He therefore respectfully recommends that whatever it is resolved to do, with the above object, be done in a general notification, to be published by or under the sanction of his Excellency in Council, and he trusts that, for other reasons, such a notification may be issued without delay.

6. Accompanying this letter are Reports lately received from the Commissioners of Nuddea and Rajshahye. The Commissioner of Rajshahye, Mr. Reid, writes as follows:—

“The ryots of most of the concerns in Pubna have expressed their determination not to sow any more indigo, and, where the planter is also zemindar, they have now proceeded, in some parts, to attempt to avoid the punctual payment of their rents, by offering to deposit them with the Collector. Their avowed reason is to avoid having to pay unauthorized cesses, but the real reason, I believe is, that they may be enabled to break off all connexion whatsoever with the factory.”

The Commissioner of Nuddēa, Mr. Lushington, writes:—“I cannot conceal from the Government that there is at present a very unsettled feeling pervading the northern portion of both Kishnaghur and Jessore. All parties connected with indigo are looking to the Government for some expression of their intentions on the subject, and until these have become known the excitement will continue. On the one hand the planters are wishing to obtain a special contract law, and in some parts are already making preliminary arrangements for the cultivation of indigo in October, either on new or unexpired contracts; and on the other hand the ryots are losing no opportunity of expressing their determination to have no further connexion with the planters, either by petition to the magistrate, or by the demonstrations alluded to by Mr. Molony.”

7. Accompanying this letter is a Minute by the Lieutenant Governor, in which his views are recorded, as strongly confirmed by late personal observation of the popular feeling.

8. It is not doubtful that an announcement of the resolution of Government on the Report of the Commission is anxiously expected by the whole rural population. There are points raised in the Report of the Commission which will,

will require full consideration ; but the Lieutenant Governor assumes it as certain that the position of the ryot, in respect to all past arrangements, will be made no worse than it is at this moment ; and that, in respect to all future arrangements, his right to free action in regard to indigo crops, as in regard to all other crops, will be respected in theory and supported in practice. If so much as this be now at once formally proclaimed by the Governor General in Council, the Lieutenant Governor believes that the tranquillity of the country will be preserved.

9. The Lieutenant Governor, therefore, recommends that a general notification to the following effect may be issued :—

“ I. If any persons have been told that the Government is opposed to the cultivation of indigo, such persons have been grossly misinformed. The cultivation of indigo is free to all who desire to cultivate it.

“ II. All disputes between planters and ryots regarding the possession of lands, or regarding boundaries, and all disputes regarding lands claimed as *nij* or *khas* by planters on the one hand, and as their own ryottee lands by ryots on the other hand must be decided in the usual course, that is to say, by the magistrate, under the well known Act IV. of 1840, or by the Collector, under Act X. of 1859, or by the civil courts.

“ III. It is not the intention of the Government of India to re-enact the temporary law for the summary enforcement, by the magistrates, of indigo contracts, which law was applicable only to the past season, and will expire on the 4th of October next, corresponding with the 19th of Assin. Actions for breach of existing contracts will be cognizable only by the civil courts after that date.

“ IV. All ryots are hereby assured that those who are not under any valid unexpired contract cannot now be compelled, and will never be compelled, to cultivate indigo against their own wishes, or to take advances for that purpose.

“ V. All ryots who are under a valid unexpired contract are informed that they ought fairly to fulfil their engagements according to law. If they do not do so, they will be liable to actions in the civil court, and to decrees for heavy damages.

“ VI. Both planters and ryots are hereby solemnly warned to abstain from all unlawful violence or intimidation. All persons seeking the enforcement of contracts, or their just dues, or redress in matters of civil obligation, must do so in a lawful manner, through the constituted tribunals having authority in such cases.

“ VII. If the unlawful use of force is resorted to, or threatened by any ill-advised persons, the magistrates will instantly check and punish such misconduct. An ample force of military police has been placed at their disposal for this purpose.”

10. If such a notification is approved by his Excellency in Council, the Lieutenant Governor will see that it is very carefully translated into Bengali, and made generally known to the people.

11. The Governor General in Council will see, from my letter of this day to the Commissioner of Nuddea, what arrangements have been made for increasing the force available for the suppression of disturbances in the indigo districts.

MINUTE.

1. It is now generally known that the Indigo Commission have made their report, and an indication of the course which Government intends to adopt thereon is anxiously expected. The Report and the Evidence, with the most essential part of the Appendix, are now in the hands of the Governor General and of the Council ; but I have not yet been able to submit the report officially, as the whole of the Appendix is not yet printed. Nevertheless, it appears to me extremely desirable that his Excellency in Council should take the earliest

possible opportunity of issuing such a notification as will calm the minds of the masses, now wound up to a state of intense excitement on this subject.

2. The position of the question is this: when in April last the Legislative Council, as an occasional and temporary measure, passed the Indigo Enforcement Act, No. XI., of 1860, it promised an inquiry into the system of indigo planting, of which the ryots were bitterly complaining; and that promise was equivalent to a public assurance to the complaining ryots, against whom the temporary Act was directed, that proved grievances should be remedied for future seasons. Under this assurance, whilst the owners of indigo factories have been enabled generally, in consequence of the Act, to recover with expected profits the season's advances which had been made and were in jeopardy when the Act was passed, the ryots have been kept tranquil, awaiting the result of the promised inquiry. The Commission of Inquiry have now completed their work, and delivered their verdict [which is unanimous, as I understand it, so far as all really material facts are concerned]; and this verdict is against the system of which the ryots complained. Nevertheless, the next sowing season in respect to some indigo lands, and the season of annual advances being now near at hand, the ryots are in fear, not without reasonable grounds, that attempts will be made, by such means as have been heretofore usual, to oblige them to cultivate as usual. In this position of the question, it is but a natural inference that any such attempts will be violently resisted; and, in fact, from the observed temper of the people, I think it certain that any such attempts will be violently resisted.

3. Under the circumstances stated, the ryots must naturally expect some measure of relief. But the majority of the Commission are of opinion that no changes of the law, and no changes (organic changes I understand to be here meant) in the system of administration are requisite or desirable. The only remedy they recommend, which it is in the power of Government to apply, is a good and effective execution of the law as it stands. That is what I understand by a multiplication of sub-divisions, with a better police, and civil courts of prompt and effective procedure. Whether the majority are right in their view of the sufficiency of this remedy or not, its propriety, so far as it goes, is unquestionable. And I believe that if the ryots are practically secured from all illegal violence and coercion, and if they are immediately assured that Government is firmly resolved so to secure them, and has the power to do so, there will be little danger of disturbances in the indigo districts.

4. It is right that I should report, for the information of his Excellency in Council, my belief that the feeling of the ryots against indigo is so strong in the Bengal districts south of the Ganges, that, generally speaking, it is vain to expect indigo to be sown in them as usual this next season, whatever course the Government may take; and how far this feeling may have spread it is not possible to say. The Commissioners of Nuddea and Rajshahye have lately sent in reports to this effect. The magistrate of Pubna is of the same opinion as to his own district. I had a long conversation with a very intelligent native deputy magistrate at Pubna, who has been employed in indigo cases ever since the first excitement in March, and his opinion was expressed confidently that such was the determined aversion of the ryots to indigo planting at this moment, that none would sow the plant this season, even though they should be offered 20 rupees a beegah for so doing; though he thought it probable that in two or three years, if a remunerative price were offered under a fair system, this aversion might be overcome. I have reason to know that three members of the Indigo Commission, who have been listening to all parties for three months past, are of opinion that the ryots will take no fresh advances, and will not sow in the approaching season; and I believe that the same opinion is general amongst native gentlemen and public officers.

5. I have myself just returned from an excursion to Serajunge, on the Jumoonah river, where I went by water, for objects connected with the line of the Dacca Railway, and wholly unconnected with indigo matters. I had intended to go up the Matabangah and down the Ganges; but finding, on arriving at the Koomar, that the shorter passage was open, I proceeded along the Koomar and Kalligunga, which rivers run in Nuddea and Jessore, and through that part of the Pubna district which lies south of the Ganges. Numerous crowds of ryots appeared at various places, whose whole prayer was for an order of Government

vernment that they should not cultivate indigo. On my return a few days afterwards along the same two rivers, from dawn to dusk, as I steamed along these two rivers for some 60 or 70 miles, both banks were literally lined with crowds of villagers, claiming justice in this matter. Even the women of the villages on the banks were collected in groups by themselves; the males, who stood at and between the river-side villages in little crowds, must have collected from all the villages at a great distance on either side. I do not know that it ever fell to the lot of any Indian officer to steam for 14 hours through a continued double street of suppliants for justice; all were most respectful and orderly, but all were plainly in earnest. It would be folly to suppose that such a display on the part of tens of thousands of people, men, women, and children, has no deep meaning. The organization and capacity for combined and simultaneous action in the cause, which this remarkable demonstration over so large an extent of country proved, are subjects worthy of much consideration.

6. In their examinations before the Indigo Commission, the ryots expressed their feelings and their determination in language not to be mistaken. Pangee Mulla, when asked whether it would not have been better to sow than to go to prison, answers, "No; I would rather be killed with bullets than sow indigo."* Denu Mundal says, "Let there be profit or let there be loss, I will die sooner than cultivate indigo."† Kulin Mundul, when asked at what price he would sow indigo, if asked to do so by a person in whom he had confidence, answers, "I would sow indigo for nobody, not even for my father and mother." These are fair samples of many such answers, and I am told that those only who witnessed the delivery of this evidence can fully appreciate its effect. The reverend missionaries who were examined, than whom no class exists better acquainted with the feelings of the rural population, unanimously expressed a deep conviction of the strength of the feeling of the ryots on this question. I cite some of their answers in the margin.‡ After what I have just seen with my own eyes, I cannot doubt that the convictions of these gentlemen, solemnly delivered three months ago, are but the reflection of the true state of the mind of the Bengal ryot.

* Answer 9214.

† Answer 1165.

7. A perusal of the evidence taken before the Indigo Commission, and a consideration of the findings of that body as to matters of fact in respect to the ruinously unprofitable and compulsory character of the cultivation, will sufficiently explain why the state of the ryots' feeling should be as above described; but the question which Government must now immediately deal with is, not the cause of this feeling, but the feeling itself.

8. With the Report of the Commission before me, and bearing in mind the remarks of the Right Honourable the Secretary of State on the temporary Act just about to expire, I think I may safely assume that any exceptional law in favour of the system of indigo planting as heretofore practised is out of the question;

‡ Rev. Mr. T. Schurr (Answer 808).—"The ryots are now looking for the action of Government, and confidently expect that they will obtain redress of their grievances; but they declare that if they are disappointed the consequences will be terrible. This is not my imagination, I only state what I have heard. This feeling does not exist in Kapasdunga, but I have heard of its existence from persons from all parts of the district."

Rev. Mr. J. G. Linckie (Answer 918).—"Since the time the Queen took the Government the ryots have been hoping for release, and as there is such a unity amongst them as has never occurred before, they think it is from God, and that the time of relief is at hand, and they also look to this Commission with great hope; but if they should be disappointed none can tell what will be the consequences."

Rev. Mr. C. Bommetsch.—"Since the Indigo Act most of the ryots have almost lost faith in Government, and their feeling is very sorrowful, and in some instances very bitter."

Rev. Mr. C. H. Blumhardt (Answer 1351).—"Indeed, the law could not be permanently enforced; the ryots would rather die in gaol than sow indigo."

Rev. Mr. J. Long (Answer 1626).—"I can assure the Commissioners that no language can depict the burning indignation with which indigo planting is and has been regarded by the native population. It alarms me seriously for the future peace of India, unless an equitable adjustment of the question is made."

Answer 1654.—"The working of the present Act has created a feeling among all ryots I have come in contact with, of bitter hostility towards the ruling authorities generally."

question; and it seems to me that under any good system that may hereafter be established no exceptional law will be requisite.

9. I fully agree with the majority of the Indigo Commission in their opinion that an exceptional law, especially one involving magisterial action, would have the worst possible effect even upon the interests of the planters themselves; and it is right that I should express my belief that were such a law to be passed, there would at once be agrarian risings, of which no man could foresee the consequences.

10. If the Governor General in Council resolves against any special or exceptional legislation, I earnestly recommend the immediate announcement of that resolution.

11. That the conduct of Government, whatever it does, or whatever it does not do, will not be made matter of complaint, by some party or other, is not to be looked for. But if both the substantive law, and the law of procedure, under which unexpired contracts were made, be allowed to continue as they were when those contracts were made, no party can have any just or reasonable cause of complaint.

12. To calm the minds of the ryots, and to secure the tranquillity of the country, it appears to me essential that such a proclamation shall be immediately issued, as will make the ryots feel secure against coercion.

17 September 1860.

(signed) *J. P. Grant.*

From *W. Grey, Esq.*, Secretary to the Government of India, to *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal (No. 2080), dated Fort William, 24 October 1860.

Sir,

I AM directed by the Governor General in Council, to forward in original, for any observations which the Honourable the Lieutenant Governor may wish to make on it, the accompanying letter from the Secretary to the Indigo Planters' Association, dated the 13th instant.

From the Secretary, Indigo Planters' Association, to *W. Grey, Esq.*, Secretary to the Government of India, dated Calcutta, 13 October 1860.

Sir,

THE Committee of the Indigo Planters' Association having at last received from the Commissioner of Nuddea information which they requested from him on the 7th ultimo, they proceed to submit to his Excellency the Governor General of India in Council, the following remarks on the Minute of the Lieutenant Governor of Bengal, dated 17th August, which was communicated to the association with your letter of 31st August.

Although his Excellency has expressed himself satisfied with Mr. Grant's explanations, except on one point, the Committee respectfully beg to observe that Mr. Grant's Minute is not accompanied by any particulars of the cases to which he refers, by which his Excellency's judgment might be guided; and they therefore beg to submit the fullest details, which they have been able to obtain in explanation. In commenting upon his Honor's Minute, the Committee are desirous of avoiding as much as possible anything like entering into a controversy with the Lieutenant Governor, still they cannot but express their regret, that the tone of his Honor's Minute, is such as to show how deeply his feelings are affected against the system of indigo planting generally, and the persons who are engaged in that cultivation.

In

In support of this position, the Committee content themselves by simply referring his Excellency to the style, as well as the matter, of one paragraph only, namely, the 5th, which assumes as a granted fact that planters have been in the habit of committing every description of crime and oppression.

The Committee do not wish either to enter into an argument as to the correctness of the Lieutenant Governor's views of the position of the ryot as a capitalist, as they believe that such a theory is one wholly new, and one particularly opposed to the general idea of what constitutes a ryot in Bengal; but they must not be considered as in any way agreeing in the view his Honor takes of this subject, or assenting to his discovery that the ryot is a capitalist as distinguished from a labourer.

The Committee would, however, draw particular attention to one part of the Minute, where the Lieutenant Governor is obliged to confess that the gentlemen he employed in the judicial offices in the disturbed districts were unfit for the common duties of the stations; and the Committee think that such a confession from such authority must necessarily draw the attention of the Executive Government to the necessity of establishing such a system as will give the people a more efficient class of judicial officers, and the Committee would beg attention to this part of his Honor's Minute as supporting the truth of what has long been put forward by the planters as their most serious grievance, viz., the inefficient state of the mofussil courts. His Excellency will have an opportunity in a later part of this letter, of judging of the fitness for the judicial bench of one of them (Mr. J. S. Bell), who is considered by his Honor as so much superior to the covenanted magistrates whom he superseded in their duties.

The Committee consider it as hardly worth while referring to the earnest manner in which the Lieutenant Governor argues as to there being no "confusion," in the districts; they can only say that a publication of the Lieutenant Governor's, dated the 17th September, has led them to believe that the word "confusion" was not strong enough to express the state of the district; and they believe that the mere fact of a vast military force being employed in that part of the country where troops have not been stationed since it came under British rule, proves "confusion;" and they cannot but express their surprise that, at a time when all residents of these districts knew that affairs were daily becoming worse, his Honor should, as he does in the last paragraph of his Minute, refer to the crisis having passed over so peacefully, and with so little injury to the great interest at stake. The Committee can only say that the great interest of the European settler is for the present entirely ruined, and they see but little prospect of European capital being again embarked in the districts of Lower Bengal.

But leaving the general tenor of the Minute, the Committee would beg his Excellency's attention to the prominent cases brought forward by the Lieutenant Governor, on which he lays much stress; and when the Committee show that his Honor has taken statements for granted without fully investigating the cases on which he relies, to found most severe remarks and attacks, not only on the planters, but on his own judicial officers, the Committee believe that his Excellency will attach much less weight to the Minute in question than at first sight would appear to be due to it.

In the 28th para. of the Minute, the Lieutenant Governor refers to the case of the mookhtar who was as stated in the planters' petition, sentenced by Mr. Betts to imprisonment, and a fine for instigating ryots not to sow.

It would naturally be supposed from the comments upon this case, that the man in question, Teetaram Chuckerbutty, was a mookhtar, acting as such on behalf of ryots, and that he was sentenced for exercising his lawful avocations as a mookhtar; and his Honor, on this assumption, would make out that the sentence in question deprived the ryots of legal assistance, and that it was intended to give an advantage to the planters.

The Committee have, however, ascertained that the man, though entitled, perhaps, to call himself a mookhtar, was in fact but an onedwar (one seeking employment); that he had never appeared before Mr. Betts as mookhtar; that he was not employed in any way by any ryot on that occasion; that a few days previously he had waited on Mr. Forlong begging for employment in any capacity; and that on the day in question, he was hanging about Mr. Betts' tent, looking out for the chance of anything that might occur, holding no

mookhtarnama, and in fact the ryots whose cases were before Mr. Betts, never consulted him, or referred to him as their legal adviser.

Mr. Betts had for more than two hours been patiently explaining to the ryots their position and liabilities, pointing out to them that the law distinctly laid it down that if they did not complete their contracts they would be subject to imprisonment, and perhaps be cast in damages; and he begged them to retire and think over the matter.

To the former alternative the ryots were inclined to agree, and they retired to some neighbouring trees to consult. The man Teetaram Chuckerbutty went to them then for the first time, and joining in their conversation, advised them to resist sowing, and not to mind the consequences. Information of this was brought to Mr. Betts, who at once had him brought into court, heard the evidence, finding that he was not acting as mookhtar for any of the parties, convicted him of instigating, with evil design, the ryots not to sow.

The Committee admit that the sentence might not perhaps have been strictly legal within the words of the section of the Act as amended and passed, but the mere fact of an error as to the interpretation of the wording of the Act has a very different effect from that which the Lieutenant Governor attributes to this decision, which he erroneously regards as a gross interference with the liberty of the legal agent of the ryots.

His Honor is wholly misinformed as to the ryots in that quarter not being able to obtain the services of legal agents to defend their cases, and it is wholly incorrect to state "that the prosecutors for several days had it all their own way;" so far from this being the case, on the very same day a complaint having been lodged against one really acting as a mookhtar before Mr. Betts, it was at once dismissed by him, on the ground that he could not interfere with the advice that any legal agent deemed it right to give to his client, and Mr. Betts distinctly pointed out to the complainants, that the position of this man was wholly different from Teetaram Chuckerbutty.

The Committee unhesitatingly refer to the records of the court in proof of their assertion, that no mookhtar was deterred from representing ryots in consequence of Mr. Betts' decision, and they are quite at a loss to understand upon whose representation the Lieutenant Governor has been led into so grave an error; and his Excellency will see how serious a matter this is when he observes the frequent and bitter allusions to it in the Minute.

The other case on which his Honor comments, as showing not only misconduct on the part of Mr. Betts, but, what is of far more importance to the Committee; as supporting the grave charges of forgery and perjury against a planter, or at any rate against their subordinates, is that mentioned in para. 32, which he says accidentally came to his knowledge, as one in which Mr. Betts gave a planter a decree against a ryot, on a written agreement, purporting to have been made in 1856, though executed on stamped paper, which on inspection proved to have been sold in 1859.

On investigation, this charge proves to be utterly untrue. The Kuboolyut, or agreement in question, of which a copy and translation is herewith sent, recites that the ryot (Hishabdee Shaik Mundle) who was complained against, was indebted to the factory at the close of the season 1859, to the extent of Rs. 3. 3. 6.; that he had received a further advance of 12 rupees in cash, in consideration of his engaging to cultivate seven beegahs with indigo in 1860 and in the four following years, terminating in 1864, the correctness of the account showing the balance of Rs. 3. 3. 6., and the payment of the advance of 12 rupees in cash was sworn to by the manager of the factory, Mr. Tayler, and proved by Mr. Betts' inspection of the books; and on that evidence Mr. Betts gave the decree against the ryot on the 18th April 1860; and the Committee would draw particular attention to the different years mentioned in that document as those over which the contract was to extend.

On the 27th July 1860, Mr. Principal Sudder Ameen Bell, who is above referred to as being considered superior to the other magistrates, on hearing another case, delivered the judgment, of which a copy is herewith sent, and to which we beg his Excellency's particular attention, as his Excellency will perceive in that judgment he did refer to the Kuboolyut filed in the former case, which is above referred to, and apparently without having made any further inquiries, and certainly without having read the document which, in fact, was not in evidence before him, he gratuitously pronounced the same to be a spurious

ous exhibit, inasmuch as it is dated at the foot in figures, December 1856, when the stamp was sold in November 1859.

The Committee beg his Excellency's attention to the kubooyut, which requires only the slightest glance to show, that the date of the English year 1856 is only a mistake and clerical error of the Bengali writer; and that it was a kubooyut for season 1860 to 1864, inclusive, and that the whole text and wording of the agreement unquestionably prove this to be the case. When an error was made in one of Mr. Herschel's purwannahs, that of 19th April, which caused the planters losses that can only be estimated by tens of thousands of pounds, and Mr. Herschel put forward, as his defence, that it was a clerical mistake, and that it was by accident that the obnoxious copy happened to go to the only place where it was likely to do harm, the planters did not refuse to accept the explanation, however opposed to probability.

It would seem, however, that no such feelings of fairness are to be evinced by the authorities towards planters, and that no opportunity is to be omitted to misrepresent and malign them, and this is particularly the case in the present instance, where the record could have at once been called for and inspected, and which in fairness ought to have been done.

The Committee can only hope that neither Mr. Bell himself, whom the Lieutenant Governor designates as the experienced civil judge, Mr. Herschel, the magistrate, who eagerly seized on the case and sent it up, Mr. Lushington, the Commissioner, who reported it to the Lieutenant Governor, nor Mr. Grant himself, ever looked at the document before basing on it the grave charges that are contained in the Minute. Five minutes' inspection would have prevented a most unjust accusation being put forward in an official document, and much of that official document would then have been unwritten.

In para. 357 his Honor, on whom this case seems to have made much impression, again introduces the kubooyut as the foundation of sarcasm, and a slander on the whole body of planters, in the following words:—

“ It must doubtless have been agreeable to planters, when their suits were tried in such a fashion, that decrees were obtainable on agreements purporting to be four years old, though written on stamps which were in the vendors' shops one year ago.”

The Committee respectfully, but most earnestly, beg to submit to his Excellency that such language is as unworthy of a man holding Mr. Grant's high official position, as it has now been proved to be unfounded and unjust; and should his Excellency (as they cannot but believe he will) view the matter in the same light as they do, they appeal to his high sense of honour and fairness to point out to the Lieutenant Governor the propriety of withdrawing the charge as publicly as it has been made.

In the 37th paragraph his Honor replies to the complaint, that was made of his influencing the minds of judicial officers by circulating to all in the districts copy of a decision of Mr. Herschel's, and of a letter from Mr. Lushington on the subject of a charge against the servants of a factory, respecting which Mr. Herschel had at that time made a preliminary inquiry.

The communications referred to are annexed, and the Committee appeal to his Lordship in Council to say if they are not of a nature to prejudice all magistrates against planters.

The Committee have carefully gone into the case referred to, which was sent up for trial to the judge, whose decision was adverse to the servants of the factory; but the Committee do not hesitate to declare their belief that the decision is incorrect, that it was biassed by the proceedings of the Lieutenant Governor, that it will be reversed on appeal, and if Government will publish Mr. Lushington's communications, the proprietors of the concern are prepared to prosecute for a libel, with the object of proving that the allegations are unfounded and untrue.

Beyond defending the body they represent from the grave and sweeping charges brought against them by the Lieutenant Governor, the committee do not desire to contest, or to enter into a controversy on individual cases, but they feel it their duty to protest, on constitutional grounds, against the interference of the Lieutenant Governor, which has unquestionably been exercised to such an extent as to impair if not to destroy judicial independence within the districts under his control. His Excellency will find on inquiry that, upon the abolition of the office of superintendent of police, an officer who from his position

tion could not be classed with that of the Lieutenant Governor, or be considered as having any such influence as that of the head of the Government, the supervising control over the proceedings of magistrates pending or disposed of, rests in the hands of the Lieutenant Governor of Bengal; and the Committee respectfully submit that such a power, exercised as it is by Mr. Grant, who is superior to the whole judicial bench of Bengal, and who has complete power over the members of that body, is one that is dangerous to the true interests of justice, and one that ought not to exist; more especially so, when the uncovenanted officers of that body are completely under the control, and hold their offices subject to the pleasure of the Lieutenant Governor alone.

In thus replying to His Honour's Minute, the Committee have avoided as much as possible acting otherwise than in a calm spirit; but although they feel that they are contending with one whose position makes it impolitic on their part to enter into controversy with him, they cannot, consistently with their duty or feeling as English gentlemen, representing a large European Association, composed of many men who have not only invested their all in this country, but have done so in the belief that they would be protected by the leading principles of an European Government, allow such serious charges as these brought by His Honor to pass unremarked upon, and without protesting against the injustice and impropriety of them as they now do; and believing that a different line of conduct on the part of the Government of Bengal would have led to a very different result to that which now exists, they submit these remarks to His Excellency, trusting that the matter is one of sufficient importance to attract to its careful consideration His Excellency's earnest attention.

From *E. H. Lushington*, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Indigo Planters' Association Calcutta (No. 23 A.), dated Alipore, the 27th September 1860.

Sir,

Chundermohun
Chowdry v. Boro-
aunund Sheikh,
and five others.

IN compliance with the request contained in your letter of the 7th instant, I beg to send you a copy of Mr. Bell's decision in the case therein referred to.

DECISION.

ON the 18th April 1860, Mr. Betts upheld the validity of the kuboolyats of defendants No. 2 to 6. At the present stage of the case the *bonâ fide* of the covenant of Boroaunund Sheikh requires determination. The exhibit is *ex tenore* spurious, and there is not a scintilla of proof to sustain it. The witnesses to deed are all unlettered, and the intrinsic evidence in favour of the covenant is derived from men of very questionable veracity. Sreenath Bisas and Isserchund Ghose are obnoxious to the grave imputation of having forsworn themselves in several other cases, and their testimony is by no means calculated to give probative force to the covenant propounded. In respect of the other defendants, the ruling of Mr. Betts cannot be interfered with, but I would remark *en passant* that the kuboolyat of Hissubdeen Sheikh is on its face a spurious exhibit, for it is dated 10th December 1856, while the stamp on which it is engrossed was sold on 17th November 1859. There can be no doubt that the above defendant has been unjustly saddled with liability, and as no review of judgment is admissible, the matter must remain *in statu quo*. The case was dismissed with respect to defendant No. 1.

(signed) *I. S. Bell*,

Additional Principal Sudder Ameen on Deputation.

17 July 1860.

(True copy.)

(signed) *Sreenauth Ghose*,
Assistant to the Commissioner.

PEERPORE FACTORY.—Mr. A. Taylor, Manager.

No. of Case.	Name of Plaintiff.	Name of Defendant.	Date of Kuboolyat.	Locality.	Amount of Advance.	Quantity of Land.	
						Sown.	Not Sown.
329	Cundermohun Chowdry.	1. Boroaunund Sheikh	10 Dec. 1859	Kudimpore	Rs. a. 7 -		
		2. Sadoo Gazee - -	10 Dec. 1859				
		3. Anund Hetsane - -	10 Dec. 1856				
		4. Hissubdeen Sheikh	10 Dec. 1859				
		5. Diljan - - - -	10 Dec. 1859				
		6. Thakoor Shah.					

SRI SRI DOORGA AID.

(Copy of Kuboolyat.*)

To the High in Dignity, the Illustrious Mr. James Hills.

Sahib,

I, SREE HESADEE SHAKE MUNDUL, inhabitant of Khadimpore, indite this "*Kuboolyat patro*" for indigo advances in purport as follows:—I am a ryot of the gentleman's Peerpore Indigo Factory, where I receive advances for indigo year by year. I cultivate indigo; deliver the indigo leaves. On a comparison of the indigo advance accounts for the year 1859, credits being deducted, there is a debt against me of Rs. 3. 3. 6., and receiving in cash 12 rupees, and the price two annas for the stamp paper of the "*Kuboolyat*," in all for the present, and the arrears taking Rs. 15. 5. 6. for seven beegas of land of my own desire from the year 1860 up to the year 1864, for the space of time (5) five years, year after year cultivating seven beegas of land, conditioning to deliver the indigo leaves at the factory, hereby indite and deliver this *kuboolyat*, and covenant that year after year, cultivating the said seven beegas of land with indigo, I will deliver the indigo leaves at the factory. The indigo lands "*Nal*" † yielding abundantly suitable, I will cause to be measured with a "*Rosec*" 55 yards in length and defined, year after year, completing the cultivation within the 30th March, within the 30th of April, agreeably to usage, sowing down the measured defined lands with indigo, and in due time I will attend to the weeding. I will year after year cultivate each beega of the land under advances with (3½) three and a half seers of indigo seed, the price of which for each beega I will pay at the rate of four annas. At the time of weeding, if the indigo be of a fine description, in that case I will take weeding expenses as I may require. On the indigo leaves being ready I will cut the same, make delivery at the factory; the price I will receive will be at the rate of four bundles for one rupee. The bundle to be measured by an iron chain of three and a half † cubits. † Hauth is the term in the vernacular. Should I cut the indigo leaves with the aid of the factory people, whatever may be the expense attending the same, that and should the said indigo be conveyed to the factory by boats and carts under advances to the factory, the charge for conveying the same, at the rate of two rupees for each 100 bundles, will be added to my advance account. During the prescribed period and at the proper time I will cultivate with indigo the land under advance, supplying indigo leaves and indigo seed. Then, if in any year, at the proper time, should I neglect

† A local term, descriptive of the quality of the land.

† Hauth is the term in the vernacular.

* An acknowledgment or agreement, the counterpart of a pottah or a lease.

I neglect to sow indigo, in that case you have authority to sow down the said land and my account will be charged with the expenses attending the same. Regarding the sowing of the lands under advances, year after year, in any year if I raise difficulties and be negligent, receiving suitable punishment from the authorities for the same. I will cultivate indigo and supply indigo leaves; and, touching the matter of sowing the indigo lands and supplying the indigo leaves, I will, year after year, be liable for the profits of the manufactured indigo at the rate of 10 rupees for each beega. I will, year after year, gather the seed produced from the lands for which advances are made, convey it to the factory, and separate the same from the pods, for which I will take separately at the rate of eight rupees a maund pukka weight. Should I not deliver the said indigo seed at the factory, but sell it elsewhere, then, whatever be the quantity of the seed, the price thereof, at the rate of 10 rupees a maund, I will pay to the gentleman. Year after year, when the indigo business is completed, the advances, the sowing seed, and weeding expenses and charge for carriage and so forth, being charged agreeably to the "*Hauth cheeta*," a comparison being made, the dues and the amount of advance money for the ensuing season up to the prescribed time, keeping the same fixed, deducting that whatever shall be receivable, the same will be taken year by year. On the space of time expiring in the year 1865, supplying the indigo leaves, the said advance money I will repay, and the advance money to be repaid by indigo leaves; I will not petition to deposit other money; should I do so it will be disallowed. The conditions of this "*Kuboolotee*" I and my representatives will act up to and observe. To this purport I write and deliver this "*Kuboolotee*," for a prescribed period to receive advances. The end of year 1856 the 10th day of December.

WITNESSES.

Sri Mahdub Rai, Station Peerpore.
 Sri Manejim Shake, of the same station.
 Sri Mokim Mondil, inhabitant of Petumberpore.
 Sri Kanae Shake, inhabitant of Gopalpore.
 Sri Alam Shake, inhabitant (*illegible*.)

Endorsed on the stamp paper, the year 1859, 17th November, Sri Thakoor Doss Chowdry, Station Dregnagore, Zillah Nuddea, through Sree Moty Roy of Goaree. No. 3, price 2 annas. (Translation by John William Brown, translator, Her Majesty's Supreme Court, 13 October 1860.)

From *E. H. Lushington*, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal (No. 133 Ct. dated the 15th May 1860.

Sir,

I have the honour to submit, for the perusal of the Lieutenant Governor, the accompanying statement in original, of a case for a breach of contract, tried and decided by Mr. Herschel, Officiating Magistrate, under Act XI. of 1860.

2. In the propriety of that officer's decision in dismissing the case, I entirely concur, though I think he might have gone further and given damages against the complainant under Section IV. of the Act.

3. My object, however, in submitting the record, is to afford the Lieutenant Governor an opportunity of judging from actual facts, of the system on which, in this instance, the factory accounts appear to have been kept; of the manner in which the advances to a number of ryots are asserted to have been conducted; and of the gross attempt to establish proof of their having been made, by the production of evidence of the most weak and worthless description.

4. The name of the factory is Peerpore, one of many forming the large concern of Messrs. Hill & Co., whose general manager is Mr. Forlong: and the assistant in charge of this particular factory is Mr. Saubolle, who appeared as the chief evidence for the prosecution.

5. The

5. The case now under notice is peculiar, as it was brought up with apparently the most complete proofs which could be possibly required; there were the books of the factory, written kuboolyuts with direct evidence to their preparation at the time of making the advances, and the payment of the advances; and every one of these proofs completely, entirely, and, I may add, disgracefully broke down.

6. I will not trespass on the Lieutenant Governor's time by recapitulating the particular points of failure in each instance, but the Lieutenant Governor will see from the record that the purtunjat (an account of the advances paid to each ryot) was never brought for Mr. Saubolle's signature by the factory servants till the 1st March, though the advances were purported to have been paid on the 18th September. The book itself was to all appearance as if it were only a week old, with clean edges and unruffled red cloth* cover, while the writing looked as if it had been written continuously, instead of the entries being jotted down opposite each name as payments were made. Lastly, the daily cash book turned out to be no daily cash book at all, payments nominally of 13th September not being entered till the month following.†

7. With regard to the kuboolyuts, some are asserted to have been written by a hanger-on of the factory, who had never written one before; some by a man, a matmaker by trade, who happened to call at the factory on that day, when he received a fresh order for more mats, with four annas cash advance; and some by a person who went to the factory to learn his business as a writer. Both the last-named persons admit having given evidence before; and one so frequently in both civil and criminal courts, that he cannot remember how often.

8. In addition to the exceeding incredibility of such evidence, the Lieutenant Governor will observe that Mr. Herschel considers that the kuboolyuts bore internal evidence of their utter falseness, and I must say that I think he was fully justified in forming such a conclusion.

9. If the Lieutenant Governor see fit, I would respectfully beg that the original Enclosure may be returned to me as soon as possible, with seven or eight printed copies, as I should like to send a copy to all officers under my control employed in trying cases under Act XI. of 1860, pointing out at the same time how necessary it is to follow Mr. Herschel's example in patiently and thoroughly sifting all the evidence which in such cases may be brought before them.

From *A. R. Young*, Esq., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division (No. 2708), dated Fort William, 23 May 1860.

Sir,

I AM directed to acknowledge the receipt of your letter (No. 16), dated the 18th instant, submitting copy of a decision by Mr. Herschell, officiating magistrate of Nuddea, in a case of breach of contract, in which the kuboolyuts brought forward to support the charge were found to be forged.

2. The Lieutenant Governor does not understand on what ground Mr. Herschel determined not to enforce the penal section of the Act against the plaintiff in this case, as he announced his intention to do in all other similar cases.

3. If possible, the person responsible in this case should be put on his trial on the criminal side, for endeavouring to support a false claim by a forgery.

4. Printed copies of the decision referred to in your 2d paragraph have been already forwarded to you, for circulation among the officers in your division empowered to try cases under Act XI. of 1860; and the accompanying 10 printed copies of Mr. Herschel's present decision are also forwarded for the same purpose.

* See Report of Indigo Commission, Questions 3305, 3306, 3307, and 3505.—W. F. F., Sec. I. P. Assoc.

† See Report of Indigo Commission, Questions 3039-40, 3305, and particularly Question and Answer 3505.—W. F. F., Sec. I. P. Assoc.

From *J. S. Bell, Esq.*, Additional Principal Sudder Ameen of 24-Pergunnahs, to *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal (No. 1), dated 3 November 1860.

Sir,

As the Indigo Planters' Association have thought proper, in their letter to the Government of India of the 13th ultimo, to call into question my judgment in the case noted in the margin,* I beg to submit, for his Honor the Lieutenant Governor's satisfaction, the following remarks, which I trust will vindicate my proceedings.

* No. 329.
Chunder Mohun
Chowdry, plaintiff,
versus
Boronund Sheikh
and others, defend-
ants.

2. The Indigo Association would wish to make it appear that they have cleared up all that was dark and equivocal in the above case, but the arguments advanced for that purpose are by no means such as would satisfy the judicial mind.

3. Their explanation is, that the terms of the agreement bear internal evidence that the date of the English year was a clerical error, the Bengali writer having written 1856 instead of 1859, and that ordinary consideration of the document would have led to the discovery of that circumstance.

4. Having maturely considered the agreement in question with reference to all the surrounding circumstances, and in connexion with similar agreements produced in exhibit by the same factory in other similar cases, I considered that the error in the date was not a clerical error of the amanuensis, but an error natural to a fabricated agreement, in which the date was too probably left to be filled in at any time. I would merely refer to those other agreements put forward by the Peerpore Factory for 1859. The Association say that this particular agreement should bear that particular date. Taken together with those kuboolyuts which were dated in 1859, and of which the parties alleged to have executed them were long previously deceased,† I am still of opinion that substituting 1859 for 1856 would do little to set up the genuineness of the instrument.

† *Vide* para. 9.

5. Habit might lead to a person putting the month or year just expired to a

Number of Case.	Name of Defendant.	Date of Kuboolyut.	Date of Decision.
504	Khodee Mallah -	9 Dec. 18—	18 July 1860
	6		2
	9		6

letter or memorandum at the commencement of a new year or month, but to enter the date 56 for 59 at the end of a year, is beyond a mere default of memory, and is a circumstance not susceptible of any reasonable explanation, other than that a party had to fill in a date in a hurry. Another agreement was actually left blank for this purpose, 18 being entered to indicate the century, but the other figures to indicate the year being left entirely blank. The

Bengali figures, moreover, are such as could not account for such an error in the year being made.

6. In order to give a fabricated deed a particular date, the date of the sale of

Paper, if of a date known to be posterior to the date apparent on the face of the instrument, a certain proof of spuriousness.

stamp paper is sometimes altered by unscrupulous men to meet the exigency of the occasion, but an error in so material a matter as the date of a deed, a document which in itself imports deliberate and

careful execution, seldom if ever occurs; for a correct date is essential to the validity of a contract, and is one of the marks of its authenticity.—*Vide* Bentham's Rationale of Evidence, vol. 7, p. 181.

7. Carrying on the comparison of the kuboolyut in question with others pro-

† *Peerpore Factory.*

Number of Cases.	Name of Defendants.	Date of Kuboolyuts.	Date of Decision.
596	Boidnath Chund Ram-Sunder.	10 Dec. 1860	19 July 1860.
612	Kumul Mundaf -	10 Dec. 1860	19 July 1860.
506	Bhuggy Sheikh -	9 Dec. 1860	18 July 1860.

duced by the same factory, I would beg reference to the tabular statement in the margin, † which will show that actions were preferred under the Act in the first half year of 1860 upon kuboolyuts, which bore date the 9th and 10th December 1860. Were these also clerical errors? I will here merely add that during my long judicial experience, deeds in such a predicament never before came under my review.

8. From a review of numerous cases, I arrived at an

an impression, that, to meet the particular exigency of the times, and to coerce the ryots, a vast number of kuboolyut was called into existence, to which the ryots were not assenting parties; and in order to accomplish this, agreements were fabricated and fictitious details of account were entered in written forms prepared for the occasion, the date of the year being left blank, to be hereafter filled up at leisure; but the pressure of work left the factory amlah insufficient time to read through all the writings. Thus fictitious dates were affixed to agreements to which they were wholly inapplicable, plainly indicating the gross spuriousness of the instruments themselves. I would here call special attention to the agreement already referred to in para. 5, from which it will be seen that the date of the year of the deed is left blank, the numerals 18 only appearing. Is this also a clerical omission?

9. The decisions noted in the margin* will show the spurious character of the kuboolyuts put forward by the Peerpore Factory.

Execution of the deeds in both cases was solemnly sworn to by the factory amlah. It will scarcely be credited, that both the ryots were dead some time before the date of the deeds they were said to have executed. Not only was the fact ascertained under the usual processes of court, but petitions were put in by Mr. Taylor, through his attorney, admitting the demise of the defendants, and that the sons † of the deceased parties had taken the advances. The petitions are signed by Mr. Taylor; and it appeared to me, while making these statements, Mr. Taylor must have forgotten the fact that kuboolyuts had been put in and sworn to by native witnesses, and that it was set forth in the plaints that the defendants had received advances, and executed the kuboolyuts filed!!!

Number of Case.	Name of Defendants.	Date of Kuboolyuts.	Date of Decision.
666	Sohur Mullik	9 Dec. 1859	18 July 1860.
667	Sekunder	10 Dec. 1859	24 July 1860.

† Nusseer Mullik, son of Sohur Mullik. Gopal, son of Sekunder.

10. The Planters' Committee declare that I gave an *ex cathedra* opinion on the merits of a case not before me, and gratuitously pronounced the kuboolyut of Shesaboddeen Sheikh spurious, the validity of which was upheld by Mr. Betts. In making such a statement, the Committee have lost sight of the fact that the case was one against several defendants, and the parol proofs were identical. Mr. Betts decided *quoad* five defendants, and I had before me the same case *quoad* the remaining defendant. I went thoroughly into the case, and found that the evidence of the witnesses to the kuboolyut was never offered or adduced, and consequently the deed was never proved. Two outside witnesses were brought forward, instead of the primary evidence of the case, to speak to the execution in general terms, such secondary evidence being quite worthless in the presence of primary evidence withheld; and I have no doubt that every judge in the country, with all the facts before him, would arrive at the same conclusion with myself, and reject this kuboolyut as false and fabricated. It would be out of place for me to allude to the proceedings of another officer whilst vindicating my own.

11. It has always been contended that the planters' oath to an advance was sufficient to establish claim. They, however, on being asked to support the kuboolyuts, declined to do so, on the ground of that being the gomashah's affair, and would never swear to their execution or their being *bona fide* deeds in any single case, although invariably as plaintiffs they did not hesitate to put them forward as *bona fide* exhibits on which their claims were founded. It is assuredly a peculiar system of management that leaves the execution of the important kuboolyut to the gomashah, and the payment of the advance only to the planter, who accordingly has no knowledge whether the ryot has come under any legal obligation.

12. Under the above circumstances, though I was prepared to give every weight to the evidence of European gentlemen in their cases, it was impossible to admit that their evidence on other points made up for their silence on the important question of the validity of the documents, or altogether outweighed the suspicious circumstances which appeared during the trial to indicate that the deeds had been fabricated to meet the occasion.

13. Such being the character of the agreements of the Peerpore Factory, as ascertained

Number of Case.	Date of Decision.
962	13 July 1860
666	18 July 1860
504	18 July 1860
506	18 July 1860
596	19 July 1860
612	19 July 1860

Case No. 329 was decided on 27 July 1860.

ascertained from the cases noted in the margin, and which had been so recently decided, it was impossible to believe that the year 1856 in Shesaboddeen Sheikh's kuboolyut was a clerical error in natural sense, neither was the judgment of another binding upon myself to exclude my opinion upon the merits of the case.

14. I have hitherto confined my observations entirely to the kuboolyuts of the Peerpore Factory, because I have had to deal with the remarks of the Indigo Association, which bear on matters connected with that factory. But to prevent all misconception, it may not be out of place to state that the Peerpore Factory was not singular in the spurious nature of its exhibits, and to illustrate what I mean, I will quote the following cases :

Number of Case.	Name of Defendants.	Date of Kuboolyuts.	Date of Decision.
775	Bholy -	12 Jan. 1860	18 July 1860.— <i>Vide</i> also Miscellaneous Order of 4 September 1860.
777	Modhoo -	12 Jan. 1860	- - id.

Two Kuboolyuts were put forward by the Ruttunpore factory in cases Nos. 775 and 777. The planter swore to the fact of the advances having been made, and produced his English account book, in which the advances are recorded. The amlali of the factory swore to the execution of the kuboolyuts, but from evidence adduced, and a searching local investigation, it was established that the men to whom the execu-

tion of the agreements was attributed had died long before the date of the exhibits. Ere I left the district I made over these cases to the magistrate for criminal prosecution.

15. The Indigo Association have laboured to show that Tetooram Chuckerbutty was not a mokhtear during the time Mr. Betts was at Damoorhooda. Personally, I know him in no other character than that of an attorney for the ryots. The records and register of decided cases in my court will verify this fact.

16. As the Indigo Association are anxious for facts, I would state that Mozdeen Mahta was the person who was unjustly incarcerated for nearly three months, although no decree was passed against him ; after due inquiry he was released by me. Tilock Puramanick's property was sold, although no award had been passed against him.

17. The Indigo Association would deprecate entering into controversy upon individual cases, but they do not hesitate to assail public officers on the basis of an individual case. I have however no wish, needlessly, to enter into a controversy, and crave indulgence for having trespassed upon the Lieutenant Governor's time; but after the violent attack the Indigo Association have made on my judicial character, I have felt it my duty to show not only that the Association were in error in supposing that the deed was a good one, but also that the case itself was no exceptional one. That I had others to deal with, in which the deeds were equally questionable, and which are not open to the explanation the Association have endeavoured to pass on the one now under notice.

18. Such then was the character of some of the cases I had to try; besides these I could enumerate others equally false, in which loathsome lepers, infants, men so bedridden from age or disease as to be unable to walk, and who were brought in carts and doolies, and whom it was necessary to prop up in court, when their case was under trial, were charged with having received advances under covenant to sow and deliver indigo plant !!!

19. In conclusion I would only further add, for his Honor the Lieutenant Governor's information, that the words *bond fide* and *intrinsic* in the copy of my judgment * in case No. 328, published in the public papers, are not in the original. The words there are *bona fides* and *extrinsic*.

* Dated 27 July 1860.

From *E. H. Lushington*, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal (No. 309 Ct.), dated 7 November 1860.

Sir,

I HAVE the honour to submit, for the information of the Lieutenant Governor,* the accompanying copy of a report from the officiating magistrate of Nuddea, relating to some cases under Act XI. of 1860, in which it would appear that forgery and perjury had been very largely practised in the attempt to prove that certain ryots had executed covenants to sow and cultivate indigo. * No. 256, dated 28 October 1860.

2. I have sent back the case of Hesabdi Sheikh to Mr. Herschel, referred to in his 1st paragraph, and hope to be able to report the result of his inquiry as to the genuineness of the kuboolyut in the course of a few days.

P.S.—For the word “conviction,” at the close of the marginal note of Mr. Herschel’s 5th paragraph, I presume the correct word should be “commitment,” as I have not heard of the cases having been actually tried at the sessions.

From *W. J. Herschel*, Esq., Magistrate of Nuddea, to the Commissioner of the Nuddea Division (No. 256), dated 28 October 1860.

Sir,

I HAVE the honour to request that you will return me the papers of the case of Hesabdi Sheikh, forwarded to you with my memorandum, No. 118, dated the 20th September 1860.

2. This case was quoted, I perceive, by the Lieutenant Governor as an instance in which the forgery of a deed of contract to sow indigo was manifest on the face of the document itself. The Indigo Planters’ Association, however, have declared their firm belief that it is genuine. The case in question cannot unfortunately be brought to direct trial, as it was out of Mr. Bell’s power to commit it to me, Mr. Bell’s decision in the case having been final.

3. But as the Association have declared their desire, while firmly defending their constituents from libel, to mark their displeasure if it should appear that any concern has really employed forgery in support of its cases, I take the only opportunity which can be of use to record generally the evidence hitherto obtained, which creates such a strong impression that forgery has been used by Mr. Hill’s concern.

4. The first kuboolyuts which were presented to me, from it, were pronounced by myself to be forgeries on the evidence of the case itself, and the parties concerned were committed for trial, and convicted of forgery and perjury by the sessions judge. The case was sent up just as it lay before me, and the judge, rightly perhaps, refused to allow evidence, which was subsequently obtained, that the stamp papers on which the kuboolyuts were written were also forgeries. Had this evidence been obtained earlier, I can hardly suppose that any appeal would have been made from the sessions.

5. The next cases which came before me were those committed by Mr. Bell, of which I annex a list.*

6. Case 506 (ryot charged, Bhogai Sheik). This ryot was stated by the plaintiff’s witnesses to have given a kuboolyut on the 10th of December 1859; the

* A few of them only will stand commitment, owing to the conciseness with which it was necessary to take down the evidence in each case. In many cases, indeed, it is not even possible to prosecute any one for “uttering forged documents,” the planter plaintiff having, without one solitary exception, distinctly refused to connect himself in any way whatever with these documents; while in others, even the Gomashtals have avoided all reference to them in their depositions. In the following cases, however, sufficient evidence has been collected for conviction.

the kuboolyut itself, however, bears date 10th December 1860. The stamp paper on which it is written has a forged endorsement on it. It purports to have been sold on the 4th September 1859, whereas the vendor's book shows that no stamp paper whatever was sold on that date. On the 5th, indeed, a paper precisely similar (except as to the handwriting of the endorsement), to that of the kuboolyut was sold to one Tazim, who bought 16 sheets; these 16 sheets have been traced and have all been recovered; they bear the real date, 5th September. The sheet corresponding to the forged paper in this case is still blank, Tazim not having had occasion as yet to use it. The error in the dates shows that, when it became necessary to antedate the sale of the paper, reference was made to the vendor's book, and the date, "5th September," must have been overlooked in running the eye down the entries.

7. A case almost precisely similar has been discovered in the course of this inquiry, but as Mr. Bell did not commit it, it cannot be prosecuted. In this (the case of Khudi Sheikh) the genuine stamp, of which the paper of Khudi's kuboolyut is an erroneous imitation (the date of endorsement being again wrong), has been traced out, and been found to be already in use as a bond between the real purchaser and his debtor. The purchaser in both cases declares he knows nothing whatever of the factory people, or why they have used his name.

8. In case 596, Boydinath was said to have given a kuboolyut, on the 10th December 1859. This also is dated the 10th December 1860. The paper on which it is engrossed is a forgery, though the endorsement bears the correct date, 22d September, on which the corresponding genuine paper was sold.

9. In case 612, Kamal Sheikh was said to have given a kuboolyut on 10th December 1859. This also is dated 10th December 1860. The endorsement is a forgery, and an incorrect one, being dated 22d September, whereas the paper of which it was intended to be a counterfeit was sold on the 24th September.

10. In cases 659 *versus* Roshan Sheikh.

660 „ Abodee.

666 „ Shokor.

The kuboolyut in the first case, though stated in evidence to have been given in 1859, is dated 1850, a date as inconsistent with the text of the document as in the case quoted by the Lieutenant Governor, but none the less a forgery on that account, if any connexion be allowed to exist between the text and the stamped paper on which it is written, the latter being evidently a forgery in this case.

So also the kuboolyut, in the second case, 660, is dated 1860, erased and changed into 1859, while the third kuboolyut, purporting on its face to have been given by Shokor in person, and sworn to have been so given by his witnesses, was afterwards stated to be a mistake, on discovery of the fact that Shokor died three years ago.

11. I observe, by the way, that this is a very different mistake from that of entering dead men's names in account books, for which there is always the excuse that it was convenient for private record to keep the old names on, with the new ones paired on to them. But convenience could never suggest the force of allowing a contractor to continue to sign bonds year after year in the name of his dead father only.

12. Taking the above cases into consideration, I have little doubt that the kuboolyut, in the case of Hesabdee Sheikh, will turn out, on inspection, to be engrossed on forged paper.

LIST of Cases committed by Mr. Bell to the Magistrate for Investigation, on the charges of Forgery and Perjury.

Number of Case.	Ryot charged.	
329	Boromanundo Sheik	Case not here at present, or at least not obtainable, owing to the record keeper being absent.
506	Bhogai Sheik - -	Kuboolyut, dated 10th December 1860. Mohurir of the factory who wrote the kuboolyut committed.
596	Boydinath - -	Part of the record with the Commissioner. Kuboolyut dated 1860.
612	Kamal - -	Part of the record with the Commissioner. Kuboolyut, dated 1860.
659	Roshan Sheik - -	Kuboolyut dated 1850.
660	Abadee - -	186 ^e erased, 1859.
667	Sakunder - -	Dead three years ago; sworn to having personally signed the kuboolyut.
666	Shohor Mullik - -	Dead three years ago; sworn to having personally signed the kuboolyut.
775	Bholai Gharami - -	} Both dead long ago; but record of evidence too concise.
777	Jadhoo Modhoo - -	
962	Milan Mondol - -	
1846	Saphal Pyar Jotedar - -	Cases in record room.
	Hisabdee Sheik - -	Case with Commissioner.

(signed) W. J. Herschel,
Magistrate.

20 October 1860.

From W. J. Herschel, Esq., Magistrate of Nuddea, to the Commissioner of the Nuddea Division (No. 260), dated the 8th November 1860.

Sir,

I HAVE the honour, as requested, to state (as I believe I did demi-officially to Mr. Grote at the time); what was the effect of the imprisonment by Mr. Betts, of Tetooram Chuckerbutty. Mr. Maclean, who was then in charge of Damoorhoodah, informed me that immediately after the sentence was passed, every Mokhtear who was on the side of the ryots left the spot, saying, "that was evidently no place for them." One man, however, was unable to get away for want of bearers, and was immediately pointed out to Mr. Betts as an instigator by the planter's people. Mr. Betts, however, saw no grounds for proceeding against him.

2. The departure of the rest, however, caused Mr. Maclean great inconvenience in trying his own cases, and it was several days before he could get the Mokhtears to go back.

3. On the news of Tetooram's imprisonment reaching Kishnaghur, the Mokhtears in my own court, who were defending the ryots, refused to act any longer, and continued to do so till I informed them that I had already sent the case up to Government.

From the Officiating Commissioner of the Nuddea Division to the Officiating Secretary to Government of Bengal (No. 976 A), dated Camp Muneerampore, November 25th 1859.

Sir,

I HAVE the honour to submit, for the information of the Lieutenant Governor, copy of Letter, No. 264, dated 20th instant, from the Officiating Magistrate of Nuddea, reporting on the kaboolyut of Hesabdi Sheikh, which was referred to in the Lieutenant Governor's Minute, as dated 1856, but engrossed on paper 1859.

Mr. Herschel's inquiries appear to have been confined to the question of the paper being a forgery or otherwise; and though he has not been successful in

probing the matter to the bottom, quite sufficient appears to have been discovered to warrant the belief that the papers on which the kaboolyut was written was not that purchased from the stamp vendor on 17th November 1859.

With regard to Mr. Herschel's intention to make full inquiries with the general question of the forgery of the kaboolyuts filed with Act XI cases, I beg to take this opportunity of mentioning that, on an examination of the sale of stamps for the last few years in Kishnaghur, a sudden rise of several hundreds, I think about 3,700 of two-annas paper, and of 1,400 four-anna papers have been found to have taken place during the few months when the law for the enforcement of indigo contracts was in action.

From *W. J. Herschel, Esq.*, Magistrate of Nuddea, to the Commissioner of Circuit, Nuddea Division (No. 264), dated the 20th November 1860.

Sir,

I HAVE the honour to report that having yesterday received back the original document filed as the kaboolyut of Hisabdee Sheikh, and dated 1856, on paper sold in 1859, I have compared it with the vendor's book, and find that it agrees as to name and date and number; but the writing is not in the hand of the stamp vendor, who has denied on oath that it is his writing or signature, whereas the entry of that date in the book itself is in the vendor's hand. The paper sold on the date in question, 17th November, was moreover bought apparently on the application of a mahajan, as it was stated to be required for a "tamsook," and not for a kaboolyut. I cannot positively pronounce the paper a forgery, because the vendor admits that he has occasionally allowed others to endorse paper for him, and it is impossible to procure the real paper sold that day, because the purchaser was a mokhtear's servant, and no trace of the paper can be obtained from the mokhtear. I am making full inquiries into the general question of the forgery of these kaboolyuts, of which a further report will be subsequently submitted. The vendors are of course putting every obstacle in the way. Every inquiry hitherto made only adds to my conviction that the greater part of the kaboolyuts prosecuted under Act XI. of 1860 were forgeries.

From *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal, to *W. Grey, Esq.*, Secretary to the Government of India, Home Department (No. 6303), dated the 24th November 1860.

Sir,

I AM directed to acknowledge the receipt of your letter (No. 2080) dated the 24th ultimo, and to forward a minute recorded by the Lieutenant Governor on the subject of the last complaint made by the Indigo Planters' Association, with appendices, for the consideration of the Government of India.

2. The reply of the Lieutenant Governor would have been forwarded at an earlier period, had it not been necessary to make some references to the local authorities.

The original enclosures are herewith returned.

MINUTE.

Secretary to Government of India, dated 24 October 1860, No. 2080, including a letter from Secretary to Indigo Planters' Association, dated 13 October 1860.

1. ALTHOUGH Mr. Herschel's letter of the 7th November leads me still to expect a further communication from him connected with the subject of Mr. Fergusson's letter, I think it better to delay no longer the remarks I have to offer on that letter, founding them on communications I have already received from Mr. Herschel and Mr. Bell.

2. I regret very much the necessity which obliges me to say anything more on this subject, as it is hardly possible, in defending what has been so roundly attacked,

attacked, upon what I believe to be no good grounds, to avoid everything that may be misunderstood as opposition and antagonism to gentlemen for whose present (but, as I trust, only temporary) difficulties I feel very sincerely. From the first sign of the general rupture between planter and ryot which has occurred, I have had but two principles ever in my mind; one, that equal justice should be done to both parties, and that to both should be secured that fair and lawful protection of his rights, his person, and his property, to which every subject of Her Majesty has an equal and an indefeasible title; the other, that everything should be done that justice to others would permit and that properly could be done, to make the break-up of an unsound system, which in the natural course of things had now become inevitable, as little of a calamity as possible to those whose interests were involved in its fall. With these feelings, I much wish that the necessity of recurring to what cannot but be matter of irritation had been spared me; but others have been attacked as well as myself, who have a right to a vindication; and a reply to Mr. Secretary Grey's letter, conveying the remarks of the Association on my minute in answer to their first complaint, is unavoidable. I will endeavour to confine my part of this reply to the narrowest limits possible.

3. The committee of the Indigo Planters' Association have been led to conclude that my feelings are deeply affected against the system of indigo planting generally, and the persons who are engaged in that cultivation. It would be vain, even if it could be justifiable, after the publication of the Government records relating to the dispute between ryots and planters, and of the evidence taken by the Indigo Commission, to attempt to conceal the fact that, whilst in Behar, the North Western Provinces, and Madras, nothing objectionable in the manner in which this trade is conducted is apparent, there have been grievous abuses in the indigo system in operation in Bengal; and that the faults of this system, wherein it differs from every other commercial enterprise in India, are the sole cause why this branch of trade in Bengal, and this branch only, in all India, is now in disorder. Certainly, if the "style and substance" of the paper objected to show that I severely condemn these abuses and faults, and that I regard their removal as a paramount duty both to the ryot of Bengal and to the honour of the British Government, they show my feelings truly. But if they fairly lead to the inference that I am hostile to indigo planting, apart from the abuses and faults of the old system peculiar to Bengal proper (and especially if they make it appear that I have any feeling against "the persons who are engaged" therein, for many of whom I have a sincere respect and esteem), I can only express my regret that I have so written as to have been so misunderstood. I cannot, however, myself discover a word in the paper objected to against indigo planting on sound commercial principles, or a word calculated to give personal offence; and I do discover unmistakable expressions in that paper which are in the contrary sense. It will be remembered that I did not spontaneously write one word of the Minute now impugned. As to style, it was a vindication forced upon me of measures that had been severely attacked, and attacked, as I believed and believe, on no good grounds; and as to substance, I had no choice but to relate the facts as they were and as they were shown to be by the record.

4. The committee, in the present letter, observe that I have been obliged to confess that gentlemen I employed in the judicial offices in the disturbed districts "were unfit for the common duties of their stations;" and this they advance as a ground in proof of the inefficient state of the mofussil courts. But here the committee have confounded the judicial offices as they normally exist, and the ordinary mofussil courts with the special and temporary measures adopted last season, which were of a very exceptional nature, in favour of the planter exclusively.

Had it been thought right to leave the questions in dispute to the ordinary law and the ordinary mofussil courts (which however remained open to the planter had he chosen to resort to them), the hasty decisions would not have been passed, and the judicial unsteadiness under clamour would not have been shown, of which the ryot in too many instances, but the planter in no instance, has had to complain. It is not to be now questioned that the removal, for this occasion, of the wholesome check of appeal was a mistake; but appeal exists, and always has existed, in the ordinary mofussil courts, and the result of this

experimental removal of it will be a lesson. So, also, in the ordinary mofussil courts, officers, subordinate to district magistrates, of no experience in civil justice, are not judges upon the whole matter of action in difficult civil suits which, by the exceptional law in question, as it was finally passed, they were for the moment made. In circumstances of almost unprecedented difficulty, the higher district officers, as a body, and upon the whole, have done admirably well. They would have just cause of dissatisfaction with me if, in noticing this remark of the Committee of the Association, I failed to record my high opinion of their conduct throughout the crisis. I earnestly hope that much higher approval than mine will be accorded to them. To argue against official competency generally, and the efficiency of courts in their normal condition, because some of the assistants and deputy magistrates, whose proper business it is to look after the police in subordination to the district magistrate, and to conduct minor criminal trials appealable to the judge, failed when placed, at a time of great excitement and clamour, in a position of great responsibility, quite new to them, and of great difficulty, is, I submit, to argue unsoundly.

5. The Committee of the Association name to His Excellency in Council Mr. Bell, an experienced principal sudder ameen, of high character, whose fitness for the judicial bench I understand them to question, on the ground of his decision in a certain case. Mr. Bell has answered for himself, and his Excellency in Council will pronounce upon the justice of the charge against him. The particular case mentioned will be noticed below. For myself, I am happy to record it as my opinion, that the public confidence in Mr. Bell, as a good judicial officer, will be increased rather than diminished by his answer to this imprudent imputation.

6. The committee next allude to the fact of what they call "a vast military force" employed in Nuddea and the neighbouring indigo district, as evidence of confusion therein. From the outset, I made it my first object to protect the factories from violence, and to preserve the general peace, for which purpose I desired to be stronger in the dangerous quarter than was apparently necessary, rather than be too weak to secure the object. With the chance of a general agrarian insurrection to provide against, prudence seemed to demand this. But the strength of the military force employed is, I have reason to believe, strangely over-estimated generally. Unfortunately, in no part of the Lower Provinces of the Bengal Presidency, whatever emergency may arise, has the Government of Bengal a "vast military force" available. For 43 millions of people the number of troops, European and Native, in these provinces, does not exceed about 19,000 men, besides 8,600 men of the Civil Police Battalions, and 600 Police Sowars. In the two great indigo districts of Nuddea and Jessore, taken to contain 1,913,909 inhabitants, the force of troops and military police at this moment is—

Native Infantry	-	-	-	-	-	-	Men.
							480
Bengal Military Police	-	-	-	-	-	-	977
							<hr/>
Total	-	-	-	-	-	-	1,457

This is one soldier or military policeman for every 1,313 souls; and it is, certainly, anything but a "vast military force." Such as it is, however, I am truly thankful that its presence has sufficed to keep the country, throughout the entire quarrel and excitement, perfectly quiet. With the concurrence of the Commissioner of the Division, the Native Infantry are about to be immediately removed.

7. The Committee of the Association next impugn my statement in paras. 28 and 29 of my former minute of the case of the Mookhtar Teturam Chuckerbutty, whose release by me from imprisonment under an illegal sentence, had been made a very prominent matter of charge by them against me. The case was first reported in Mr. Grote's letter of the 21st of April 1860. On again referring to the papers in the case, I find the statement made of it to have been perfectly correct. I did not say that the man had appeared before the deputy magistrate in his capacity of mookhtar; the cases had not come on when he was sentenced. But he was a mookhtar. In his own answer to the deputy
magistrate

magistrate at the trial, as abstracted by Mr. Herschel upon the back of the deputy magistrate's return of the case, and reported by Mr. Grote to me, he said, "I am the mookhtar of the ryots, and was only acting legitimately as such in what I said to them;" and this is the substance of the full translation of his answer afterwards obtained. The first witness for the prosecution designated him as "Mookhtar Teturam Chuckerbutty;" so that not only was he a mookhtar, but the deputy magistrate knew that he was. Nothing of this is contested by the deputy magistrate in his explanation. Mr. Bell, the principal sudder ameen, in the appended paper states that he knew Teturam only as "an attorney for the ryots," which the records of his court, he says, will show him to be; and irrespectively of the facts of his being a mookhtar, and of his being, as there is no doubt he was, about to defend the very cases of the ryots about to come before the deputy magistrate, it is admitted by the Committee themselves, as now advised, that what he was sentenced for was no legal offence in any one.

8. Then the committee affirm that I was wholly misinformed as to the ryots in that quarter, in consequence of this unlawful imprisonment of the mookhtar not being able to obtain the services of legal agents to defend their causes (for several days), and that the prosecutors then had it for several days all their own way; and they say "they are quite at a loss to understand upon whose representation the Lieutenant Governor has been led into so grave an error." Unfortunately, there has been no error. I was informed of the fact by Mr. Grote reading to me a letter from Mr. Herschel. I now append an official letter from Mr. Herschel, formally recording the circumstances. This letter shows that when I wrote my former minute, to which the committee object, I had not a knowledge of all the bad effects of the illegal and unjust sentence of this mookhtar, and therefore that I did not describe them so strongly as they should have been described. Not only, at Damoorhoodah, did every mookhtar who was on the side of the ryots leave the spot after the sentence was passed, saying "that was evidently no place for them" (except one man unable to get away for want of bearers, who was immediately pointed out as an "instigator"), and not only was Mr. Maclean consequently put to great inconvenience in trying his cases there, it being "several days before he could get the mookhtars to go back," but, on the news of the sentence reaching the Sudder Station, the mookhtars of Mr. Herschel's own court, who were defending the ryots, refused to act any longer, and continued to do so till informed that Teturam's case had been reported to Government.

9. The next, and the only other case of which the committee impugn the treatment in my former minute, is that noted on the margin. One of the complaints against me was that I had removed four officers named, from the indigo districts, improperly, and to the prejudice of the planters. My answer to that complaint was that I had removed from the indigo districts only one officer, namely, the one who had, with such haste and disregard of the law, imprisoned the mookhtar above mentioned. Even this officer by his removal, suffered neither in rank nor in pay. Mr. Grote had originally questioned the prudence of employing this officer in this very peculiar duty; he had been recalled to the Sudder Station by the local authorities; and by my order he was replaced in his own permanent appointment at a distant station. In proof that this officer's return to his ordinary line of duty was not too soon, I mentioned that it had accidentally come to my knowledge that the same officer, in a civil case under the Act, had given the planter a decree against the ryot on a written agreement purporting to have been made in 1856, executed upon a stamped paper sold in 1859. This the committee represent as a gravely erroneous statement; for though they admit that the stamped paper was sold in 1859, and that the date of the bond executed upon it is in 1856, they contend that this last date is a clerical error, for the contents of the bond show that it relates to 1860, and, therefore, it could not have been intended to make it appear to have been executed so far back as 1856. My information was nevertheless precise and correct, so far as it went. The deed had been judicially pronounced spurious; the stamped paper on which it was written, was endorsed as sold on the 19th November 1859, and the date of the deed, that is to say, the date on which it purported to be executed, was the 10th of December 1856. The excuse that the date was a clerical error was never,

Chundermohun
Chowdry *versus*
Boranund Sheick
and others.

that I am aware of, pleaded in the court. That was all I knew. Most assuredly if I had known that the date of the deed was an error, whether regarding the deed as a forged or as a genuine document, I should have explained that fact. As it happens, however, that fact, very material in one point of view, is immaterial to the argument I had in hand.

10. My single object in mentioning this and some other bad cases, was to answer the objections which had been very strongly taken by the committee of the Association to certain orders of Government. I had earnestly inculcated on the officers entrusted with duties under the Indigo Act, inexperienced in civil business as they all were, and subject, as they all were, to no appellate authority, the duty of giving very careful attention to their cases; of patiently sifting evidence on controverted points, in the true spirit of equity; and, in short, of performing to the best of their ability and judgment, the obligations of good judges in cases all important to the parties. I had transferred elsewhere one officer, for notable carelessness, haste, and disregard of law in his proceedings; and I had circulated, at the request of an experienced official, the papers in a certain case, which proved the necessity of very carefully examining the written evidence tendered in the class of cases in question. These were the orders impugned and the decision in question was mentioned as an example, showing their propriety. In this light, it is a point of absolute indifference whether the theory of the committee as to the genuineness of the bond in question, or the formal judicial decision as to its spuriousness of the Principal Sudder Ameen (which that judge on revision still upholds, upon what seem to me solid grounds), be right. In any view, the deputy magistrate cannot have been otherwise than culpably hasty in giving a decree upon such a bond, without stating the fact of the discrepant date, and explaining his reason for upholding both the truth and the legal validity of the instrument, nevertheless. In a carefully conducted civil suit, wherein both parties are allowed full opportunity to make the best of their own case, with the assistance of mookhtars, such an omission is unaccountable. But the further information which the insistence of the committee has elicited from Mr. Bell, shows still more proofs of haste and negligence in the officer of whose removal the committee complained as improper and injurious to the planter. It now appears by Mr. Bell's report, that the evidence of the nominal witnesses to the execution of this most suspicious document was never taken; and it is impossible to read Mr. Bell's exposition of his judgment, the case before him, and that before the deputy magistrate, being essentially one and the same, without saying that, whichever decision was right, one was the result of careful attention, conscientiously applied, and the other was given blindly. On either supposition, I submit, my orders inculcating and enforcing care and attention generally, and especially in regard to the documentary evidence adduced by the factory omlah, are supported by this example.

11. If any disinterested persons doubted whether the necessity of the precautions complained of was fully proved by the instances alluded to in my former minute, the painful array of new cases set forth in Mr. Bell's present paper, and in Mr. Herschel's letter of the 7th instant, will set that doubt at rest.

12. The point next adverted to by the committee, namely, the circulation of a certain judicial decision of Mr. Herschel's, is matter already disposed of on the original complaint. But with reference to the confident opinion given of the incorrectness of the conviction at the sessions, it is necessary to point attention to the subsequently obtained evidence mentioned by Mr. Herschel, which proves beyond a doubt that the endorsement of sale on the stamped paper was forged.

13. The committee are mistaken in supposing that the office of superintendent of police has been abolished. It still exists with all its original functions. But instead of there being only one superintendent of police in the Lower Provinces, each commissioner is superintendent of police within his own division.

14. The committee of the Association remark on general charges against indigo planters which they conceive me to have made. Throughout their
present

present letter, the committee seem to me hardly to keep in mind that the minute they object to was written in answer to serious charges against the measures of this Government, made by themselves, but for which it never would have been written at all. I was forced to answer their specific complaints; and in so doing it was not possible to omit noticing the facts which constituted the grounds on which the measures to be defended were adopted. If those facts, and the argument necessarily founded upon them, have borne heavily in any quarter, it should be remembered that they were drawn forth, of necessity, by the complaints that the committee had themselves made. I submit to his Excellency in Council that I have made no general charges, unless it be against the native omlah of the factories, of whom, as a body, I certainly have spoken disparagingly, but in whose favour the committee say nothing.

15. The committee conceive that I am bound to withdraw what they hold to be charges, because a certain bond judicially pronounced to be spurious, is not, as I had been induced to suppose, proved to be spurious, by reason of its false date alone. The strings of cases which Mr. Bell and Mr. Herschel specify and describe, will show how needless it is to discuss the question whether this one document was forged or not; I will only say that till I saw these papers, which this renewed attack of the committee of the association have forced

out, I had not myself any but an inadequate conception of the reality. As to general charges connected with these cases, on looking over the minute objected to, I can find but one passage that can be imagined to convey a general charge. I cite it in the margin.* I beg that the appended papers by Mr. Bell and Mr. Herschel may be first perused, and that this passage in the minute complained of, or the whole minute if necessary, may be read afterwards, and if his Excellency in Council shall then say that I have a word to withdraw, or that I have in any passage given too strong a colouring to my argument, I am entirely in his hands.

16. For myself I do very much deplore the necessity which has forced this second paper from me. There is no feeling of antagonism to indigo planters on the part of Government, or of any officer of Government. On the contrary there is, in every official quarter, a sincere desire to assist them in every proper way. In this desire I individually do most fully and strongly participate. All sensible men must now see that coercive cultivation, where no legal obligation exists, is at an end. Whether it is right or wrong that this should be so, the ryot has settled the question of fact; in South Western Bengal, he will no longer cultivate indigo for planters upon the old terms, and under the old system. Wherever indigo cannot be grown with the free consent of the grower, under the sound commercial system, prevalent in all other trades in India, of free bargains and fair market prices, indigo will not now be grown on ryots' land, where no unexpired engagement is in force. In this state of things, I would very respectfully put it to the intelligent and experienced men of business, who represent the great interest in question, whether it would not be a wiser and more hopeful course, to turn the attention of the body of gentlemen concerned to the future, rather than to the past; to the improvement of their position, by originating some reformed system, in which the ryot will be their coadjutor, instead of their antagonist, rather than to complaints against Government and its officers, for what occurred during an inevitable crisis. I am sure that this reform is a matter of necessity, unless Bengal is to abandon to Madras, Behar, and the Upper Provinces so much of its share of the indigo trade as is due to ryottee.

Since this Minute was signed, Mr. Lushington's letter of the 26th instant, enclosing Mr. Herschel's letter of the 20th instant, has been received. Mr. Herschel's letter makes the evidence against the kabooliyut stronger than the evidence existing at the time of Mr. Bell's decision. The extraordinary increase in the sale of the class of stamps required for such kabooliyuts as those in question, during the time when the act for the summary enforcement of indigo contracts was in force, which was not the season for making or renewing indigo contracts, mentioned by Mr. Lushington, is deserving of notice.

* "I do not wish to be understood as desiring to justify my measures by throwing blame personally on the prosecuting planters. It is avowed and known that the work of prosecuting claims was left to the native omlah of the factories, who do not appear to have been under any practical check, and whose peculiarly unscrupulous character is denied in general terms by no person, European or native, of any class. I believe the planters themselves are more cheated and deceived by these men than any other persons are. The best-intentioned planters, therefore, must expect an intelligent and just judge to spare no pains in testing evidence got up by such agency."

ryottee cultivation. And I am sure that it will not be assisted by discussions, such as are unavoidably raised by such letters as those to which I have been now obliged to reply. In performing this ungrateful task, I trust that I have not said an unnecessary word likely to excite or prolong ill-feeling, or to give any ground of personal offence to anyone. I have at least done my best, in defending myself and others, to avoid recrimination. I have not concealed my bad opinion of a bad system; of its false economy, and of its political danger; but I have never forgotten that it has been the growth of half a century, and has been inherited rather than created by the present generation.

23 November 1860.

(signed) *J. P. Grant.*

From *W. Grey*, Esq., Secretary to the Government of India, Home Department, to *W. S. Seton-Karr*, Esq., Officiating Secretary to the Government of Bengal (No. 1814), dated Fort William, the 22d September 1860.

Sir,

THE Governor General in Council having considered your letter, No. 4849, dated the 18th instant, and the papers which accompanied it, I am desired to inform you, that his Excellency in Council assents to the proposal of the Lieutenant Governor, that a general notification shall be issued informing the ryots that the Government is not opposed to the cultivation of indigo, but that they are not required to cultivate it except with their own free consent, and warning both the ryot and the planter against having recourse to any violent or unlawful proceedings.

2. The Indigo Planters' Association having, in a recent letter, intimated a wish that no further general proclamation of any kind should be issued by the Bengal Government, fearing lest it might be misinterpreted and misapprehended, the Governor General in Council would have been glad if the circumstances of the case had permitted the Government to leave the matter for mutual adjustment by the planter and the ryot, without any intervention of the Government whatsoever. But though his Excellency in Council is quite sensible how futile would be any attempt which could be properly made by Government to bring about a settlement of the differences now unhappily existing between the cultivators and the indigo planters, he is compelled to admit that the statements contained in the enclosures of your letter are such, as to demand that the Government should, in plain terms, declare to both ryot and planter, the positions in which they stand, and announce to them distinctly that the Government will not tolerate a resort to violence, but will take prompt and effectual measures to restrain, and to punish any who may commit themselves to such a course.

3. I am desired therefore to forward to you the draft of a notification, based upon that which is given in the 9th para. of your letter, with some modifications and additions, and to request that, after it has been very carefully translated, it may be promulgated in those districts in which the Lieutenant Governor may consider the precaution to be necessary.

4. I am to request that the attention of the Lieutenant Governor may be drawn to the concluding words of the clause, informing the ryots that it is not intended to renew the temporary law for the summary enforcement of indigo contracts by the magistrates. By the words referred to, the Government undertakes to provide, as soon as possible, for the more speedy adjudication of suits for the enforcement of contracts, and from the preamble of the notification it will be understood that suggestions to this end will be made by the Lieutenant Governor in communicating his views upon the report of the Indigo Commission. The Governor General in Council fully acquiesces in the opinion which is indicated in the 3d paragraph of the Lieutenant Governor's Minute of the 17th instant, as to the immediate necessity for a multiplication of subdivisions, a better police, and civil courts of prompt and effective procedure, and to these his Excellency in Council would certainly add a provision for the cheap and easy registration of contracts for the delivery of agricultural produce
of

of any kind. In regard to the first two points,—a multiplication of subdivisions and a better police, the Governor General in Council will be prepared to give the Lieutenant Governor any reasonable assistance that his Honor may think it necessary to ask for. In regard to the other two points, namely, more effective civil courts and provision for registration, the Governor General in Council would wish to see immediate steps taken for preparing the drafts of such laws as may be deemed advisable for giving effect to those measures, in order that the bills may be introduced and read a first time before the 6th of October, after which date the Legislative Council will not re-assemble for some weeks.

THE Lieutenant Governor has received the Report of the Indigo Commission, and will, in a few days, lay before the Government of India such suggestions as the circumstances set forth in the Report appear to him to call for. Meanwhile the Lieutenant Governor, with the full sanction and concurrence of the Governor General in Council, calls the careful attention of all parties concerned to the following—

NOTIFICATION.

IF any ryots or other persons believe that the Government wishes that the cultivation of indigo should cease, they are mistaken. The Government hopes that the cultivation of indigo will be continued. But the Government is convinced that on the lands of the ryots it can be continued only with the free consent of the ryots themselves, and upon principles of justice and of fair dealing on both sides.

All ryots are hereby assured that those who are not under any valid unexpired contract, cannot now be compelled, and will never be compelled, to cultivate indigo against their own wishes, or to take advances for that purpose.

All ryots who are under a valid unexpired contract, are warned, that if they do not fulfil their engagements honestly, they will be liable to actions in the civil court and to decrees for damages.

Both planters and ryots are hereby solemnly warned to abstain from violence and intimidation. The planters are warned against attempting to compel ryots by force to cultivate indigo. The ryots are warned against attempting by force or by intimidation of any kind, to prevent the cultivation of indigo by others, and against resisting the fulfilment of their own contracts. All persons seeking the enforcement of contracts, or redress, must do so in a lawful manner, through the constituted tribunals.

If the unlawful use of force is resorted to or threatened by any ill-advised persons, the magistrates will instantly check and punish such misconduct. An ample force of military police has been placed at their disposal for this purpose.

All disputes between planters and ryots regarding the possession of lands, or regarding boundaries, and all disputes regarding lands claimed as *nij* or *khas* by planters on the one hand, and as their own *ryottee* lands by ryots on the other hand, must be decided in the usual course—that is to say, by the magistrate, under Act IV. of 1840, or by the collector under Act X. of 1859, or by the civil courts.

It is not the intention of the Government of India to re-enact the temporary law for the summary enforcement of indigo contracts by the magistrates, which law will expire on the 4th of October next, corresponding with the 19th of Assin. After that date, actions for breach of existing contracts will be cognizable, as before, by the civil courts. But it is the intention of the Government to provide, as soon as possible, for the more speedy adjudication of such cases by increasing the number of courts, and by simplifying procedure.

All zemindars and other persons concerned in the ownership or management of lands in which indigo cultivation has prevailed, are required to exhort the ryots under their influence to refrain from any violent or unlawful act.

(signed) *W. Grey*,
Secretary to the Government of India.

From *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal, to the Commissioners of Nuddea and Rajshahye (Nos. 5013 and 5014), dated the 24th September 1860.

Sir,

I AM directed to enclose (Nuddea, 300—Rajshahye, 200) copies of an English notification, with (Nuddea, 6000—Rajshahye, 4000) copies of a Bengali translation of the same, which, with the full sanction and concurrence of his Excellency the Governor General of India in Council, it has been resolved to publish in those places where strong excitement on the indigo question prevails. In such places a copy of the English notification should be sent to every indigo planter, and so many copies of the Bengali translation should be issued, as may be necessary to make the contents fully known to the villagers.

2. Where no excitement on this subject prevails no issue of this notification is to be made.

3. The object of this notification is, by explaining clearly the true position both of the planter and of the ryot, and by assuring the villagers against violence, to allay excitement, to remove doubt, and to dispel apprehension, where such feelings exist to a dangerous degree; and to prevent all resort to the illegal use of force on either side, the consequences of which, in the present state of feeling, might be disastrous.

4. The principles contained in this proclamation are simply that the law must be obeyed and enforced. All public officers, therefore, will everywhere, upon occasion, act in accordance with this notification; but it is considered extremely desirable to do nothing that can create excitement, where none already exists. Where planters, on the one hand, have no difficulties, and ryots, on the other hand, have no apprehensions of compulsion, no unusual measure is called for; and any such measure might be misunderstood.

5. There are, however, tracts of country in your division where the rupture between ryots and indigo factories is too decided to leave room for any objection of the above nature, or to make it doubtful that the one paramount consideration is to preserve the public tranquillity.

6. Whenever it may be a question in which of these two classes a tract of country should be placed, the Lieutenant Governor relies confidently on your judgment and discretion.

7. A copy of the letter of the Secretary to the Government of India, transmitting the notification in question, with the orders of his Excellency in Council regarding its promulgation, is enclosed for your information and guidance.

From *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department (No. 5304), dated 6 October 1860.

Sir,

I AM directed to acknowledge the receipt of your letter (No. 1814), dated the 22d ultimo, and to forward, in reply, a Minute by the Lieutenant Governor, in which the important questions recommended to the attention of the Bengal Government, are fully discussed and provided for, as far as is possible at present.

MINUTE.

IMMEDIATELY on receipt of this letter from the Government of India, a copy of the paper was sent to Mr. Sconce, the Bengal Member of the Legislative Council, and I have had an interview with him on the subject since he has studied them.

2. Mr. Sconce informed me that he could not be prepared with a bill for the registration of contracts for the delivery of agricultural produce by the 6th of
October,

October, and that he is unable to devise a more expeditious system of procedure for the decision of suits brought for the breach of such contracts, which shall meet the ends of justice, than the system provided by the new code of civil procedure, which has lately been introduced in all the civil courts of the interior.

3. I have also had an interview with Mr. Harington, with reference to the instructions of the Government of India conveyed in this letter. Mr. Harington informed me that he would immediately move the third reading and passing of a bill for the establishment of courts for small causes, which has long been under discussion. This Bill, I believe, has been passed.

4. I beg leave respectfully to express my entire agreement with the opinion of his Excellency in Council as to the expediency of a law to afford practical facilities for the registration of contracts for the delivery of agricultural produce, as being a provision that is much required. The common practice remarked upon in the report of the Indigo Commissioners, of taking the signatures of ryots to blank papers, and other considerations arising from the stipulations of some of the form of agreement in use, and the unlettered character of ryots in general, lead me to the conclusion that the registration of contracts of this sort should be imperative; that, on the one hand, the identity of the contracting party should be ascertained, and certified at the time of registration; and that it should be the duty of the registering officer to assure himself that the contracting party understands perfectly all the stipulations in the written agreement, and freely consents to them; whilst on the other hand, his acknowledgment of the receipt of the consideration for which he has made the agreement, should at the same time be recorded for the security of the party giving the consideration. I can see no practical difficulty in providing means for such a system of registration. All moonsiffs, all deputy collectors and deputy magistrates, all assistants, and all sub-divisional officers are available for this business; and any number of respectable officers can be specially appointed to perform it that may be found to be necessary, moving from place to place for the purpose. A small fee on registration, probably a fee of four annas, and certainly a fee of eight annas, would pay all charges. This should be paid by the party interested in obtaining a document, under which he could sue in case of breach of contract, and which will be to him an unquestionable receipt for payments made.

5. I am, like Mr. Sconce, unable to suggest any course of procedure for the trial of suits for breach of such contracts as these that shall be more prompt or effective, consistently with the ends of justice, than the new code of civil procedure is, if properly worked. That code was framed, after infinite pains and long consideration, by gentlemen, than whom, I believe, none ever before met together in India who amongst them combined great natural ability with so much acquired knowledge of the practical working of the Indian country courts, of the Indian courts of English law, and of English courts. And it was the ruling object of all these gentlemen to simplify procedure to the utmost possible degree, and to get rid of everything that tends unnecessarily to delay judgment and execution. The result of all the inquiries I have made from the native judges, by whom nearly all original suits are tried, and of whom I have now seen many in different parts of the Lower Provinces, is that the new procedure, in working, has been successful even above all hope. Cases are now rapidly decided, excepting of course peculiar cases where all the necessary facts cannot be got at without delay; and as the whole system is new, and is very different from that to which the judges have been accustomed all their lives before, if it does well now, it is quite certain that it will do better after longer practice.

6. Taking a practical view of the question, I see no reasonable ground for expecting any material improvement, in point of promptitude, from any change in the procedure of any courts that may be established, which are intended to do full justice between the parties in suits before them. The plaint, under the new code, may be compressed in a few lines, and should be rejected if redundant. It must be accompanied by any document mainly relied on. No written plead-

ings are required, and the defendant is immediately summoned for a day fixed for the trial of the case (the documents and witnesses on both sides being called for), if the nature of the suit is such as to allow of so summary a course, or otherwise, for the settlement of the point or points really at issue between the parties; and when these are settled, the case may go to trial as soon as the evidence can be procured. In fixing days for the trial, or the settlement of issues, the judge has no need to allow an hour more than is reasonable and fair, under the circumstances of the case in hand. The execution is as simple and as prompt as the trial. In short, unless by a summary suit is meant a suit in which the evidence and arguments on both sides are not to be thoroughly gone into, all suits under the new code of civil procedure are summary suits; and in no suit under this procedure can any delay arise which is not rendered necessary by the specialties of the case, if the law is properly worked, and if the court before which the suit is brought is not in arrear.

7. Mr. Harington's Small Cause Court Procedure is not, and does not profess to be more prompt than any court under the new code may be, and ought to be, when trying the class of cases for which, in particular places, the Small Cause Courts are intended. The object of these Small Cause Courts, which in my opinion is an admirable object, is to provide in great towns, suburbs, marts, and other very populous and wealthy places, in which small causes of simple nature are numerous, a court of a very high order, and of course expensive in a corresponding degree, exclusively for this class of cases. In the places for which such courts are intended, it is expected that, as in Calcutta, such courts, costly though they will be, will pay themselves; the advantages will be that, considering the high order of the court and the nature of the suits it is to try, appeals may be dispensed with safely, and without giving the suitors dissatisfaction; and that from the absence of all classes of cases which are in their nature intricate and long, it will be possible to prevent in practice all delay in calling on causes as fast as days can be fixed for trying them. It is a part of the scheme, that in those places where a Small Cause Court is established, the class of cases cognisable by such court are excluded from all other courts within the jurisdiction of the Small Cause Court.

8. It does not appear to me that any benefit can be derived from these courts in several districts. I should certainly rejoice were it possible to create half a dozen civil courts in every district,—one, for example, in every sub-division, whereof the judge should be paid 600 rupees or 700 rupees a month, as is contemplated for these Small Cause Courts. But that, I fear, is quite out of the question. There are not a great many districts in which there is one place so populous and rich as to require, and to be able to support such a court. Now if only one such court were established, having jurisdiction all over a rural district, the effect would be pernicious in the highest degree: for in that in a particular class of cases, being the class which above all others will least stand against the inconveniences of distant justice, one court would be substituted for perhaps a dozen courts at present scattered over the face of the country, the result would be, that a man having a suit to lodge, if unfortunately for him, and his adversary, the nature of their dispute should be very simple, would have to come in 70 miles perhaps for the trial, instead of having it tried by the moonsiff next door.

9. But I believe that the whole object can be gained by the simple executive step, of providing, whenever unusual provision for these contract cases is required, an additional staff of moonsiffs, expressly for the trial of these cases under the regular code of procedure, whereby the only cause of probable want of promptitude I know of, namely, a file of arrears, including several long cases, will be avoided. Similarly, provision may be made for the immediate trial of all appeals in such cases, by providing an additional judge for the districts in question, for this special purpose amongst others.

10. I believe that an additional civil and sessions judge will be required for Kishnaghur, Jessore, and Pubnah, in order to the prompt disposal of appeals from the summary decisions of magistrates in cases of possession under Act IV.,
and

and of appeals from the civil decrees of Collectors under Act X., I have had reason to believe that the additional civil and sessions judgeship of Chittagong may now be abolished; on this point I have consulted the Sudder Court, which court has reported that the abolition may be carried out; I propose, if the Governor General in Council approves, to transfer this office to the districts indicated, for the express purpose above explained, whereby the object will be attained without increase of expense.

11. In the matter of sub-divisions I have already, acting under the permission conveyed in the orders of the Honourable Court of Directors, No. 61, dated 4th November 1857, and the general sanction of the Government of India in conformity therewith, created several new sub-divisions in the indigo districts. There are already constituted four sub-divisions in Jessore, four in Nuddea, two in Pubna, south of the Ganges, and three in Baraset. I have, with the aid of the experienced Commissioner of Nuddea, now matured a scheme for the re arrangement of the subdivisions in his division, whereby there will be very equally spread over the country, and posted at the most important places, besides the Sudder stations, each of which forms, as it were, a sub-division, five sub-divisions in Jessore, four in Nuddea, two in Baraset, and two in the 24-Pergunnahs, besides two sub-divisions in Pubna, south of the Ganges, and besides the two small cantonment sub-divisions of Barrackpore and Dum Dum, under each of which there is a Thannah embracing a considerable rural tract. There will thus be immediately in this quarter magisterial authorities at 21 different points, generally not more than 25 miles apart, and never, I believe, more than 30 miles apart. Thus, one of the eight Commissionerships, of which the Lower Provinces consist, is provided for. His Excellency in Council will recognise the importance of this improvement, on learning that in all this great tract of country, up to the latter end of the year 1843, there were no officers having any magisterial power whatever, except at the four stations of Allipore, Baraset, Jessore, and Kishnaghur.

12. I do not think that in this Commissionership more is demanded in this way, and I purpose to take up all the remaining Commissionerships, one after the other, in the same manner. There is much to be done in all Commissionerships in the proper arrangement, as well as in the multiplication of subdivisions.

13. In the matter of a better police, if his Excellency in Council sees no objection, I propose to await the passing of the Bill that has just been introduced in the Legislative Council by the Honourable Sir Bartle Frere. For present purposes I have no reason to fear that the hands of the Executive authority are not sufficiently strong in the indigo districts.

14. The four points on which the Government of India gave me instructions in this letter are:—

1. A multiplication of sub-divisions.
2. A better police.
3. Civil courts of prompt and effective procedure.
4. Cheap and easy registration of contracts for delivery of agricultural produce.

I believe that the first object has been adequately provided for, and that the second must await the legislative action already commenced. The third appears to me to require any executive action, which the sanction of his Excellency in Council will enable me to carry out. On the fourth point I will request Mr. Sconce to take the question into his immediate consideration, with a view to the early preparation of a Bill to be laid before the Legislative Council.

— No. 2. —

CORRESPONDENCE on the CULTIVATION of INDIGO in the Presidency of Bengal.

From *W. Grey, Esq.*, Secretary to the Government of India, to the Officiating Secretary with the Right Honourable the Governor General, No. 2707, dated the 30th November 1860.

I AM directed by the President in Council to forward, in original, for the consideration and orders of his Excellency the Governor General, the accompanying letter* and its enclosures from the Government of Bengal, containing a Minute, dated 23d instant, recorded by the Lieutenant Governor, in regard to the representations made by the Committee of the Indigo Planters' Association in their secretary's letter dated the 13th of October.

* No. 6303, dated 24 November.

2. I am desired to state that the representations put forth in that letter, as explained and answered by the Lieutenant Governor, do not, in the judgment of the President in Council, in any way affect the opinion expressed by the Governor General in Council, in my letter to the secretary of the association, No. 1640, dated 31st August, namely, that the conduct of the Bengal Government and of its officers generally has been marked by a strictly impartial administration of the law to all classes concerned.

From *A. R. Young, Esq.*, Officiating Secretary to the Government of India, with the Governor General, to *W. Grey, Esq.*, Secretary to the Government of India, No. 31, dated Camp Lour, the 24th December 1860.

I HAVE the honour to acknowledge the receipt of your letter dated 30th ultimo, No. 2707, and of its enclosures, regarding certain representations made by the Committee of the Indigo Planters' Association in a letter from their secretary, dated the 13th October.

2. The Governor General having read the Minute of the Lieutenant Governor of Bengal, dated the 23d ultimo, forwarded by you, and the papers accompanying it, desires me to state that he concurs with the President in Council in considering that there is nothing in the letter of the 13th October from the Indigo Planters' Association which should affect the opinion already expressed by the Governor General in Council, that the conduct of the Bengal Government, and of its officers generally, has been marked by a strictly impartial administration of the law to all classes concerned.

3. Further, and in answer to the 14th and 15th paragraphs of the Lieutenant Governor's Minute of the 23d ultimo, the Governor General desires me to express his opinion that there are not in his Honor's previous Minute of the 17th of August any general charges, the withdrawal of which can be demanded justly.

From *W. Grey, Esq.*, Secretary to the Government of India, to *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal, No. 2463, dated the 28th December 1860.

WITH reference to your letter, No. 6303, dated 24th ultimo, submitting a Minute, dated 23d idem, recorded by the Lieutenant Governor with reference to the representations made by the Committee of the Indigo Planters' Association in their secretary's letter, dated 13th October, I am directed by the President in Council to forward, for the information of the Lieutenant Governor, the accompanying copy of a letter* on the subject from the Officiating Secretary with the Governor General.

* No. 31, dated 24th instant.

From *W. Grey*, Esq., Secretary to the Government of India, to *W. F. Fergusson*, Esq., Secretary to the Indigo Planters' Association, No. 2464, dated 28 December 1860.

WITH reference to your letter of the 13th October, I am directed by the President in Council to forward to you for communication to the Association, the accompanying copy of a Minute by the Lieutenant Governor of Bengal, dated the 23d ultimo, and of a letter dated the 24th instant, from the Officiating Secretary to Government with His Excellency the Governor General.

— No. 3. —

REPRESENTATIONS by Planters to the Government of *India*, with Replies of the Government.

From *J. Hills*, Esq. to *L. B. Bowring*, Esq., Private Secretary to the Governor General; dated Neechindipore, 14 September 1850.

I TAKE the liberty of enclosing for your information the set of rules on which I propose in future to conduct my concerns, subject, however, to any suggestions which the Government might please to recommend. Mr. Fergusson, the Secretary to the Indigo Association, has, I see, adopted some of my suggestions; and I doubt not that, with some slight alterations, they will be accepted generally by the planters of Bengal. But while I am very anxious to place our relations with the ryot on a just and liberal footing, I am naturally anxious, on the other hand, that the planter should have protection in his dealings with him; and you will observe, I propose, that if the ryot does not, within 20 days, complain of the agreement entered into, then he shall, under some summary penalty, be required to fulfil his contract. As other large interests in India have this protection, it is surely not unreasonable nor unjust to ask for the same. I believe Mr. Seton-Karr, in his Report to Government, states, that he considers the present laws sufficient. I heartily wish he had a factory of his own, when he would come to a different conclusion. It is an infatuation. I have been the most extensive planter in India, and in no case in my remembrance did I ever institute in a civil court a suit against a ryot—and why? Simply because, after getting a decree at a large comparative cost, and most vexatious delay, all left to me (the ryot having transferred away the whole of his property) would have been his person to imprison for three months, I having first to advance money for his support during his incarceration. The fact is, the civil courts are viewed by every planter in the mofussil as a sham—and a farce, and no man ever thinks for a moment of prosecuting in them the ryot for his balance.

Mr. Fergusson gave me to understand that the principal objection to the pass system was, that of continuing the balance against the ryot when his crop did not meet the advance. Accordingly, to remove as far as possible this objection, I have agreed to divide the loss, and to place that of the ryot in his balance account, which shall bear no interest, and which is to be liquidated by only a fourth part of the profits realised in a future season from his surplus crop, which, on a fair average of seasons, would double his advance. This system will prove, I trust, to you, how anxious I am to meet the ryot on the most liberal terms; as, under any circumstance, he receives an advance in cash of two rupees eight annas per beegah annually, which allows the fullest consideration for his labour and the rent of his land; and I may remark, as no interest is charged him, the advance of the two rupees eight annas is equivalent to three rupees twelve annas from the mahajun, whose general charges, in his dealings with the ryot, fully exceed 50 per cent. I would willingly have ceded the point altogether, but I know, were the ryot freed from all responsibility or interest in the crop, that, on seeing it was not likely to yield more indigo than would cover the advance, he would no longer bestow upon it any care or attention. Eight bundles per beegah, which covers the advance made, is a very poor crop, and therefore it is not any pecuniary consideration which induces me to hold over his head any trifling balance that might chance to accrue, but

simply to attach a certain responsibility to him, that he might take an interest in his crop under whatever phase it may appear.

I propose, you will observe, that the Government sanction stamps of one anna value. As two stamps would be required for each contract, no loss would accrue to the Government from acceding to this.

I would have taken the liberty to forward the enclosed list before, but I was anxious to judge from personal observation the state of the district, and, if possible, to discover what has led to the present general outbreak.

The following appear to me to be the chief causes which originated the disturbances :—

1st. Of late years the produce of the lands generally has advanced in price, and doubtless rendered the indigo to be viewed with less favour than formerly. At the same time, up to this date last year, at least in this part of the district, I am informed that no dissatisfaction was observable or expressed.

2d. Clauses 6 and 11 of Regulation X. The former, No. 6, giving the right of possession, after 12 years' occupancy, to a class of men who, a few years ago, were the coolies who were employed to clear the jungle off the land on which they have since squatted. The latter, No. 11, breaking the link between the ryot and his liege lord; thus casting abroad a large portion of the population, unhappily in a state of ignorance and credulity beyond conception, into the hands of any unscrupulous and designing person who might choose to mislead them, merely to forward his own views—a task, in this country, where litigation is almost a mania, not very difficult to effect, and which has largely been acted upon on the present occasion.

3d. The extraordinary impression abroad among the ryots of the hostility of his Honor the Deputy Governor, Mr. Grant, to indigo planting in general; which impression, I regret to say, is reported to have received further support by the peculiar views and course pursued by Mr. Herschel, the present magistrate, who in all cases brought before him, is considered to have shown an extraordinary bias towards the ryot, and moreover is stated to have caused the removal of every subordinate officer who showed any determination to carry out, in its strict integrity, the full meaning of Regulation XI.

Such appear to me, as far as I can judge, the principal causes of the present outbreak.

His Honor, the Deputy Governor, in answer to the petition presented by the Planters' Association to the Supreme Government, states that there is no confusion in the district of Kishnagar. The meaning of the word is difficult to define. There are certainly no murders, nor hostile collisions, but the excitement is intense, and in no country in the world would Englishmen so tamely submit to be ruined as the planters are now doing. Though deeply indebted to the factory, the ryots refuse to make any settlement; and emboldened by their success in shutting the factories, numbers of them now refuse to pay their rents, believing, that in so acting, they will force the sale of the planter's property (I regret to say that while the summary law to enable the talookdar to collect his rents has been repealed, the sale law has not been relaxed). Continuing further in their aggressive conduct, they have attempted to take forcible possession of the private cultivation attached to the factories, declaring that the Sahibs have no right to any land whatever. The planters seem perfectly paralysed—the young men talk of going to England, or emigrating to Australia or the Cape of Good Hope, while the proprietors look gloomily on at the destruction of their properties. In my own case, I placed 20,029*l.* sterling with the Messrs. Gisborne & Co. for the season's outlay of my two concerns; in addition to this, Messrs. Gisborne & Co. advanced the further sum of 15,000*l.*; and as the proceeds from the Indigo made in both will scarcely cover the 15,000*l.*, my 20,029*l.* is of course lost. Nor is this the worst. At this moment, the whole of my property, valued at (150,000*l.*) a hundred and fifty thousand pounds, has not only at present no marketable value, but is really threatened with total ruin. Of course the planter does not expect the Government to assist him in making his advances; all he asks is a law to enforce justice between man and man, and, above all, for an experienced magistrate, whom all classes can regard with respect and confidence; which is not the case at present in this district, where the magistrate, with what justice I cannot say, is considered

sidered by both planters and ryots to have a strong bias towards the latter, which tends greatly to encourage their present conduct.

I feel quite satisfied that the Supreme Government has every wish to see justice done to the European settler; nevertheless, unless it shows an immediate and decided sign of good will towards him, and thereby destroys the ridiculous but all-prevailing impression that the Government is hostile to him, property to the value of several millions will be lost, and the planter driven out of Bengal.

I will not dilate on the benefit this part of the country has derived from the millions of English capital that has been spent by the planters amongst the people, but a comparison of the indigo districts with the settled provinces in Madras, or indeed with any part of India where there are no Europeans, will clearly demonstrate the vast advantages so derived; and the income tax, I doubt not, if properly and searchingly applied, will prove the truth of this statement.

The following are the principles on which I propose to conduct my indigo properties, subject to any suggestions the Government may think proper to recommend:—

- 1st. That two rupees per beegah shall be the advance to the ryot.
- 2d. That eight annas independently shall be given annually to the ryot as rent for the land.
- 3d. That the beegah shall be the usual Zemindaree beegah, i.e., 17,768 square feet.
- 4th. That in no instance shall more than four bundles per rupee be taken by the planter.
- 5th. That should the number of bundles realized from the beegah be insufficient to cover the advance made, then the loss shall be equally borne by the planter and the ryot, so that if from any cause the crop proves a failure, the ryot will still have one rupee eight annas per beegah on the season.
- 6th. That the ryot's portion of the loss shall be added to any previous balance that may stand against him, and that 25 per cent. of the money due to him for surplus plant shall be applied to the reduction of that account, and which account is not to bear interest.
- 7th. That the chain employed to measure the bundles shall have a Government Stamp affixed to it, and shall as formerly be six feet in length.
- 8th. That the planter shall advance to the ryot seed free of all charge.
- 9th. That the ryot shall cultivate his land and shall cut his crop; all other charges to be borne by the planter.
- 10th. That the Government be petitioned to sanction stamps of one anna value; the stamps to have the words "mutual indigo agreement" written on them.
- 11th. That upon the said stamps the agreement entered into between the planter and the ryot be drawn out, and after having been duly signed by both, each shall receive a copy of the same.
- 12th. That, if deemed necessary by Government, lists of the agreements above mentioned be numbered, and sent in weekly to the magistrate.
- 13th. That a certain time be allowed (say 20 days) to the ryot to petition against the fulfilment of the contract, after which period there shall be no appeal, and the ryot shall, under penalty, be required to fulfil his contract.
- 14th. That all accounts shall be adjusted annually, and the money due to the ryot for the surplus plant be paid to him at the close of the season, less the 25 per cent., to be applied towards reducing any previous debt due by him.
- 15th. That the ryots shall receive for all indigo seed they gather, either from the second cuttings, or from plant grown for producing it, the price prevailing in the bazaar at the time of delivery.

(signed) *James Hills.*

From *W. Grey*, Esq., Secretary to the Government of India, to *J. Hills*, Esq., Neechindipore, No. 2093, dated 25 September 1860.

I AM directed to acknowledge the receipt of your letter, dated the 14th instant, to the address of the Governor General's private secretary, enclosing a set of rules by which you state that you propose in future to conduct your concerns, "subject, however, to any suggestions which the Government might please to recommend."

2. The Governor General in Council, I am desired to state, would gladly afford any advice or assistance in his power with the view of removing the serious difficulties which the indigo planters in some districts have now to contend against, and of healing the rupture that has taken place between them and the ryots. But his Excellency in Council is satisfied that for the Government to take any share in adjusting the precise terms on which the dealings of the planter with the ryot shall in future be based would not only have no such good effect, but would be rather calculated to add to the complications and embarrassments in which the indigo cultivation of Lower Bengal is at present so largely involved.

3. It is plain that it should be better known to the planters themselves than it can be to Government, or to any officer of Government, at what price the indigo plant should be purchased from the ryot in order to render the cultivation of it profitable to him, and on what conditions, in other respects, the connection between the planter and the ryot should rest, in order to render the cultivation of indigo acceptable to the latter. If such a price and such conditions are offered to the ryot as shall serve to make the cultivation of indigo profitable and acceptable to him, it may be expected that the cultivation will continue. Without this it cannot continue; and as no interference could properly be exercised by Government which was not clearly founded on this truth, and which did not explicitly assure the ryots of their entire freedom of action in the matter, the Governor General in Council believes that the duty of the Government will be best fulfilled, and that the true interests of the planters, as a body, will be best served, by the Government abstaining from all intervention in the bringing about of a new settlement with the ryots, such as it is the object of your proposed rules to effect.

4. The Government is sincerely desirous that the cultivation of indigo should be preserved where it has not yet been endangered, and that it should revive where the antipathy shown to it by the ryots may render its present continuance impracticable. The latter object, however, can be obtained only by the offer of such terms to the ryots, now or at a future period, as shall suffice to remove that dislike with which the cultivation is at present regarded. The former object, it is to be hoped, will be secured wherever all dealings with the ryots are conducted with complete fairness, and their treatment by the planter and his servants is just and considerate.

5. For the purpose of giving the indigo planters and other purchasers of agricultural produce a more speedy remedy against breaches of contract by the cultivators than they can obtain under the existing civil procedure, it is the intention of Government to provide as early as possible for the cheap and easy registration of contracts entered into by ryots for the delivery of the produce of their lands, and at the same time to place within the reasonable reach of every planter and ryot a civil court, by which suits relating to such contracts may be adjudicated in a summary manner. The Lieutenant Governor has also been assured that he may rely upon the assistance of the Government of India in giving effect to any practical measures for the better supervision and the improvement of the police, which he may consider to be necessary.

6. You are probably aware that detachments of troops have been moved to Jessore and Kishnaghur to help the police in preserving order.

(Judicial.—No. 94 of 1860.)

To the Right Honourable Sir *Charles Wood*, Bart., G. C. B., Secretary of State
for India.

Sir,

IN continuation of our Letter (No. 73), dated the 29th of September, we have the honour to transmit a copy of the papers noted on the margin, relating to representations made by Messrs. Watson & Company, on the subject of their indigo contracts.

From Messrs. Robert Watson & Co. dated 11 October, and enclosure.
To ditto (No. 2063), dated 20 October.
From Government of Bengal (No. 5711), dated 1 November, and enclosures.

We have, &c.
(signed) *Canning.*
J. W. B. Frere.

Fort William, 7 November 1860.

FROM Messrs. *Jardine, Skinner & Co.*, Managing Agents of *Robert Watson & Co.*, Indigo Planters and Silk Manufacturers, to *W. Grey*, Esq., Secretary to the Government of India, dated Calcutta, 11 October 1860.

WE have the honour to lay before you, for submission to His Excellency the Governor General in Council, the following observations with reference to the letter of the Government of Bengal to the Secretary of the Government of India (No. 4849), dated 18th September last.

2. In paragraph 2 is the following: "The Lieutenant Governor much regrets the incompleteness of the instructions under which the proclamation of the Commissioner of Nuddea was issued, which has been pointed out by His Excellency the Governor General in Council, but he hopes that no practical mischief has thereby resulted, and he believes that none can possibly have resulted which may not be easily remedied." That the above is utterly erroneous, both as to fact and assumption, we have unfortunately too strong proof, and we beg to forward copy of a letter which we have addressed on the subject to the Bengal Government, and to a consideration of the statements in which we desire to solicit the attention of His Excellency in Council. It is a plain and literal account of our present position, and shows that "practically" our large business operations are completely stopped, and the immediate ruin of our indigo properties assured, unless it should please his Lordship in Council to intervene to remedy the mischief caused by the Government of Bengal.

3. In paragraph 4, Mr. Grant observes: "For all ryots are at liberty to claim such release from their engagement as Section 5 of Regulation V. of 1830 can give them, whereof the substance as compressed in the marginal note is, persons wishing to be released from their engagements to petition the judge in certain cases. The object of that regulation, as stated in the preamble, is, amongst other things, to afford persons who may be unwilling to renew their contracts for the cultivation of indigo the means of obtaining, by summary process, a release from their engagements."

Again in paragraph 5: "In order then to place the matter before this class of ryots in its true light, a local notification for the Nuddea Division might be issued, calling the attention of those ryots who are under valid unexpired engagements, from which they cannot or do not release themselves by proceedings under Regulation V. of 1830, to the fact of their obligations remaining in full force, &c."

The expression, "those ryots who are under valid unexpired engagements from which they cannot or do not release themselves by proceedings under Regulation V. of 1830," is simply an encouragement to set at nought existing contracts, and will be construed as an Order of Government to set aside the said Regulation, suggesting as it does to the ryots the possibility of their releasing themselves from their unexpired and valid engagements, by a construction directly opposed to the text and spirit of the said Regulation, which clearly applies only to cases of ryots who "shall be desirous on the expiration of the period of his contract to settle his account, &c." In Construction 934 it is stated, "A ryot cannot claim a settlement of his account under Section 5, Re-

gulation V. of 1830, till the expiration of the period of his contract," and further Construction 1130, points out, "That a zillah judge has no summary jurisdiction on the application of a ryot to settle his account before his contract expires."

4. We would further point out that Mr. Grant has as yet failed to give effect to the instruction conveyed in the letter of his Excellency the Governor General, under date 31st August (No. 1639), in which his Excellency desires that the Lieutenant Governor "Will consider whether measures should not now be taken to place the matter before the ryots in its true light."

5. No proclamations can at once allay the ill-feeling that has been excited, or put a stop to the conspiracies and illegalities from which we are daily suffering, and although the authorities admit the fact of such conspiracies, and are acquainted with the instigators thereof, still the combination is so universal and determined, that notwithstanding the convincing circumstantial evidence available, it is generally impossible to afford the proof required by law, and no district officer can venture to accept less. In these respects the law does not suffice for the punishment of the evil-doers.

6. We would, therefore, in conclusion, humbly solicit the protection of his Lordship in Council, and pray that he may cause inquiry to be made into the peculiarities of our case, and direct such measures to be taken as, with reference to the state of the country, may be necessary to afford us means of enforcing our just and legal rights, and of removing from the minds of the ryots the impression that Government is desirous of putting a stop to the cultivation of indigo.

From Messrs. *Jardine, Skinner & Co.*, Managing Agents of Messrs. *Robert Watson & Co.*, Indigo Planters in the Districts of Moorshedabad, Nuddea, Rayshahye, and Pubna, to *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal; dated 11 October 1860.

1. We have the honour to lay before you the following statement for the information and orders of his Honor the Lieutenant Governor.

2. Messrs. Watson & Co. have for the past 40 years cultivated indigo in their concerns by means of contracts with their Sattahdar ryots for terms of years, which have hitherto been fulfilled without complaints or objections of any sort.

3. The contracts last entered into are for terms of five years, and in the majority of instances date from the beginning of season 1859, a few from an earlier period, and in all the terms remain unexpired. Representations to this effect were made to the district authorities from time to time, as noted in the margin, and to Messrs. Lushington and Reid further evidence of old printed contracts, and of those last entered into, were produced, to show the long standing custom in practice in our concerns.

Public Letter to Mr. Platts, Deputy Magistrate of Kurreeempore, dated 18 July 1860.

Public Letter to Mr. Millet, Joint Magistrate of Moorshabad, dated 10 August 1860.

Public Letter to Mr. E. Lushington, Commissioner of Nuddea Division, dated 28 August 1860.

Public Letter to Mr. Reid Commissioner of Rajshahye Division, dated 31 August 1860.

4. Notwithstanding the excitement prevailing in other quarters, no feeling against indigo was shown in our concerns until the vernacular proclamation of his Honor the Lieutenant-Governor (*see annexed copy with translation*), was circulated throughout our villages in the Shikarpore concern by the Kurreeempore police authorities. The proclamation became known at the same time to the ryots of our adjoining Furreedpore and Barromassia concerns, which are also within the Kurreeempore jurisdiction, and at a later period to our ryots in Rajshahye and Pubna, by means of copies of the proclamation procured from Kishenaghur, and also from Shikarpore, where most of the head ryots hold lands.

5. The circulation of the document was carried out gradually, commencing in May, and being, apparently, pretty generally completed by the latter part of July.

6. The effect of this proclamation has been to put a complete stop to our indigo cultivation, the ryots throughout all our concerns have accepted it as an invitation and command from Government to disregard their unfulfilled contracts, and to cease all further cultivation for us. This they state openly, and no efforts of the local authorities have hitherto succeeded in undeceiving them, or in breaking the general combination into which they have entered, while each subsequent proclamation issued by his Honour is considered and interpreted by the ryots as a further evidence of the desire of Government to support them in their illegal proceedings.

7. The more favourably disposed, when affirming their determination not to sow indigo, *state*

state that as Government has ordered them by proclamation, circulated from village to village, not to sow, the only thing that would now influence them would be a proclamation similarly circulated, ordering that they must sow. The more evil disposed (by far the greater number) declare their determination, even in presence of the authorities, to resort to force and bloodshed rather than sow any longer, and under such circumstances the magistrates are powerless, and the proclamation and orders above referred to but add to the rapidly increasing lawlessness throughout the country.

8. Such is the present state of things, and such is the manner in which our contracts, heretofore upheld by decisions of the civil courts, are set at nought.

9. But the combination has proceeded further than the refusal to fulfil the terms of their own individual engagements; the ryots are now proceeding to extremities, and the feeling has merged into a conspiracy of the widest and most general character ever known in Lower Bengal. Our Neer Jote cultivations (in most cases our own private property) are being daily wrested from us forcibly, our factory and even the household servants are already in many cases compelled to relinquish their employ and join the conspiracy, supplies of food and other necessaries are refused them, and they are subjected to numerous other outrages, many of which have been made known to the proper authorities, but as yet without any effective steps having been taken to remedy such a state of things; no instigator has been punished, no example has been made, a few isolated Europeans are left unprotected amongst the myriads banded against them, and if things are allowed to continue thus much longer, none of our managers or Europeans in the Indigo concerns can with safety remain in the factories. This is no exaggerated account, but what is actually at this moment the case in the districts in which our concerns are situated. Since the first settlement of Europeans in this country no such crisis has occurred in Bengal, and while the laws now in force appear to us to be insufficient to supply the means of an equal and impartial dispensation of justice, we feel bound to add that the apparent disinclination of some of the district authorities to report to Government the actual state of matters, and the general belief in their being fettered in the exercise of their own judgment, are fast bringing the authority of the district officers into contempt, and tend greatly to add to the deplorable state of anarchy into which this part of the country is fast drifting.

10. Our contract engagements with our indigo ryots are from 17,000 to 18,000 in number; one and all refuse to act up to their undertakings, and plead the orders or permission of Government for the breach thereof. Any explanations to the contrary by the local authorities, or proclamation direct from the Government to the same effect, are disregarded and despised by them; the sowing season has now arrived (and our stock of seed costing over half a lakh of rupees will be valueless by the end of the month), and it is a complete impossibility, even if our contracts were reduced to hundreds instead of thousands, that the civil courts could decide them in time to be of any service, or save us from the vast loss now staring us in the face. We consider we are legally entitled to have our sowings completed and engagements fulfilled, as by regulation V. of 1830, section 5, clause 1, no ryot can claim a release till "the expiration of the period of his contract."

11. We now beg for the prompt assistance of his Honor the Lieutenant-Governor, and solicit that he will undo the evil and injury he has been instrumental in causing us, and that he will adopt such measures as will satisfy the ryots that they are free to resume the relations they held with us previous to the issue of his Honor's proclamation above referred to, and are bound to fulfil the engagements they have entered into, the continued breach of which threatens us with such serious losses. We would at the same time beg to point out that not a ryot from any of our concerns appeared before the Commission, although from the surrounding factories numbers flocked to Kishenaghur, a fact of itself sufficient to show the want of any genuine and unprompted motives for the position they have now taken.

In conclusion, we beg to add that we are prepared to give unimpeachable evidence in corroboration of all we have above stated. Our case is a peculiar one, the five years' engagements above-mentioned being unusual in other concerns, the amount of English capital invested and now at stake is very large, and we feel justified in calling for your most serious consideration of the facts above stated.

From the Office of the Commissioner of Nuddea.

Proclamation by Order of His Honor the Lieutenant Governor.

To all those ryots who having taken advances have not sown indigo, and who having been prosecuted for breach of contract, have been convicted on evidence and imprisoned, and also to those ryots against whom prosecutions have been entered, also to all those ryots directly or indirectly connected with the cultivation of Indigo, this proclamation is made known.

That Act XI. of 1860, promulgated with regard to indigo, will remain in force only for a short period.

Before the commencement of the next indigo sowing season, and all the work connected

nected therewith, Commissioners will be appointed, who will hear and investigate complaints made by the ryots, and after their report to Government, regulations will be instituted by which all will receive justice without favour or partiality; of this, there need be no doubt.

After the present year's sowings it will be optional for the ryots to take advances or enter into contract; in other words, those ryots who this year took advances, and who through ignorance did not work according to the contract proved, were put in gaol, will for the future have it in their option to take advances or not, and sow indigo or not just as they please; in the same manner those ryots who took advances, and who have agreed to sow indigo for this year may also act as they please for next year and sow indigo or not, or take advances or not as they choose.

From *W. Grey, Esq.*, Secretary to the Government of India, to Messrs. *Robert Watson & Co.*, care of Messrs. *Jardine, Skinner & Co.*, No. 2063, dated 20 October 1860.

I AM directed to acknowledge the receipt of your letter dated the 11th instant, forwarding copy of a communication which you addressed on the same date to the Government of Bengal, and in reply to state that the Governor General in Council is satisfied that the Lieutenant Governor will do all that he can legally and properly do to enable you to enforce your just claims against all who have entered into *bonâ fide* contracts with you. I am desired also to refer you to the published correspondence which has already taken place with the Indigo Planters' Association and the Government of Bengal, and to state that the Honourable the Lieutenant Governor is engaged in providing means for facilitating and expediting the administration of the law, and that this and the firm preservation of the peace are the objects to which the exertions of the Government must continue to be directed.

2. I am instructed to add, with reference to the concluding words of your letter, that as regards any impression on the minds of the ryots that the Government desires to put a stop to the cultivation of indigo, the Governor General in Council believes it to be impossible to place the real views of the Government on this point more plainly before the ryots than has been done in the last proclamation.

(No. 2364.)

COPY of this letter, and of the one to which it is a reply, forwarded to the Government of Bengal, for information, with reference to Messrs. Watson & Company's letter to that Government dated the 11th instant.

(Judicial.—No. 5711.)

From *H. Bell, Esq.*, Under Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department.

Sir,

Fort William, 1 November 1860.

WITH reference to your memorandum (No. 2364) of the 20th ultimo, I am directed to forward, for the information of his Excellency the Governor General in Council, the accompanying copy of a letter,* addressed to Messrs. Watson & Co. in reply to a communication received from them of the 11th ultimo.

2. A copy of letter to the Sudder Court (No. 5569), dated the 17th instant, requesting that all possible provision may be made against the chance of delay in the disposal of indigo cases in the Courts of First Instance, is also annexed.

I have, &c.

(signed) *H. Bell,*

Under Secretary to the Government
of Bengal.

From *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal, to Messrs. *Watson & Co.* (No. 5550), dated the 17th October 1860.

Gentlemen,

I AM directed to acknowledge the receipt of a letter dated the 11th instant, written on your part by your agents Messrs. Jardine, Skinner & Co. representing that the ryots, who are stated to be under contract to you, refuse to cultivate indigo, and that they are now in combination, proceeding to extremities against your factories and servants, whilst nothing has been done to remedy this state of things, no instigator having yet been punished; and asking that measures

* No. 5550, dated
17th instant.

measures may be promptly adopted to satisfy the ryots that they are free to resume their previous relations to you, and are bound to fulfil the engagements they have entered into. It is stated in your agent's letter that the ryots have accepted a proclamation which was issued in a neighbouring division, but not in the division where your concerns are mainly situated, as an invitation and command from Government to them, to disregard their unfulfilled contracts, and to cease all further cultivation of indigo. To this you attribute the refusal to cultivate in your case, and you apply to Government to undo the evil.

2. In reply, I am desired to refer you to the proclamation lately issued under the sanction of the Governor General in Council, which, in an unmistakeable manner, explains their position to all parties. A large number of copies of that proclamation in the vernacular has been sent to the Commissioners, both of Nuddea and Rajshahye, with instructions to make the contents thoroughly known to the people in all places where a rupture between the planters and the ryots has shown itself so decidedly, that the issue of any proclamation at all on the subject could not have any bad effect, or be liable to be misunderstood.

3. In that proclamation it is declared that "if any ryots or other persons believe that the Government wishes that the cultivation of indigo should cease, they are mistaken," and "all ryots who are under a valid unexpired contract are warned that if they do not fulfil their engagements honestly, they will be liable to actions in the civil court, and to decrees for damages." The Lieutenant Governor has no reason to doubt that this proclamation, issued with the sanction of the highest authority, has been made generally known, wherever it was required. But a copy of your letter will be sent to the commissioners of both divisions, with instructions that, with especial advertence to such cases as you describe, if any means still remain untaken for the purpose of impressing upon the minds of such ryots as may be under valid unexpired contracts their true position, further means for that purpose may be taken, whenever required.

4. If you will point out specifically any additional means which may be unobjectionably employed for this purpose, such means will be most readily employed. But with reference to the measure indicated in paragraph 7 of your agent's letter, it must be observed that no proclamation has ever been circulated anywhere ordering ryots not to sow; or capable of being understood in any such sense; and that it is impossible for Government to circulate a proclamation, telling ryots "that they must sow." All that Government can do is to warn such ryots as may be under valid contracts to sow, of the legal consequences of a breach of such contract on their part. And this has been distinctly done in the proclamation above mentioned. It will be the duty of all officers of Government to explain this point on all proper occasions; and it is not made by you a ground of complaint that this duty has been neglected. The complaint is, that the explanations of the local authorities are disregarded and despised, and that the majority of the ryots declare, even in the presence of the authorities, their determination to resort to force and bloodshed, rather than sow indigo any longer.

5. It is unnecessary to assure you that any resort to unlawful violence would be promptly checked, and severely punished; but you must be fully aware that such disputes as you describe are matters which no authority has any power to deal with, except the constituted civil courts; from which, however, presuming the claim to be established, real and full redress is promptly obtainable under the new code of civil procedure.

6. A state of such strong feeling on the part of the ryots as is described, is very much to be lamented; and it may perhaps be a matter worthy of the consideration of both the parties in the dispute which has unhappily arisen, whether an amicable adjustment would not be best for all concerned, based upon such terms of mutual advantage as would remove the animosity reported as now existing; which if it continues seems incompatible with permanent commercial relations profitable to either party. But this is a matter with which the Executive Government can have no concern. All that the Executive Department can do is to see that, if these disputes are brought into the civil courts for settlement, there may be no want of a sufficiency of tribunals to settle them as

speedily as possible. But as yet it is not said that you have instituted a single case, although in the state of facts represented, it is plain that no proclamations or explanations could have anything like the effect of a few cases, in which the question of legal liability must be determined in a manner that will leave neither party in any doubt either as to the fact of its existence, or the consequences or non-fulfilment when it exists.

7. An additional judge has been already appointed expressly for the prompt decision of appeals in these indigo cases of all sorts. Any requisite number of moonsiffs will be made available on the first appearance of pressure. The Sadder Court will be addressed, in order that all possible provision may be made against the chance of delay in the disposal of this particular class of suits in the Courts of First Instance, owing to the existence of arrears, or the pressure of other business.

8. And if it be possible for Government to take any further legitimate measures for the purpose of affording prompt and effective justice in these cases, there is every disposition to do whatever more may be proper in this sense. But this is a point that cannot be pressed till some suits at least are lodged.

9. The next complaint is that lands, for the most part your private property, are in course of being daily wrested from you forcibly. If this be so, the remedy is in your own hands, by summary action under Act IV. of 1840, before the magisterial authorities. It is not stated that any such actions have been instituted. But it must be apparent to you, that until complaints of wrongful acts are made in regular course to the proper authorities, redress is impossible.

10. For the promptest possible settlement of cases of this nature, provision has already been made. Sub-divisional officers have been largely multiplied, so that in the indigo districts no reasonable complaint of the distance of the magistrate can now be made. Besides this, extra officers, with full powers, have been appointed to these districts, expressly for the trial of summary suits under Act IV. of 1840. Such officers will be multiplied wherever it is shown that their services will be really required. And, as has been mentioned, an additional judge has been appointed expressly that appeals may be promptly disposed of.

11. It is next complained that outrages are committed against planters and their servants, for which no one has been punished, though many of the facts have been made known to the proper authorities. Presuming the acts alluded to, to be such as are punishable, it is again to be observed that it is not alleged that proof has been adduced, or even that formal complaint has been made in a magistrate's court in any single instance. Yet it will be plain to you that till a criminal act is proved no one can be punished.

12. Again, it is stated that there is an apparent disinclination on the part of some of the district officers to report the actual state of matters; and that there is a general belief that they are fettered in their own judgments; but no officer is named as failing to report the actual state of things, or as feeling that he is fettered. It is hardly necessary to say that no one has any power to interfere with officers acting judicially, except the appellate tribunals; and that magisterial action is not fettered otherwise than by the necessity of acting according to law.

13. Satisfactory results cannot be obtained by vague representations of this character. It is the Lieutenant Governor's earnest desire, and he is convinced that it is equally the desire of the district authorities, to correct anything that requires correction, and to the correction of which you can properly look to the Government or the magistracy. But neither the Lieutenant Governor nor the district officers can do anything to the purpose, on such general complaints as the present one. As to the legal effect of Regulation V. of 1830, and as to the fact of the existence of unexpired contracts, these are questions which are exclusively for the decision of the civil courts. On such points neither Government nor the magisterial officers have any authority to act, even after hearing both sides. But as to the state of things in the districts being such as to warrant the
belief

INDIGO CULTIVATION IN BENGAL.

belief that they may shortly become so bad as to make it impossible for any of their managers or European assistants in the indigo concerns to remain in safety in the factories; though up to this moment nothing has been reported to Government by any public officer which, in any degree, warrants such a description; and though Government has taken unusual precautions for keeping the peace, and for the security of person and property in the indigo districts, the Commissioners will be directed to put themselves immediately into communication with you, and you are requested without delay to lay before these officers, or before one or other of them in full detail, the evidence referred to in your agent's letter, as supporting your general averments.

(No. 5551.)

COPY of the above letter, and of the one to which it is a reply, forwarded for the information and guidance of the Officiating Commissioner of Nuddea.

(No. 5552.)

COPY of the above letter, and of the one to which it is a reply, forwarded for the information and guidance of the Officiating Commissioner of Rajshahye.

From *H. Bell*, Esq., Under Secretary to the Government of Bengal, to the Registrar of the Sudder Court. (No. 5569), dated 17 October 1860.

Sir,

WITH reference to the annexed extract (paragraph 7) of a letter* addressed to Messrs. Watson & Co., indigo planters, I am directed to request that instructions may be issued to the civil courts in the indigo districts, for the speedy adjudication of suits of the nature therein indicated, and that all possible provision may be made against the chance of delay in the disposal of such suits, in the Courts of First Instance, owing to the existence of arrears, or the pressure of other business.

* No. 5550, of this day's date.

(Judicial.—No. 100 of 1860.)

To the Right Honourable Sir *Charles Wood*, Bart., G.C.B., Secretary of State for India.

Sir,

WE have the honour to transmit a copy of the Papers noted on the margin, on the subject of a representation made by Mr. James Cockburn, the manager of the indigo concerns belonging to the Messrs. Watson, relating to the alleged existence of a dangerous state of feeling among the ryots of the indigo districts, and the measures which should be adopted for its suppression.

From Mr. Cockburn, dated 25 August 1860.
To Government of Bengal (No. 2107), dated 31 October 1860.
From ditto (No. 5848), dated 7 November 1860.

2. The further report promised by the Lieutenant Governor, in the 7th paragraph of Mr. Officiating Secretary Seton-Karr's letter, will be forwarded in due course.

We have, &c.
(signed) *W. B. Frere.*
Cecil Beadon.

Fort William, 27 November 1860.

From *J. Cockburn, Esq.*, to *L. Bowring, Esq.*, Private Secretary to his Excellency the Viceroy and Governor General, dated Calcutta, 25 August 1860.

WHEN I waited on Lord Canning on the 21st instant, I did so with the view of limiting myself to laying before his Lordship such information as I possessed regarding the present feeling in the indigo districts, and the extent to which the combination of the agricultural population had proceeded.

Believing, as in common with all Mofussil residents I do, that the existing excitement is attributable to the injudicious measures of the Bengal Government, it seemed to me that it was to the Supreme Government we were entitled to look to supply the remedy, and consequently when asked by his Lordship to state what measures I would suggest, I was not prepared to propose any definite course of procedure.

On further consideration, however, I am desirous of stating my conviction that, while the present illegal combination is permitted to extend itself throughout the country, no legal enactments which could be passed would be of any avail in restoring order, and what I should most desire to see would be, instructions issued by the Supreme Government to the Executive Officers of the different disturbed districts, intimating to them that the present illegal combination must be put down. To call on planters to furnish legal proof of what they allege is, in the present state of the country, a mockery of justice. Even our own servants dare not give evidence—they are assaulted, threatened in their own persons and that of their families; the village barbers will not shave them; the village herdsmen will not sell them milk, and they are being driven in hundreds to leave situations which have hitherto been objects of eager competition. Under such circumstances a vigour beyond the law can alone restore that order which the law is primarily intended to preserve. Magistrates may easily satisfy themselves as to the fact of these illegal combinations, and if authorised to suppress them when so satisfied, without requiring technical proof, and if relieved from the fear of the Bengal Government, we might speedily see an end of the present disastrous state of things. Nothing will tend more immediately to effect this than the summary and severe punishment of the instigators of the ryots, who care not if they ruin those whom they mislead so long as they attain their own ends.

This object once accomplished, an adjustment of all real differences between planters and ryots might easily be obtained. The Report of the Indigo Commission will shortly be in the hands of the Governor General, and the views they may express, may confidently be expected to throw much light on the question of the proper measures to be adopted, which in my opinion ought to include a simple summary law of contract; but I have no faith in any remedies they may suggest that do not include an energetic and summary suppression of the mutinous spirit now spreading throughout the country.

Many of those interested in the Mofussil advocate the appointment of a Special Commissioner with full powers to act as may seem to him best, but in adopting this suggestion everything would so entirely depend on the personal character and experience of the officer Government might see fit to appoint, that I hesitate to advocate a step that might be productive of even greater evils than it is now sought to remedy.

Begging that you will have the goodness to communicate to Lord Canning the purpose of this letter,

From *W. Grey, Esquire*, Secretary to the Government of India, to *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal, No. 2107.

I AM directed to transmit, for the purpose of its being laid before the Honourable the Lieutenant Governor, the accompanying letter from Mr. James Cockburn, the manager of the extensive indigo concerns belonging to the Messrs. Watson, to the address of the Private Secretary to the Governor-General, relative to the alleged illegal combination on the part of the agricultural population

population of the indigo districts against the planters, and to the measures which alone in his opinion will suffice to prevent the ill consequences of such combination.

2. The letter, I am desired to state, is sent to the Lieutenant-Governor, not for any value attached by the Government of India to the recommendations which it contains, but with the view of drawing his Honor's attention to the impressions under which a respectable firm labour, that their interests are in danger from a growing combination amongst the native population, which, though no breach of the peace appears to have resulted from it, would, if the statements in the letter be correct, seem to require close watching in order to prevent that consequence.

P.S.—31st October.—This letter was written and intended to be despatched in the first week of September, but has until now been inadvertently overlooked.

(No. 5843.)

From *W. S. Seton-Karr*, Esq., Officiating Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department.

(Judicial.)

Sir,

Fort William, 7 November 1860.

I AM directed to acknowledge the receipt of your letter, No. 2107, dated the 31st ultimo, forwarding one from Mr. James Cockburn, manager of the indigo concerns of the Messrs. Watson, to the address of the Private Secretary to the Governor General, relative to the alleged existence of a dangerous state of feeling among the ryots of the indigo districts.

2. His Excellency in Council will have seen from the correspondence of this Government with Messrs. Watson & Co., submitted with the letter No. 5711, dated the 1st instant, that as soon as the Lieutenant Governor was made aware of the impressions of that very respectable firm, as to the existence of a dangerous state of feeling, he requested them without delay to lay before the Commissioners of the Nuddea and Rajshahye divisions, or before one or other of them, in full detail, the evidence referred to in their agent's letter, as supporting the general averments made by them. A copy of Mr. Cockburn's letter will also be forwarded to the Commissioners of Nuddea and Rajshahye, who will be requested to submit their reports as soon as they have examined the grounds on which Messrs. Watson & Co.'s alarm is founded.

3. It is proper, however, that His Excellency in Council should be informed at once, with reference to Mr. Cockburn's impressions regarding the state of the country, that, although more than two months have elapsed since Mr. Cockburn's letter was written, nothing that has yet come to the Lieutenant Governor's knowledge supports the suspicion, that there is at present any feeling in the minds of the ryots of the neighbouring indigo districts, except an intense aversion to continue the cultivation of indigo under the old system and on the old terms. Not a single complaint has come to the Lieutenant Governor's knowledge, made either by or against any European gentleman engaged in trade in the interior, except only in connection with indigo. The highly respectable firm to which Mr. Cockburn belongs are, the Lieutenant Governor believes, the largest silk factors in India, but there are no complaints of difficulties made by them in that capacity.

4. The silk trade and all other trades, in which Europeans are engaged in Bengal, are conducted on sound principles, to the mutual profit of all concerned. In this material respect the indigo trade unhappily differs from other trades. The natural inference, from the unhappy rupture in that single trade, whilst no disorder exists in other trades, seems to be, not that this rupture is the work of malicious instigators, or the sign of a "mutinous spirit now spreading throughout the country," but that it is the result of causes peculiar to the one trade affected, which those concerned in it are alone able to remove, by

adopting in this trade the system of free bargains and fair market prices, which is established in all other trades.

* Paragraphs 124,
to 127.

5. The notion of the existence of instigators or emissaries, by whom the rupture in the indigo trade has been caused or encouraged, has been exploded by the inquiries and Report of the Indigo Commissions,* and no information received by the Lieutenant-Governor tends in the least degree to support the suspicion of the existence of any combination against European traders generally. Towards Her Majesty's Government and its officers there certainly is no disaffection. It is manifest that self interest must always tend to unite in kindly relations the producer and the merchant or manufacturer, as long as the rights and interests of both parties are respected.

6. Even, therefore, if such "general combination" and "mutinous spirit," as is assumed by Mr. Cockburn to exist, were, contrary to all present appearances, to be found really to exist, the Lieutenant Governor would look for the remedy, not to "vigour beyond the law," to be exercised against one of the parties, "without requiring technical proof," such as Mr. Cockburn in general terms recommends, but in redoubled anxiety to do equal justice, and to afford legal protection fairly to all parties.

7. The first object, however, is to ascertain whether Mr. Cockburn's suppositions are supported by facts. The Commissioners of the two divisions in question will be in a position to ascertain this, when Messrs. Watson & Co. have developed to them their grounds, and when such further inquiries as such development may indicate as necessary shall have been made, the result will be duly reported to his Excellency in Council.

I have, &c.
(signed) *W. S. Seton-Karr*,
Officiating Secretary to the Government of Bengal.

— No. 4. —

MINUTE by the Lieutenant Governor of Bengal on the REPORT of the INDIGO COMMISSION.

The system has
been long unsound.

THE Records of Government show that the system of indigo manufacture in the province of Bengal proper has been unsound from a very early time. Whilst in all other trades all parties concerned have been bound together by the usual commercial ties of mutual interest, in this one trade, in this one province, the indigo manufacture has always been a remarkable exception to this natural and healthy state of things. It would be doing injustice, both to the present race of planters and to the administration of later years, not to admit, at the outset of any discussion of the case between the indigo manufacturer and the producer of the raw plant, who are now at issue, that there has been in later years a gradual but what is now a marked and great diminution of the gravest and most striking classes of cases of abuse and oppression, as well as of the most serious sorts of affray, connected with this business. But, substantially, the system at the beginning of the present year was as false as ever it had been.

Abuses in 1810.

2. In the year 1810, the licenses granted to four planters to reside in the interior of the country were withdrawn, on account of the severe ill usage of the natives proved against them; and the Governor General in Council found it necessary to issue a circular in that year, of date the 13th of July, from which the following is an extract:—

"The attention of Government has recently been attracted, in a particular manner, to abuses and oppressions committed by Europeans, who are established as indigo planters in different parts of the country. Numerous as those abuses and oppressions have latterly been, the Right Honourable the Governor General in Council is still willing to hope that this imputation does not attach to the character of the indigo planters generally, considered as a body or class of people. The facts, however, which have recently been established against some individuals of that class, before the magistrates and the Supreme Court of Judicature, are of so flagrant a nature, that the Governor General in Council considers it an act of indispensable

indispensable public duty to adopt such measures as appear to him, under existing circumstances, best calculated to prevent the repetition of offences equally injurious to the English character and to the peace and happiness of our native subjects.

"The offences to which the following remarks refer, and which have been established beyond all doubt or dispute against individual indigo planters, may be reduced to the following heads :--

"1st. Acts of violence, which, although they amount not in the legal sense of the word to murder, have occasioned the death of natives.*

"2d. The illegal detention of the natives in confinement, especially in stocks, with a view to the recovery of balances alleged to be due from them, or for other causes.

"3d. Assembling in a tumultuary manner, the people attached to their respective factories, and others, and engaging in violent affrays with other indigo planters.

"4th. Illicit infliction of punishment, by means of a rattan or otherwise, on the cultivators or other natives."

3. The magistrates were directed by the same circular, to cause stocks kept by planters to be destroyed; to report to Government cases of illegal corporal punishment, not sufficient to warrant a commitment to the Supreme Court; and to impress on all Europeans who wished to continue to reside in the country, the necessity of abstaining from ill-treatment of the people.

4. In a subsequent circular of the 22d of July 1810, magistrates were directed to report all proved instances of planters who were convicted of "obliging the ryots who reside in the vicinity of their respective factories to receive advances, and of adopting other illicit and improper means to compel them to cultivate indigo;" the Governor General in Council observing that he had reason to believe that this was a "habit" of the planters:

5. In the following year, viz., on the 28th May 1811, the Government having received a proposal from the magistrate of Jessore, to the effect that indigo factories should not be allowed to be established within six or eight miles of each other, negatived the proposal, for reasons expressed in the following terms :—

"The natural tendency of such a restriction as that recommended by you, would be to give a single individual an absolute monopoly of the produce of all the lands appropriated to the cultivation of indigo over a tract of country comprising many thousand beegahs round his factory, and, consequently, to place the whole body of ryots within that tract in a state of complete subjection to that individual, with respect to the price of the commodity.

"Under these circumstances, the ryot would be precluded from deriving that benefit from the cultivation of this valuable article which is the natural effect of a free competition, and which is equally essential to the amelioration of his own condition, and to the general agricultural prosperity of the country.

"It is not stated in your letter whether it is proposed that the zemindars, and other holders of lands, should be precluded from the privilege of establishing indigo works (as is now done by many of that class of people), within the stated distance on their own estates. If so it would be a palpable infringement of their natural rights; if not, the object proposed by you to be effected, of preventing disputes, would be very imperfectly effected."

6. These proceedings of half a century ago, when considered in connexion with late events, will be seen to be of great interest now, and to have a strong practical bearing on the present position of affairs. Similar abuses still exist.

7. I have said that grave crimes connected with indigo have much decreased in frequency; but it cannot be said that the character of the abuses to which the system of Bengal indigo manufacture is subject is essentially altered now from what it was fifty years ago; seeing that the published records of Government show examples that have occurred within the last 18 months, of each one of the four heads under which the offences connected with indigo, as prevalent in 1810, are classified in the above cited resolution. Of the first head, the fatal case of Seetul Turufdar is a very melancholy example.* Of the second head, the case of the men whom Mr. Bainbridge, the acting joint magistrate

* The commencement of this is to be found at p. 292, vol. I. of the printed Indigo Records, and the continuation at p. 717, vol. III.

trate of Backergunge, released from the godowns of a planter, is but one of many instances.* Of the third head, the fatal attack on the village of Mullickpore, wherein one man was killed and three men were wounded, reported by the Commissioner of Nuddea † (except that the attack was not made upon a rival factory), is a strong instance; the more remarkable as occurring long after the rupture between planter and ryot had attracted public attention to the indigo question, and when all police authorities were on the alert to repress disorder. Of the fourth head, the case which was made matter of complaint against the magistrate, for sentencing a factory servant to imprisonment for one month, for dragging a man to the factory and flogging him severely; because he would not plough for the planter, ‡ will serve as an example. How frequently the peace of the country is still broken by offences connected with indigo, committed by one party or the other, will be seen from the long list of fifty-four such cases that occurred within the last five years in the single district of Nuddea, § and from the latter part of the list of serious cases given in by the Honourable Mr. Eden, || both of which will be found in the Appendix of the Report. The sole cause of all such offences is the system under which indigo plant is required by the manufacturer, without paying nearly the cost of its production to the ryot. The evidence taken by the Indigo Commission fully proves that the "habit" denounced on the 22d of July 1810 was still the habit of 1859. And it is perhaps still more remarkable and significant, that the very state of things which Lord Minto's Government, as shown by the orders of May 1811 above quoted, was anxious to avoid, namely the universal establishment of local monopolies of manufacture, has actually come to pass, though not by the action of Government.

Local monopolies, though deprecated in 1811, are now established.

8. Commencing from a time about fifteen years ago, and especially since the establishment of the Indigo Planters' Association, the planters, having portioned out the country amongst them, now honourably abstain from interfering with the portions of their neighbours. The result has been advantageous to themselves, and it has removed one fertile source of affrays. But though it has saved magistrates much trouble, and has been good for the general peace of the country, the result has been anything but good for the ryot as a grower of indigo plant. When he stood in the midst of rival manufacturers, many of them at feud with each other, he had some refuge from oppression or vexation under any one; and there was some check upon planters in their relation with ryots, which has now ceased to exist. It is only this system of local indigo seignories that made it possible for the planters to commit the fatal error of insisting upon indigo plant at the old price, in the last few years, when the prices of agricultural produce have doubled, or nearly doubled.

And planters have acquired landed tenures.

9. Another change of a somewhat similar nature has had the same tendency. Of late years indigo planters have very generally acquired zemindarees, talooks, and farming leases, giving them, permanently or temporarily, a superiority in the lands around their factories. In a general view, this is quite as it should be. If the law had been strong enough to enforce a sound and fair system of trade and manufacture, this change would have been a benefit. These tenures do not affect the rights of the ryot in his ryotty land, over which he has the dominion as long as he pays to the superior his legal jumma, or rent. But under the unsound and unfair system of trade and manufacture which the weakness of the law permitted, the change told hardly upon the indigo ryot. When the ryot has a zemindar, who is not an indigo manufacturer, he has some protector in indigo matters. When the same man is indigo manufacturer and zemindar, or zemindar's representative, the ryot has no such protection.

Importance of these changes.

10. These two silent but important changes must not be overlooked, when we come to discuss the causes of the late sudden casting off, by the ryot, of a yoke which galled him two generations ago.

A special law in favour of planters refused in 1811.

11. At the same time, that is to say in 1811, the same Government of Lord Minto declared that it could not "discern the smallest necessity for converting the remedy already open to the indigo manufacturer, of a suit in the civil court, into a criminal prosecution:" and further on, in the same letter, the Government said, "Even at present, complaints are but too frequently preferred against indigo manufacturers for the violence of their conduct towards the native. Cases of that nature have regularly received every attention from Government. In

some

some instances criminal prosecutions have been instituted against the offenders; in others, they have been deprived of their licenses for residing in the interior of the country. But still the Vice President in Council apprehends that the evil, however much it may have been checked by those means, is at the present moment only partially eradicated."

12. Thus we see that fifty years ago, as now, there was a demand by the indigo manufacturer for a special law in his own favour, to punish criminally a breach of contract by one party, and only by one party, in a commercial bargain, and that then, as now, the demand was pronounced to be one which it is impossible in justice or policy to grant.

13. In this way matters went on till the year 1830; complaints of oppression being made by one party, and complaints of unfaithfulness and fraud by the other. In that year a law (Regulation V.) was passed, which made ryots who broke indigo contracts liable to prosecution and penal consequences, in the magistrate's court, as for a misdemeanour.

A special law in favour of planters passed in 1830.

14. The papers connected with this piece of legislation are interesting and instructive. In no way do they support such a law as was passed. What they really showed to be necessary, as was ably demonstrated by Mr. Ross, then a Judge of the Sudder Court, and then, as always, a man of large mind, remarkably free from all prejudice, and one of the earliest promoters of the policy of throwing India widely open to English enterprise and capital, were, primarily, the provision of a sufficiency of local civil courts, by multiplying and reforming the Moonsiffs' Courts; and secondarily, a procedure somewhat in the nature of a decree for specific performance, to meet cases of poor ryots contracting for but not sowing indigo; and permission to Europeans to hold land in their own names. It is to be observed that the first of these reforms was very soon afterwards carried into execution by Lord William Bentinck's Government; and the Moonsiffs' Courts are now numerous, and are daily becoming more efficient. A few years afterwards the third measure proposed by Mr. Ross was carried into effect. And now, under the admirable new Code of Civil Procedure, specific performance can be decreed in all suitable cases, whilst civil suits are decided with all practicable dispatch.

What improvements the inquiries in 1830 really showed to be necessary.

15. The law treating one, and one only, of the two parties to a civil contract as a criminal if he failed to fulfil it, was held by the home Government to be manifestly unjust and oppressive, and contrary to all sound principles of legislation; and it was ordered to be rescinded. After inquiries into the working of the law, and considerable discussion, it was repealed in 1835, by Act XVI. of that year.

The special law repealed in 1835.

16. A reference to papers which will be found in the Appendix of the Commission's Report,* namely, the Minutes of the late Lord Macaulay and of Mr. Macleod, of the Indian Law Commission; the petition of the merchants of Calcutta of 16th July 1835; and the searching and elaborate Despatch of the Court of Directors, dated the 10th of April 1832; all connected with these proceedings; will show that exactly the same complaints were made then as now, by one party and by the other, respectively. The merchants of Calcutta complained of want of protection, of fraudulent evasion on the ryots' part, and of the interference of zemindars. On the other hand, the absence of all fair and healthy competition, and the forced cultivation from which the ryots could not free themselves, were represented. The same admissions as now were made on both sides of the fraud and oppressions of the factory servants, and there was talk of a Commission. The questions of the registration of indigo contracts, and of special measures for the protection of the ryot, were discussed, and both proposals were rejected in accordance with Lord Macaulay's opinion. But the authorities unanimously refused to continue a special and exceptional law in favour of the stronger of the two parties, and unanimously determined to leave indigo transactions, like all other commercial dealings, to the settlement of the constituted civil courts.

The same complaints on both sides, and the same discussions, in 1835 as now.

* Part I.

17. The Commission talked of more than a quarter of a century ago has now sat. It has laid bare the radical unsoundness of the system; and has shown incontrovertibly that the break up of such a system was a mere question of time, which might have occurred at any moment, from the slightest of causes.†

† See para. 131 of Report.

The scanty provision of Magisterial Courts the great defect in 1835, which is now supplied.

18. It is to be regretted that one executive reform was not undertaken in 1835, which would of itself, I believe, have purified the system in a very short time; I mean the practical introduction of law, order, and legal protection, in ordinary cases, into the Bengal districts; by stationing officers with magisterial powers in sufficient numbers over the great tracts of country which Bengal districts comprise, so as to make justice and the protection of the law really accessible to the mass of the people. When in such districts as Nuddea and Jessore, each of which is taken as having nearly 1,000,000 of inhabitants, there was only one magistrate's court in each, from which many parts of the district were 60 or 70 miles off, as was the case in 1835, and for many years afterwards, it is not difficult to see why the weak had little chance against the strong. This fatal defect is now supplied, the necessary reform having been going on rapidly of late years. In the Nuddea division, which contains the two chief indigo districts in Lower Bengal, there were before 1843 only four magisterial courts. On the 30th of April 1859, there were 13, and now there are 19. Under a thorough re-arrangement of sub-divisions in the Nuddea division, which I have just completed, there will be 21, mostly at distances of 25 miles from each other. This is a third point to be taken into consideration, together with those mentioned in paragraph 10, when considering why a system of coercion, which has lasted so long, has only now at last broken down.

Why the ryots have only now renounced indigo.

19. I have said that there has been of late years a great and marked decrease of the gravest and most striking classes of cases of oppression and open violence. It will be asked, how then has it happened that the general renoucement of indigo ryotty cultivation, which has just occurred in the principal indigo districts of Bengal Proper, has only now occurred, when things in this respect are better than they were? I believe the answer is found in a combination of various circumstances. The improvement of the police, which has checked affrays, has, as I believe, driven those to whom some means or other of forcing a cultivation unprofitable to the cultivators was a matter of necessity, to other methods of inducement more harassing, on the whole, than an occasional terrible example. The stoppage of all competition amongst planters for ryots must, of late years, very greatly have increased the weight bearing down the individual ryot; and the withdrawal from him of such protection as he before obtained from zemindars, not being indigo planters, must have had a like effect. There have been less friction, fewer stoppages, and less noise of late years, and the pressure of the machine must have been more effective in consequence. There is reason also to infer from the evidence that the demand, in some places at least, has been more severe of late upon the ryot, in the quantity of indigo cultivation required of him, and in the labour required in weeding and tending the crop, than was formerly the case. But the great aggravation of all is due to the late rise of prices. It is in evidence * that all agricultural produce has risen in value, within the last three years or so, to double or very nearly double its former price, and that day labour, and the cost of the maintenance of cattle, has increased in price in the same way. As the single root of all that was at any time wrong in the Bengal indigo system, is in the one fact that the manufacturer did not pay the full cost of the plant; and as there has been no increase in the price paid for this one crop since the above-mentioned extraordinary rise of prices generally; here alone is a cause which must have doubled all the evil of the cultivation to the ryot. The direct money loss was doubled; and as that was the cause of all the other evils, it seems reasonable to assume that they also were increased in the same ratio. No planter pressed upon ryots without an object; and his only possible object was to obtain indigo plant, which would not be spontaneously grown for him at the price he gave. We may be sure that the pressure which is just enough to induce a ryot to sacrifice 10 rupees, must be materially increased to induce him quietly to sacrifice 20.

* See the evidence *passim*, and especially to Appendix the Report, Part I., Nos. 3 & 4.

20. It is indeed in itself an all-sufficient exposition of the character of the Bengal indigo system to state, what is denied by none, that whilst within a few years the prices of all agricultural produce have doubled or nearly doubled, the price paid, or nominally paid, for indigo plant has not been raised by a single anna; and that until the ryots had, as it were, declared open war, it is not shown that a single planter, for several years past, had ever entertained a thought of any increase of price.

21. Whilst the pressure had in this manner become intolerable, the improved administration

administration which, by an increase of sub-divisions, gave the ryots access to magisterial courts, showed them that practically the protection of the law was no longer hopeless; and they came to realize the fact that in the matter of contracting to grow indigo, they were, in truth, free agents. The case of the Jessore planter, to be found in the printed indigo records lately published,* is instructive enough on this point. The planter in question had strenuously objected to the head quarters of one of the new subdivisions being placed near a factory of his, where he said he had a ryotty cultivation of 2,000 beegahs, on the ground, amongst others, of the proneness of natives to litigation, "with the means at their doors." Whilst the question of fixing the head quarters remained in abeyance, the joint magistrate, on going to pay an accidental and private visit to the factory, was appealed to on his way by a villager who alleged that certain persons were confined there. On instant search being made by the joint magistrate, several men (three at least, for so many prosecuted successfully), were found in confinement in a godown, having been so confined, it would appear, there or in other places about two months; and the planter being prosecuted was fined for the offence, whilst five of his omlah were sentenced to both fine and imprisonment for it.

* Page 115, Vol. I.

22. The Indigo Commission, as has been said, report that the crisis which occurred in 1860 might have occurred in any other year.† The combined effect of all the foregoing considerations upon my mind is, that no human power exerted in defiance of the law, in support of the system, could have upheld it much longer; and that if the Government had disregarded justice and policy so far as to make the attempt, it would have been speedily punished by a great agrarian rising, the destructive effects of which upon European and all other capital, no man can calculate.

The crisis could not have been prevented.

† Report, para. 131.

23. Having made the above remarks, conveying my formed conclusions on the general subject, I proceed, as concisely as I can, to follow the points taken up by the Commission in this able report.

The points taken up in the Report.

24. The Commissioners draw an important distinction between the *nij-jote* cultivation, which is conducted by the indigo planter at his own expense, on his own land, and the ryotty cultivation, which is conducted by the ryot, at his own expense, on his own land. It is only the latter sort of cultivation that is a subject of complaint. Whether the former is or is not profitable and prudent is no affair of any one but the planter. It is admitted to be unprofitable to the planter in comparison with ryotty cultivation, and it has consequently diminished in extent. The great Bengal Indigo Company make it their object therefore to decrease their *nij* and to increase their ryotty cultivation; ‡ a result which is sufficiently significant in itself, in regard to the question of the profitableness of indigo cultivation on present terms to the ryot. There is another, and a cross classification of indigo cultivation which it is necessary to make, namely, that conducted on high lands and that on chur lands, or new alluvial formations annually inundated. The mass of *nij* cultivation is, I believe, conducted on chur land, § more especially in the eastern districts; and it is unquestioned that on chur land indigo is subject to comparatively small competition with other crops, and sometimes to none. This may account for the absence of complaint from the eastern districts. The evidence, when carefully analysed, shows that it is a doubtful question whether indigo, at the present prices of the dye, and of agricultural produce generally, can be grown on fair terms, without loss, on the fine high lands of Western Bengal; the richer the soil the less being the comparative return from indigo. But the evidence does not raise this question in regard to chur land. In fact, then, the subject of the present inquiry may be restricted, for most practical purposes, to ryotty cultivation on high lands.

Distinction between *nij* and ryotty cultivation.

‡ Answer 1964.

And between cultivation on high lands and on churs.

25. The Commission assign reasons in their report || why it would not be a practical recommendation to suggest to planters generally that they should abandon ryotty cultivation, which is the subject of so much complaint, and resort exclusively to *nij* cultivation, which no one can complain of. It appears to me hardly to be doubted that a ryot could cultivate indigo as cheaply as a European planter.

Nij and chur cultivation injured unfairly by enforced ryotty cultivation.

|| Report, para. 26 and following.

* § Where a planter owns or farms a chur, and cultivates it by means of ryots who have no rights of occupancy, and who agree to grow so much indigo as a part of their bargain, the cultivation is to all intents and purposes equivalent to *nij*.

planter. And if in any soil indigo plant cannot be remuneratively grown by a ryot, at the highest price which the manufacturer can afford to give, we may be sure that a European planter would waste his money in attempting himself to grow the plant in similar soil. But I hold it to be certain that *nij* cultivation, as well as chur cultivation, is unfairly discouraged by enforced ryotty cultivation. As far as the manufacturer, all things considered, really profits by getting his plant for less than it costs, so far the manufacturer, who is also really an indigo planter, that is to say, a man who grows his own plant, is unjustly injured. It would be free trade, as between the real planter and the ryot, if the latter grow the plant for his own sake as he grows everything else. But the real planter who grows and manufactures his own plant is, in fact, injured by the manufacturer who undersells him, because he gets his plant at a less price than any free cultivator in his senses would grow it for. In this view, the Indian ryot is very far from being the only person injured by the false system in force.

First head: tenure of land, and relations with zemindars.

Act XI. of 1839.

† Report, paras. 40 to 55.

26. The first head discussed in the report is the position of the indigo planter, so far as the tenure of land is concerned, and his relations with the native zemindars. The Commissioners show, conclusively, that in this respect there is nothing to complain of, or to amend. A European is as free to acquire any tenure as any other person is, if he has the money to pay for it, and can find a holder willing to sell. Practically, though native zemindars will never, till constrained by the prospect of absolute ruin, sell their tenures, there is no difficulty in purchasing from them under tenures, which are as effectual, and can be made, under an Act* I had myself the pleasure of introducing, as secure as the chief tenure. The zemindary tenure, and all derivative and subordinate tenures, confer the right to rents, variable or invariable, subject to the payment therefrom of the Government revenue; and they are valued because of their money profits, and the influence over the ryots which they give; but they do not generally convey the dominion of the land, which resides for the most part in the ryot, having the right of occupancy, whose tenure is anterior to, and independent of, that of the zemindar. As far as the zemindary tenure goes, it is shown that planters have, in practice, every reasonable and natural facility for obtaining, permanently or temporarily, all the rights which that tenure gives; and that native zemindars, generally, have no hostility to them as a class.†

27. On this point, however, I must observe that some great zemindars will not part with the management of their own zemindarees; and it is known that some object to the extension of the existing system of indigo planting in their zemindarees, not on their own account, but on account of their ryots. The enforcement of a healthy system of indigo planting, beneficial to grower as well as to manufacturer, would remove this objection.

28. It has never been doubted that a planter or any one else can purchase what ryotty tenures he can pay the price for, if he pleases. But the cost would be excessive by reason of the value of the property; and when planters do all they can to get rid of *nij* cultivation, they are not likely, save in exceptional cases, to spend much money in paying large prices for ryots' *jotes*.

Practice of taking undertenures at excessive rents.

‡ Report, para. 45.

29. One practice is mentioned, which is known to be not uncommon, and which, I think, deserves more reprehension than it has received; I refer to the practice of a zemindar giving a lease of his zemindary right to a planter, at a rent which not only leaves no margin for expenses and risks of collection, but which is largely in excess of the gross rental lawfully demandable from the ryots.‡ In such cases the only possible reason for agreeing to pay the excess, is the expectation that, by the misuse of the zemindary right, the holder may be able to extract in some way, directly or indirectly, more from the ryot than is legally demandable. When a native zemindar does this directly in the form of money, he is said to impose an illegal cess, and he is liable to a penalty of three times the amount imposed, for the entire period of such impositions, under the provisions of Section 65, Regulation VIII. of 1793. I cannot see that the extraction of the same value in the form of indigo plant is, in any legal or moral view, different from an illegal cess of money. Such a mode of levying an illegal cess, being more indeterminate, is obviously liable to greater abuse in practice than a direct money cess. The planters complain of this practice; and it is certainly very wrong in the zemindar to sell, as it were, not only his own rights but those of his ryots. But I cannot think that it is right in the planter to

to become a party to the act. This practice is one of the smaller traits of the system that go far to explain the whole system. If the planter spent the excess upon the ryots, instead of upon the zemindar, the amount would enable him to obtain willing cultivators for some part of his required plant.

30. There seems no other objectionable point in the ordinary relations between planter and zemindar, or in the system under which tenures are obtainable by planters.

31. The Commissioners next proceed to discuss the relations between the planter and the ryot; and under this head may be classed the following questions: the profitableness or unprofitableness of the crop to the ryot; the willingness or unwillingness of the ryot to grow it; and the means taken to induce the ryot to grow it, which includes the question of the oppressions which the ryot complains of.

Second head: relations between planter and ryot.

32. The Commissioners pronounce conclusively that the cultivation is unprofitable to the ryot, supporting the conclusion by the consentaneous evidence of the planters themselves.* This is, indeed, the one point upon which the whole indigo question turns; and it is not disputed. I do not find that the Commissioners have gone so far into this point as to settle to what degree, pecuniarily, the cultivation is unprofitable, though that it is so to a very extreme degree is sufficiently apparent from the strength of the feeling against it, amongst those who would profit by it if it were profitable, and who ought to profit by it, and must profit by it, if it is to be carried on at all. There is, however, a great mass of most valuable evidence upon this point in the Appendix of the Report. I have gone into it to satisfy my own mind upon this point, and the result has convinced me that the loss of the ryot in the cultivation of this crop on the high lands of Nuddea and Jessore is, at the present time of agricultural high prices, greatly beyond even the general opinion on the subject. In a separate note appended to this minute, I have referred to the evidence proving this. Rejecting all extreme cases, and giving indigo the benefit of all doubts, I cannot put the absolute loss to the ryot at a low average, reckoning the net loss on the cultivation of indigo at the highest price now allowed, and the loss of the net profit the ryot would make by any other ordinary crop at the market price, at less than seven rupees a beegah, equivalent at the least to seven times the rent of the land.

Indigo cultivation unprofitable to the ryot.

* Report, para. 60.

33. Now, if one remembers that these ryots are not Carolina slaves, but the free yeomanry of this country, and, indeed, strictly speaking, the virtual owners of the greater part of the land in the old cultivated parts of Bengal, so heavy a loss as this will fully account to us for the strength of the opposition to indigo cultivation which we have just experienced. One-sixteenth of his whole land is a common proportion which, it is insisted, an indigo ryot shall sow in indigo. This is as though a farmer in Great Britain, farming under a long lease 160 acres of land, at a rent of 2*l.* an acre, were, by some sort of pressure, forced to cultivate 10 acres, say in flax, which he was compelled to sell to a certain neighbouring manufacturer at a dead loss of 140 *l.* a year. This is precisely a parallel case, in the legal and economical view. In the social and political view, the case of a new English landlord forcing a corresponding loss upon several thousand Irish cotters, would perhaps be a fairer illustration.

34. On the planter's side some reliance has been placed on certain incidental advantages claimed for an indigo ryot. So far as such alleged incidental advantages are of a tangible character, they have faded away before the search of the Commission.† But there is really little use in discussing such a point. There is but one judge of the relative value of the advantages of the cultivation, direct and incidental, and that is the ryot. And he has delivered his judgment on the point, in an unmistakable manner.

Incidental advantages discussed.

† Report, para. 64.

35. The most tangible of the incidental advantages sometimes put forward, is an alleged benefit in the form of a low rent. But not a single instance is advanced in which rents have been reduced by an indigo planter, on obtaining a lease or talook. The extent of the claim goes no further than the assertion, that indigo planters refrain from raising the rents. But as to this, also, few instances are advanced in which a neighbouring zemindar has raised his rents, whilst those of indigo ryots were not raised. In the concerns of Mr. Hills, in Nuddea, the

Rents.

rents, I understand, have not been raised to the pergunnah standard. On the whole, I think it very probable that there may be some reality, in certain cases, in this alleged incidental advantage; and it is to me a subject of consolation to think that a moderate, proper, and lawful increase of rents, may be a compensation to some planters who hold tenures of land, and may be constrained to abandon the indigo manufacture. But it is to be remembered that the rents of a very large class of ryots cannot be raised at all; that no rents can be raised, except under due form and process of law; and that rents cannot be raised arbitrarily, or beyond certain determinable rates, when raised at all; whilst no reasonable increase of rent upon sixteen beegahs would be to the ryot equivalent to a loss of seven rents upon one beegah.

36. To the indigo planter holding a tenure, indeed, the case will be different. The evidence goes to show that the market value of the indigo dye made from the average produce of a beegah of land does not, at most, exceed ten rupees. The net profit of the manufacturer, under any system of payment for the raw plant, must of course be very much less. It may well be that to him, therefore, a moderate, proper, and lawful increase of rent upon sixteen or twenty beegahs of land, will be a compensation for all the profit possible from the indigo of one beegah; and if this should be the case, all parties would have great cause to rejoice.

Intense dislike of the ryots to indigo cultivation.

* Report, para. 131.

† See especially answers 138, 918, 1248, 1249, 1262, 1351, 1165, 1624, 1625, 3214.

37. On the actual question of fact as to the dislike of ryots to indigo cultivation, on the old system, the report of the Commission is conclusive as to the intensity of the feeling.* Indeed the report, which in the mildness of its tone is admirable, can give but a faint impression of the intensity of the feeling on the ryots' part, compared to that which a reader will derive from a perusal of the appended evidence of the ryots themselves, and of the missionaries, † who, living in unconstrained private intercourse with the ryots around them, know the feelings of the whole class of ryots better than any other Europeans do.

38. This is the great point of political bearing in the whole question, and it cannot be too attentively considered by all who have any responsibility for the tranquillity of the country, and the strength of the British Government within it. I would ask especially a perusal of the answers just noted in the margin. If any one thinks that such a demonstration of strong feeling, by hundreds of thousands of people, as we have just witnessed in Bengal, has no meaning of greater importance than an ordinary commercial question concerning a particular blue dye, such a person, in my opinion, is fatally mistaken in the signs of the time.

Means of inducement to grow indigo.

39. The next point is the means taken to induce the ryot to grow this crop, which has been proved to be very unprofitable, and intensely disliked. The fact is, that the larger part of the dislike is due to the means indispensable to make people do what is very unprofitable, and the smaller part only to the actual loss of money involved. Probably, most ryots would grow a small quantity of indigo for nothing, to please their zemindars; and this is the system which native zemindars who manufacture indigo, knowing their men, adopt. The European, more devoted to the trade, less fearful of ulterior consequences, and knowing his men less, has strained the bond till it has broken.

‡ Report, para. 59.

§ See 55, 398, 200.

|| Appendix No. 1, Part I.

40. The Commission show that the bait of advances is not now operative to bring new men into the factory books; cases of fresh advances to new men being of very rare occurrence. Sons, succeeding to their fathers' property and debts, are said to conceive the impression that they are liable for their fathers' engagements, and so are persuaded to sow. ‡ The price allowed for an average crop of indigo not being, in the vast majority of cases, enough to clear the advances, and the heavy charges for seed, stamps, &c., the debt increases constantly. The average produce is stated by planters to be eight or nine or ten bundles a beegah. § The average price fixed is shown to be between five and six bundles for the rupee; || the highest anywhere given being four bundles. The advance is always nominally two rupees a beegah. But when there is a balance against the ryot, as there is in the vast majority of cases, a small part only of the two rupees is really advanced, that is to say, is paid in cash, the remainder being merely transferred in account. The charges are from four annas to eight annas a beegah for seed; two to four or even eight annas for stamps; and in many cases four to seven and even to thirteen annas a beegah for carting. Of twenty-three thousand two hundred indigo ryots who cultivated for the Bengal Indigo Company's

Company's concerns in 1856-59, only two thousand four hundred and forty-eight were shown by Mr. Larmour to have received any payment for plant delivered, beyond the trifle of cash advanced. Many written engagements contain a clause that any balance shall be paid, not in money, but in indigo, at the low rate fixed. These, I gather, are the lawful or quasi lawful, means of insisting on the ryots, or families of ryots, who have once touched an advance, continuing to cultivate. But against so strong a motive of self-interest as there is in the ryot's mind for not cultivating indigo, lawful and quasi lawful means of inducement were necessarily of little power. Consequently, contracts seem to a great extent to have fallen into desuetude, luckily for the ryots, and other means in many cases have been exclusively relied upon. Baboo Joy Chand Paul Chowdry, a great zemindar, who is or was also a great indigo planter (having had thirty-two concerns in his estates, and shares in nine other concerns), is asked: "If the ryots have for the last twenty years been unwilling to sow indigo, how then have they gone on cultivating the plant up to the present time?" To this he answers: "By numerous acts of oppression and violence, by locking them up in godowns, burning their houses, beating them, &c."* The whole of this gentleman's evidence is very instructive, as proceeding from a great zemindar and practical native indigo planter. This, diluted into becoming official language, I find to be the conclusion of the Commission; and it is certainly the inevitable deduction from the whole body of evidence.

* Answer 186.

41. The question of the alleged oppression and unlawful violence practised upon ryots, in relation to indigo cultivation, though from its nature it has naturally attracted a greater degree of public attention than any other part of the whole subject, is but a branch of the last point discussed, namely, the means taken to induce people to undertake the cultivation of what to them is a very unprofitable crop. Oppression.

42. The Commission report that comparatively few cases of actual destruction of human life have been brought to their knowledge, as proved, of late years †; that premeditated affrays with hired clubmen are rare in some districts, and in others unknown ‡; that there is no proved instance of the burning of bazars and houses, though one planter, whose high character entitles him to great respect, "has known of such acts" §; that the demolition of houses, either by the direct or indirect order of the planter, does, the Commission fear, occasionally occur ||; that the practice of imprisoning people in the factory or its out-offices is of common occurrence; that the seizure of cattle, though the cases are not so numerous, is also spoken of as a common occurrence ¶; and that the Commissioners are afraid that in some instances date gardens and plants are up-rooted to make room for indigo. **. Of outrages to women, the Commission most fully, and most justly, acquit all planters. It is much to be regretted that any charge so gross and so unfounded was ever made in any quarter; for it is neither true, nor has it any likelihood of truth in it ††

† Report, para. 85.

‡ Report, para. 87.

§ Report, para. 88.

|| Report, para. 90.

¶ Report, para. 94.

** Report, para. 95.

†† Report, para. 91.

43. The Commissioners lay most stress on the proved and undeniable prevalence of seizing cattle, and more especially of kidnapping. The last crime they reprobate in strong, but not too strong, language. A country where both these offences are committed habitually, and for the most part with impunity, is a country in which the law affords the weak no protection. The fact is a disgrace to the administration. It is not simple confinement in one godown that is practised. Respectable men are seized, and sent about from one factory to another, to escape discovery; and, as in Seetul Turufdar's case, they are not always ever heard of again. I trust that late measures will have had some appreciable effect in preventing the impunity of such offences, and very earnestly I hope that unofficial Englishmen in India will take to heart the exhortation contained in the 105th paragraph of the Commissioners' report.

44. The report treats more lightly than I should myself have been disposed to do the list of forty-nine heinous cases given in by Mr. Eden, as taken chiefly from the records of the supreme and sudder courts. †† No one will have a complete idea of this part of the case, without perusing that very remarkable list which will be found in the Appendix. §§ Although there is one case of thirty years ago, and seven of more than ten years' standing, no less than forty-one of the cases mentioned occurred within the last ten years, and fifteen of them within the last five years.

†† Report, para. 81.

§§ Appendix, No. 21, Part I.

* Printed Records, Vol. II., and published official documents.

45. Of one of the causes of the most bitter complaints, namely, the oppressions and extortions of the factory omlah, the Commissioners have taken the evidence of ryots. In some instances, they consider this evidence to be exaggerated, as to the number of rupees taken, or of trees cut down, in the cases specified. But they justly draw, from the evident exasperation of the ryots, the conclusion that a strict enough hand has not been kept over the servants of all factories, and that in some instances their oppression has been considerable. The Commission has omitted to notice the case of the gomashita of the Ancoorah factory in the Aurungabad sub-division, whose frightful oppressions were only the other day the cause of a very dangerous tumult.* Probably the omission was due to the fact that the case had been already printed and laid before the public.

46. On the whole, my conclusion on this point is, that setting aside individual cases having no connexion, or at least no necessary connexion with the indigo system, that system is fairly chargeable with a very notable portion of those classes of offences, the peculiar prevalence of which in Bengal has been from the first a blot in our administration. In my opinion it is rather the system than the planters individually who are to be blamed. It is to the unprofitableness of the cultivation of indigo, at the extremely inadequate price given for it under the system, necessitating either a forced cultivation, or the abandonment of the manufacture from Bengal ryotty plant, that this and every other evil connected with indigo is attributable. An individual manufacturer could not live upon a fair and free system, surrounded on all sides by competitors who get their raw produce without paying nearly its full value. That a whole class did not spontaneously reform itself from within is not surprising. The chief fault was in the defective, and I fear I must say, the not impartial administration of the law, which allowed such a vicious state of things to exist, where our fellow-countrymen were concerned; a state which very certainly would have been put down with a high hand if only native gentlemen had been concerned.

Minor points: police.

No opposition to planters from civil officers.

† Report, para. 112.

† Report, para. 115.

Missionaries have not caused the refusal to sow.

§ Report, para. 120.

Conduct of the missionaries.

Conduct of the zemindars.

|| Report, para. 124.

Why the system broke down.

Commissioners' recommendations to planters.

47. On minor points, the Commission find that when the assistance of the police is required in disputes between ryot and planter, their venality must be to the present advantage of the richer party, whilst ordinarily the police have no concern with the bargains of planter and ryot.† They find too, from the admissions of the planters themselves, and from the whole tenor of the orders usually passed in disputes about indigo, that the charge so often brought against the civil officers of Government, of favouring native zemindars and ryots from dislike to their own countrymen, and from a desire to keep them out of the country, falls completely to the ground;‡ as I may say so preposterous a charge, whenever examined by sensible men, could not but do. On the contrary, they find that magistrates have not always been sufficiently alive to the position of the ryots, nor accorded to them a due share of protection and support. They say,—“It is not too much to say that had all magistrates held the scales in equal balance, a cultivation of the character which we have clearly shown indigo to be would not have gone on for such a length of time.” I am obliged to support the finding of the Commission on this point. The Commission entirely exonerate the missionaries of the charge of having taken upon themselves the character of political agitators; they show that these excellent men, circumstanced as they were, would have been inexcusable had they turned a deaf ear to the well-founded complaints of the people in close and kindly intercourse with whom they were living, and some of whom belong to their own flocks; and the Commission find that the assertion that the refusal to sow indigo was owing to the preaching of the missionaries, is one which is “entirely without foundation of truth.”§

48. I must not pass this last point, without respectfully expressing my admiration of the conduct of the missionary body throughout these trying events.

49. The Commission conclude their findings by reporting that the discontent of the ryots was not fostered by the zemindars; and that there is no foundation in the stories of emissaries from Calcutta going about the country encouraging ryots to abandon indigo.|| In short, the report concludes that the system broke down because it was hateful to those on whom it pressed.

50. I shall not attempt to follow the Commissioners in the excellent recommendations they make to planters, for the recovery and future management of the indigo

indigo manufacture in these districts. I believe these recommendations to be for the common advantage of all concerned; and I trust that the committee of the Indigo Planters' Association will use their extensive and just influence in causing their observance. But I conceive the whole matter to rest so completely upon the one question of the price of the plant, that I do not think it necessary to say more on the point. If indigo plant is to be grown, it must be grown to the satisfaction and profit of both producer and purchaser. It is for the ryot, and for no one else, to judge what he will take for his crop; and it is for the purchaser, and for no one else, to judge what price he will bid for it. If the two cannot agree, it cannot be helped. The indigo manufacturer must grow his own crop in that case, or the manufacture must be shifted to some other part of the country, where, for want of any more remunerative crop, indigo can be grown to the profit of all parties. On this point I beg to record my complete agreement with the opinion of Mr. A. Forbes, a witness on the planters' side of the question, who, when asked his opinion as to what terms should be offered in future by the planters to the ryots, answered, "I beg to record my opinion that this is a question which must be left to be settled by the planter and the ryots themselves. Any interference on the part of Government can only complicate the question, and should be confined to providing good magistrates, good judges, and good police, who shall see justice done to all, and leave no room for oppression on the one part, or fraud on the other."*

All depends on the price, which the parties must settle.

* Answer 4,000.

51. I hope, however, for their own sake, that the planters will act in the spirit of the recommendations above alluded to; and particularly that they will adopt the recommendation of Mr. Temple and Mr. Fergusson in their separate Minute, extracted on the margin.† I believe the remark therein made upon cases in which, by virtue of still existing contracts, ryots may be legally coerced to sow on the old terms, to be one of the utmost practical importance. Coming from the experienced and intelligent man of business who so efficiently represented the general body of the planters on the committee, a gentleman in whose great ability and candour all parties have the fullest reliance, I strongly hope that the advice will be acted upon.

Concessions recommended.

52. In the paragraph of their report noted on the margin,‡ the Commission speak of the economical importance of the Bengal indigo trade, and of the great political advantage of having a large body of European gentlemen scattered over the country. Certainly the Commission do not in the least degree overrate the importance of these things, and no one feels their great importance more strongly than I do.

General importance of the indigo trade.

‡ Report, para. 72.

53. As to the indigo trade of this Presidency, however, which is correctly valued at nearly two millions of pounds sterling a year, it must be borne in mind that it is not the whole, or the chief part of this trade, which the refusal of the ryots in the indigo districts of western Bengal to continue the cultivation, has placed in jeopardy.

The chief part of the trade not now in jeopardy.

54. A valuable table in the appendix of the report§ shows the quantity of indigo made in each district of Bengal, Behar, and the North Western Provinces, for the last 10 years; the aggregate of which, exported from the port of Calcutta, constitutes the staple of the Bengal Presidency. Taking the last of these years, 1858-59, as an example, the whole number of maunds made in the year was 106,087, which were made in the following provinces:—

Relative value of the part which is in jeopardy.

§ Part I., Appendix, No. 17.

† "But we deem it right to declare our apprehension, that unless some important concessions are at once made by the planters to the ryots in several districts, nothing short of actual force would induce the ryots to sow. In such places, if an attempt were made by the planters to perpetuate by compulsion the present system, the ryots would, in their present temper, meet force by force, and serious disturbances would result. Or if, in virtue of previous contracts, the ryots were even legally coerced to sow, still a contest would arise that must seriously damage the interests of the planters. In either case, we believe that judicious concession will be the best policy for the planter to adopt towards the ryot."

PROVINCE.	Maunds.	Per-centage of the whole Crop.
North-west Provinces - - -	21,643	20 $\frac{2}{3}$ ths.
Behar* - - - - -	32,699	30 $\frac{2}{3}$ ths.
Bengal - - - - -	40,763	38 $\frac{2}{3}$ ths.
Native, of all parts - - -	10,982	10 $\frac{2}{3}$ ths.
TOTAL - - -	106,087	

* Including Patna, Shahabad, Monghyr, and Bhaugulpore, as well as Chuprah and Tirhoot.

Thus it appears that of the whole indigo trade, in maunds, very little more than 38 per cent., is produced by European planters in Bengal Proper, where only any difficulty has arisen. But considerable reductions must be made from even this quantity, for all indigo produced from churs, and for all indigo produced by *nij* cultivation everywhere in Bengal. The only districts in which any difficulties whatever have been reported are here noted, with the production of each in maunds :—

Rajshahye - - - - -	3,512	Maunds.
Maldah - - - - -	2,777	”
Moorshedabad - - - - -	4,912	”
Nuddea (Kishnaghur) - - - - -	8,023	”
Jessore - - - - -	8,635	”
Furreedpore - - - - -	1,488	”
TOTAL - - -	29,347	Maunds.

After deducting for *nij*† cultivation, and such chur cultivation as the ryots are satisfied with, it will probably be an excessive calculation to say that 20,000 maunds are in jeopardy, owing to the inadequate price offered to ryots in Bengal. This is less than one-fifth part of the whole indigo trade of the Bengal Presidency. Madras makes nearly double this quantity of indigo.‡ Adding 34,000 maunds for Madras to the Bengal aggregate above given, the whole indigo trade of India will be seen to be about 140,000 maunds. Of this whole only about 14 per cent. in quantity is in any jeopardy, owing to the refusal which the Bengal ryots have declared to continue this cultivation at existing rates. In value, a somewhat higher figure must be taken, because though Tirhoot indigo is improving yearly in quality, and already runs Bengal indigo close, and the same improvement is going on in Madras indigo, the Nuddea and Jessore indigo is still the finest in India.

55. I have not gone into this calculation with any intention of underrating the risk to which the indigo manufacturers of Nuddea and Jessore, and a few neighbouring districts, are exposed. Those manufacturers deserve sympathy for themselves personally, as much as if indigo were made nowhere else in all India. But a large question is in hand, and in treating that large question we must be careful to take no narrow or partial view. I have still to discuss proposals for exceptional protective legislation and executive action, and for the proper discussion of these, the national and comparative importance of that section of the trade for whose interests, exclusively, such exceptional protective measures are proposed, must neither be overrated nor underrated.

56. As

† In 1859 :—
2,531,726 pounds.

‡ It appears that in 53 concerns in these districts, the relative proportions of *nij* and ryotty, as given in the Appendix No. I. compiled from returns furnished by planters themselves are as follows :—

Nij, 85,413 beegahs; ryotty, 250,154.

One quarter of the whole cultivation in these concerns is *nij*.

56. As to the local value of the manufacture to the districts in which it is conducted, a point much insisted upon by many, that must depend upon the return both to the producer of the raw material, and to the manufacturer, together. If both make a profit, then the trade must be locally valuable. If neither makes a profit, then it must be locally valueless, or wasteful. But if one party, as we find is the case, loses largely, the question of local value depends upon whether his loss is or is not fully compensated by the extraordinary and exceptional gain of the other party. Now I do not know that indigo manufacture is so extraordinarily and exceptionally gainful anywhere, as to compensate for a loss of seven rupees upon every beegah of land producing the plant. I do not think it is. But I believe that under a sound system, there is still an untouched fund of profit available in the stoppage of that incalculable drain of money spent unproductively, and much worse than unproductively, upon leases at losing rents, upon troops of extortionate servants and overseers, upon licentious clubmen, upon bribery to the police, and upon law expenses, which would all be unnecessary if a price were paid which engaged the producer's self-interest on the manufacturer's side, but which perhaps the best-intentioned planter cannot avoid, whilst all his dealings are with exasperated antagonists, who, as the evidence has shown us, have no interest in the success of the business, and abhor the very name of indigo.*

Local value of the manufacture.

57. As to the advantage of having English gentlemen, with the loyalty, courage, energy, perseverance and skill, which is their patrimony, scattered over the country, it is impossible, in general terms, to rate the political and social value of this too highly. But it is only when these Englishmen are in relations of mutual benefit with the people of the country, that their residence is of social or political advantage. The very same reasons which, in the circumstances of India, make the residence of Europeans an especial source of strength and improvement, when it is, and is felt to be, a benefit by their native neighbours, make it an especial source of weakness and corruption, when it is, and is felt to be, an evil by their native neighbours.

Advantage of having European settlers.

58. Mr. F. Gubbins (to whose conduct and knowledge of the people are greatly due the preservation of Benares in 1857) says of the indigo planters in the Benares division, and says, I am sure, most justly, that "they are almost invariably a blessing to the surrounding country."† Now there is nothing in the air of Benares to make a class of men blessings there, who would not, with equal chances, be blessings elsewhere. It is that there the system is sounder, and the planter works with the ryot, instead of against him. I desire earnestly to see European planters in Bengal "blessings to the surrounding country;" and that is one great reason why I desire earnestly to see a sounder system of indigo manufacture established in Bengal.

Benares Planters blessings to the country.

Because the system is sounder.

† Appendix, No. 26.

59. What an enterprising European can do, both for himself and for the people, when he marries his interest to theirs, is shown in a conspicuous manner by the evidence of Mr. Morell.‡ In 10 years Mr. Morell has cleared 60,000 or 65,000 beegahs (upwards of 20,000 acres) of Soonderbuns jungle. He has granted his cleared land, under permanent pottahs, at a rent of Rs. 1. 2. a beegah,

Instance of European enterprise on a sound system in Bengal.

‡ Answer 2381 and following.

* Answer 1693; Rev. S. J. Hill:—

"The enemy of the soil is indigo;
The enemy of labour is idleness;
So the enemy of caste is Padre Hill."

"Zaminar Shutru nil;
Kormer Shutru dhil;
Temoni jater Shutru Padre Hill."

(The above is a local Bengalee saying.)

Answer 1156; Dinu Mundul:—"But if my throat is cut, I won't sow indigo."

Answer 1165:—"I will die sooner than cultivate indigo."

Answer 1180; Jamir Mundul:—"I would rather go to a country where the indigo plant is never seen or sown."

Answer 1216; Hadji Mulla:—"Rather than sow indigo, I will go to another country; I would rather beg than sow indigo."

Answer 1249; Kulin Mundul:—"I would sow indigo for nobody, not even for my father and mother."

Answer 3214; Panju Mulla:—"No, I would be rather killed with bullets."

beegah, never liable to enhancement; he gets as many ryots as he wishes, but they repudiate the system of advances, fearing that "eventually they may have to take to (*neel*, or) indigo," though they know of indigo only from common report. Mr. Morell told me that the building of a good two-storied brick house on his grant was one of the most fortunate things he did, because it assured the pottahdars and ryots that he would stay amongst them; and it will be seen in his evidence, that the same people who were so anxious to keep him near them, on one occasion, when his gardener had sown in his garden some indigo seed that had been sent from Calcutta in a packet of seeds by mistake, on the plant growing up, "insisted upon having it pulled up and thrown away."* Mr. Morell has in 10 years created for himself an estate which cannot now be worth less than from 80,000 £. to 100,000 £.; and in doing so he has covered what were 20,000 acres of uninhabited jungle with a happy and thriving population, anxious to keep him near them. This he has accomplished by working on sound principles, to the profit of the people instead of to their loss. In striking contrast to the indigo planters' remonstrance mentioned above in paragraph 21 of this paper, when I had the pleasure of seeing him a few months ago, his only request was, that a subdivision might be established with its head quarters at his residence of Morellgunge.

* Answer 2390.

A sound system the desideratum.

60. When Indian officers, whose first duty is the improvement of India, cease to admire and encourage English residents, who work upon the sound system which produces such results as this, it will be just to accuse them of prejudice against their own fellow countrymen. But it is not just, or reasonable, to accuse them of such prejudice because they wish all their countrymen to work on a system that tends to such results, and disapprove of an unsound system, which produces contrary results.

Proposed changes of law and administration discussed.

61. I now come to the last great head of the report: the discussion of the several recommendations that have been made for legislative or executive action, in relation to indigo planting in Bengal.

What are the proved evils to be remedied.

62. Before remarking upon the recommendations in detail, it will be well to look back, in order to ascertain what are exactly the proved evils requiring to be met by such action. It is impossible to judge of the suitability of a remedy, till we have a clear conception of what it is exactly that requires to be remedied. If we have but a confused, incorrect, and inadequate notion of the real evils, our remedies will be useless, and perhaps hurtful.

Planters' complaints.

63. There is nothing in the evidence to prove that before this year planters experienced any material difficulty in getting ryots to sow in indigo the quantity of land required of them, for which cash advances were actually taken, whether such requisition was supported by a contract, as the planter would generally hold, or was the mere command of the planter, as the ryot would often hold. There are no longer now complaints that ryots take advances for indigo from one planter and sell the produce to another; nor is it the staple of the complaints made before this year, that the ryots took advances for indigo, and cultivated on their own account something else instead. There are general charges that ryots are of a fraudulent and evasive disposition, but I have seen in the whole evidence no specific charge of the above nature, in a single instance, before this year.

64. There are, however, on the part of the planters, loud complaints of the carelessness of the ryot, after taking advances, in regard to his indigo crop; of his inattention to it; and of his indifference to whether it is eaten down by cattle, or choked up by weeds, or goes into the planter's vat, notwithstanding the daily urging of the planter's servants. I cannot doubt that this is a true complaint.

65. And there are complaints that ryots sometimes cannot be got to engage for indigo because of the machinations of third parties. But of this I find no proof; and I see no reason to think the complaint well founded, because no motive needs to be looked for, when a ryot refuses, beyond his own self-interest. I find no other complaints on the part of the planters.

Ryots' complaints.

66. On the part of the ryots, the complaints are, that by oppression, and acts of unlawful violence in themselves very harassing, they are compelled to engage to cultivate indigo, or to cultivate it without engagement, for the planter, at a nominal price, which even if fully paid would be ruinously unprofitable. The fact of frequent acts of unlawful violence and oppression is fully proved; and the motive

motive is manifest; also the extreme inadequacy of the price paid by the planter, and the unwillingness with which indigo is cultivated by the ryot, are fully proved.

67. Also the ryots complain that the deductions from the nominal price are so heavy, the unfairness of weighing so great, the extortions of the factory onlah so excessive, that the nominal price dwindles to little or nothing, so that if they realise from the whole produce of their indigo land, in cash, what pays the rent of the land, they are lucky; wherefore, they lose the whole value of that land to themselves, besides all the cost of cultivating it for the planter. And this appears to me, from a careful examination of the evidence, to be about the true state of the case, as a question of profit and loss to the ryot.

68. It is also made matter of complaint, though I think more by the friends of the ryot than by the ryots themselves, that the ryot is constrained to cultivate indigo by reason of the debt claimed from him by the factory, on account of the balance of account being against nine ryots out of ten always.

69. On the part of the magistrate, it is fully proved that the peace of the country is constantly broken by disputes about indigo, to so great an extent as to be a discredit to our administration. Breaches of the peace.

70. Complaints relating to the events of this year being quite exceptional, and having been exceptionally met by temporary legislation, need not be now regarded. The ryots, in certain districts, after the season of advances had passed, and after the mass had taken advances, showed a disposition to refuse in mass to cultivate. But now, their refusal to contract new engagements, or to take advances on the old terms, or on any terms yet offered, cannot be made, in form, matter of reasonable complaint by any one; although doubtless it is this legitimate refusal on the ryot's part that constitutes the present difficulty of the planter. It is quite natural that those who are under the pressure of this difficulty should decry any course which will not get them over it. But as the ryot is not a slave, and cannot be made a slave; and as his right in his own land is indefeasible, however much every one must sympathise with the planter, suddenly involved in this difficulty, every disinterested person must see that the ryot must be left in practice, as he is left now by law, free to do what he thinks best with his own land. Complaints in this year exceptional.

71. Now, looking at all these complaints, I do not see one that requires special legislation, in favour of one side or of the other. The law is now perfectly equal and fair for both; and that is what it ought to be. I see nothing wrong that would not be remedied by adequate executive action, whereby the protection of the law should, in matter of fact, be properly and equally extended to both parties, which practically, until now, it has not been. It is not the law, neither is it the administration of the law, that is responsible for the complaint of the planters above admitted. When a man is hopelessly in debt to a factory; when such a price is given for the produce of his land as does not at the most pay him more than the rent of it, and often not so much; and when, generally speaking, the whole of the trifle of cash he ever touches at all is given him in the form of an advance, with what degree of reason can it be expected that he will bestow his labour upon that produce with the same interest as he bestows it upon produce the real profit and loss upon which is his own? Special legislation not required to meet those evils.

72. If this subject of complaint can be removed at all, it can only be removed by the adoption by the planter of a sound system of traffic for the plant; that is to say, by paying for it a price which will afford the ryot as good a return as another crop would afford him, and by not paying the whole of that price in the way of advance. This would engage the ryot by his own self-interest, to bestow as much care upon the crop as he now bestows on his rice and other crops, the profit of which is his. If, at the present price of the dye, the manufacturer cannot afford to give such a price for the plant, there really is nothing for it but to abandon the attempt to force indigo upon land of the quality in question. To continue the attempt in that case is to waste the resources of the country, and to fight against nature; a battle the issue of which, notwithstanding any number of special and one-sided laws, in the end is never doubtful.

73. I perceive that the British Indian Association have come to the conclusion, from the evidence taken by the Commission, that indigo cannot be profitably cultivated

cultivated in the neighbouring districts, because it is shown that the value of the manufactured dye made from the average produce of a beegah, does not exceed 10 rupees; whilst the value of the raw produce in other crops would be about as much. This is a practical question. Early rice is the crop with which indigo can be most fairly compared. The average value of a beegah of early rice in Nuddea is stated to be eight rupees ten annas.* In Jessore the average is taken much higher, viz., 14 rupees. But having reference to the oral evidence on the same subject, I take the average above given for Nuddea to be a very fair average, at present prices. I believe the mere manufacturing charges for two seers, or 10 rupees' worth, of indigo are taken at one rupee eight annas, so that this calculation would leave less than nothing for all the general charges of the factory. But I do not think it follows that the present average produce, which is less than 10 bundles of indigo, would not be materially increased if the crop were grown by a cultivator who had some real interest in the outturn. This question, however, if it is to be solved, must be left to nature, and to the skill of the persons interested. Laws can do nothing in such a matter, but leave the trade free.

* Report, Appendix, No. 4.

74. As to the complaints of the ryots, it is obvious that the practical and effectual protection of the law for person, property, and rights, with absolute freedom of trade, is all that is required to remove the grounds of them. And the same may be said of the magistrate's complaint, which is the consequence only of the inadequate protection he has been able, until lately, practically to afford to the people.

75. The complaint on the ground of the hold given by the debt of the ryot to the factory, remains. These debts, in the mass, are admitted to be bad debts. They are bought with a factory, as giving a hold upon the ryots, with no reference to their nominal amount. But wherever a ryot really does owe money to a planter, he ought to pay it, and he ought to be made to pay it. If the planter's claim is good, he will certainly get a decree in the civil courts; and as the ryot has been shown by events this year in Nuddea and Jessore to be generally solvent,† the planter will thereby obtain full payment. There is only one conceivable reason that can keep a planter from so claiming a real debt, which is, that he will thereby get payment in money of standard value, and not in indigo plant at his own price, which seems to be not one-third of its cost. But all that justice requires is payment in cash.

† Report, para. 175.

76. On the whole, I conclude that all reasonable ground for any special legislation, or special executive action, in connexion with indigo in Bengal Proper, is knocked away by the inquiry of the Commission. The production of Bengal Proper, we have seen, is 40,763 maunds of this dye; the production of Madras is 34,000 maunds. There is no special law for indigo in Madras. Yet the official papers, a copy of which, for facility of reference, is appended to this Minute, show that there are no complaints or difficulties in the business there. The ryots "have no dislike to its culture;" "contracts for the supply of the plant are readily and voluntarily entered into, its cultivation being profitable;" "indigo contracts are not found to be productive of more litigation, disputes, or disturbances, than contracts of any other description;" differences about indigo "are adjusted, like other ordinary disputes without recourse to measures ‡ unsanctioned by the laws." Why should Bengal require a special law, when the general law works so well in Madras? So the North Western Provinces produce 21,643 maunds of indigo without complaint or disturbance, and also with no special law. Behar, under the very same local Government, and the very same law as Bengal Proper, produces 32,699 maunds of indigo, with no demand for a special law in favour of any party.

A small section only of the trade asks for any special law.

77. My conclusion therefore is, that whereas in the great majority of cases special legislation is bad, and in all cases one-sided legislation is bad, in this indigo matter any such legislation would be quite indefensible, because devoid of even plausible grounds in fact.

78. The first suggestion of a change discussed in the report, is the vesting of indigo planters with magisterial powers, as honorary magistrates. In a paper which

Honorary magistrates.

‡ I may observe, that the Madras Board of Revenue make the common mistake of supposing that the Bengal zemindary tenure affects the legal position of the ryot. A Madras ryot is not a zemindar, there being there no recipient of the ryot's jumma between the ryot and Government. In Bengal there is, but the ryot's legal position, if he has a right of occupancy, is the same in both Presidencies.

which is already before his Excellency the Governor General in Council, I have recorded my opinion on the general subject of honorary magistrates.* I object to any honorary magistrate having anything to do with the police; and I object to any magistrate, honorary or stipendiary, trying cases judicially in which he is directly or indirectly interested, or which from private reasons he cannot try without risk of private injury to himself. But under the above conditions, which I consider to be of universal application, I approve of the system of honorary magistrates. Wherever the indigo system is sound, I would make no distinction between indigo planting and any other business, in this respect. Therefore, though I go a part of the way, I do not go the whole way with the Commission on this point.

79. The next point is the multiplication of sub-divisions. This subject, on which I quite agree with the Commission, has already had my best attention. The Nuddea division, in which the chief indigo districts are, has been, I believe, most satisfactorily arranged into sub-divisions;† and the other divisions will be taken up one by one in the same way. Multiplication of sub-divisions.

80. The next point is the reform of the police. The police has somewhat improved, and I believe is improving, though slowly. If the Madras system can be applied to Bengal, it will be applied; and whatever can be done to improve the police will be done. The subject is too large to enter upon here in detail. Police.

81. The next point is the improvement of the civil courts. The new civil code, as was to have been expected from the remarkable qualifications for such a work which the learned and experienced gentlemen who prepared it possess, is admirable, and is working excellently well. All the complaints of the action of the civil courts are made in reference only to the code which has just been superseded. I do not believe that more can be done in this direction than to take care that there are courts enough to be free from arrears. So far as the India districts are concerned the courts, both of First Instance and of Appeal, have been specially strengthened, with this object, by additional moonsiffs and an additional civil and sessions judge, expressly for indigo cases. Of cases connected with indigo, I believe there are no arrears. Civil courts.

82. A practical improvement has just been introduced, at my suggestion, with the concurrence of the Sudder, whereby all causes of the nature of Small Cause Court causes, such as indigo contract cases are, are kept upon a separate file, and will be disposed of by the Courts of First Instance as rapidly as though such courts were special Small Cause Courts. And the Sudder have made corresponding provision for appeals from decisions in such causes.

83. I do not follow the Commission in their remarks on Act X. of 1859; not because I do not feel their value, or intend to give them the fullest attention; but because I do not consider that the subject is connected with that of this Minute, so closely as to require discussion here, in a paper which is already much too long. Act X. of 1859.

84. Two members of the Commission, in a separate Minute, recommend the enactment of a law rendering breach of an indigo contract, on the part of a ryot, a criminal act, punishable by the magistrate. The majority of the Commission strongly object to any such law, and I fully concur in their objection, for the reasons they assign. No one-sided legislation is ever justifiable, and I believe such legislation in the end generally injures the interest it is meant to favour. An indigo contract differs in no respect from any other sort of contract for the delivery of goods. To subject either one of the two parties in such a contract to be treated as a criminal, for what is acknowledged by the general law not to be a crime, seems to me quite indefensible. All the arguments above urged against any special legislation for indigo business at all, apply with peculiar force against special penal legislation, in a sense contrary to all the received principles of distinction between civil and criminal law. In 1810, in 1832, and in 1835, Proposal to make breach of a civil contract, in a ryot a criminal offence.

* In a Minute dated the 3d November last, submitted with letter to the Secretary to the Government of India, Home Department, No. 6024, dated 7th idem.

† See above. The arrangement is explained in detail in a resolution of the Bengal Government, dated the 7th November 1860, submitted to the Government of India with letter No. 6045, dated 12th idem.

in India, and at home, the highest authorities have concurred in rejecting such a law.

85. Indeed a proposition for such a law seems to me to follow strangely upon the result of the Commission's inquiry. The whole Bengal indigo system has been upon its trial; and though only four out of five Commissioners have signed the report, I do not understand that the fifth Commissioner, who represented the planters, differs from his colleagues substantially in regard to the findings on matters of fact; and he has signed, with another member, a separate paper which, in my judgment, is as conclusive against the system as the body of the report itself is. The result is, that the ryot is found guilty of nothing; and that his complaints are in the main fully established. It would be natural, upon such a finding, to discuss some project of a special law of protection in his favour; but to follow up a verdict in favour of a successful complainant by a sentence of subjection to a special penal law, making him criminally liable for what no other person is criminally liable, does seem to me to be somewhat hard upon him.

86. I agree with the majority in thinking that, in the interest of the planter, such one-sided legislation would be unwise. The planter's present difficulty is to get ryots to agree to cultivate indigo, and he must succeed in that before he can talk of punishing them for not cultivating. If the object were to make indigo cultivation still more unpopular than it is, to stigmatise it by making those who undertake it liable to be treated as criminals might be a wise measure; but as the object is the contrary, I cannot think it would be a wise measure.

Proposal to appoint special indigo district officers.

87. The same two members recommend the appointment of one or more special officers in each of the principal indigo districts, to exercise civil and criminal judicial powers and fiscal powers, in indigo matters exclusively, subordinate to the regular, civil, criminal and fiscal officers of the district. I do not see how such a scheme is practicable; and if practicable, it would be a very great change for the worse. There are no fiscal duties connected with indigo, and in many criminal cases it will be doubtful, and in others it will not be ascertainable till the case is concluded, whether indigo was or was not at the bottom of it. Then I do not see how one man can have the management of the police at any one place, in matters connected with indigo, and another man have the management of the same police at the same place in other matters. When there is a breach of the peace, the first thing to do is to put an end to the disturbance; but on this system, it would have to be ascertained what the first cause of the disturbance was before it could be known which of two men should take the affair in hand. Again, the inconvenience to the public would be extreme. There are now eight moonsiffs in the Nuddea district, and five magisterial courts; and in Jessore there are now 10 moonsiffs, and six magisterial courts. In all indigo cases, this scheme would substitute for those 13 or 16 authorities, scattered equally over the district, one or two authorities in each district who would be 50 miles away from the majority of suitors. The harassment to suitors and witnesses would be intolerable. And to set against so much that is disadvantageous, I can see absolutely nothing in the shape of an advantage, for the one or two special indigo officers would in no way be better than one or two of the regular district officers. Moreover, all special courts for particular classes of cases, from English Star Chambers to Indian Resumption Courts, become always hateful, and generally deservedly so.

88. Surely the object is, with a limited number of officers available in a district of nearly a million of inhabitants, to make the most of them by spreading them equally over the whole surface. The supporters of the scheme most justly say, that "The necessity of a reference on the spot is one of the few points on which both parties agree." But this is the very reason why I object to passing over the sub-divisional officer and moonsiff on the spot, or at most 12½ miles off, in order to go to a special officer 50 miles off. If I am to be allowed one, two, or more additional officers in a district, I hope that they may be so used, by multiplying sub-divisions, as to bring justice and protection nearer home to the people, and not so used, by neutralising even existing sub-divisions, as to send justice and protection, in one of the most important classes of cases, very much further away from home than they now are.

Proposal to appoint a Special

89. The same two Commissioners also recommend the appointment of a Special

cial Indigo Commissioner, to travel about, to allay excitement, and to mediate between planter and ryot. I am quite of opinion that good is to be done in this way; but I do not think that any officer is in so good a position to do what good can be done, as the regular Commissioners of Divisions, who must know more about the affairs of their divisions than any new officer could know for a long time. The attention of the Divisional Commissioners being given to the people of their divisions, in all their relations with business of every sort, and not being narrowed to one peculiar relation, seems to me an advantage. They are all picked men, of the class from which any Special Commissioner would be taken. After all, any extra-official action, as I may call it, must stop at a certain point. No Government officer could take it upon himself to dictate to a planter the price which he can afford to offer for plant, or to dictate to a ryot the price at which it will be for his pecuniary interest to grow the plant. The two parties interested must be left to settle that themselves. All that a disinterested person, official or unofficial, could do, is to allay irritation, and to endeavour to make both act reasonably, temperately, and fairly. The Commissioner of the Division, who has all the district executive officers under him, and who has not judicial functions, civil or criminal, seems to me the official person most likely to meet with success in this work of mediation. I have already issued such instructions to the Divisional Commissioners as will have the required effect, as far as these officers are capable of producing it. The Commissioners of Nuddea and Rajshahye are now on tour, with this special object, amongst others, in view. Nothing, however, can be done unless the planter will recognise the legal and actual position of the ryot; and unless, even where the law is on his side, he will act upon the advice of the planters' most able and judicious representative in the Commission, by making such reasonable and equitable concessions as will avoid a contest "that must seriously damage the interests of the planters." It should be seen, that to attempt to conduct commercial transactions profitably, in the midst of a hostile and intensely exasperated population, is mere foolishness, when the law is also against one, and is a very hopeless adventure even when it is on one's side. I trust, therefore, that the Committee of the Indigo Planters' Association will support this good advice with all their influence.

Indigo Commissioner.

90. The majority of the Commission are opposed to both the recommendations last discussed, and I agree in their arguments.

91. The last point is the enactment of a law for the registration of indigo contracts, in such a special manner as to remove all doubt of the reality of the engagement; which, however, should not make unregistered contracts invalid. The minority of the Commission propose such a law, but the majority do not recommend it. I have submitted to the Governor General in Council my opinion on this point.* I think the information before us shows the necessity of going the length of invalidating all contracts for the delivery of agricultural produce not registered in accordance with a special registration law such as is above described. The practices of charging the ryot for a stamp without using any stamped paper at all, and of taking the marks and signatures of ryots to blank papers, seem to me to require the check of registration, and more especially, the frightful length to which late reports from Mr. Bell and Mr. Herschel,† corroborated by the result of the Nuddea cases, show that factory omlah are ready to go in forgery and perjury, proves to me the necessity of protecting the ryot by a thoroughly good system of registration. It is to these factory omlah that the whole work of taking engagements in writing is avowedly left. It is necessary, in my opinion, that the registration should be so conducted, that the identity of the person signing the engagement with the person named in the document should be ascertained, and capable of being proved at any time; and that the fact that both parties fully understand all the conditions of the deed should be ascertained, and recorded by a disinterested officer. The great length of some forms of bond adopted, and the general illiterate character of the poorer of the two parties, make this last provision, in my opinion, very desirable. From such a system of registration

Registration of indigo contracts.

* In a minute dated the 6th October last, submitted to the Government of India with letter No. 5304, of the same date.

† *Vide* Appendix to the Minute dated the 23d November last, on the second memorial of the Indigo Planters' Association, submitted with letter No. 6303, dated the 24th idem.

tration both parties will derive great advantage, and much unsatisfactory litigation will be prevented.

Minor points in minute of Messrs. Temple and Fergusson.

Prosecution of British subjects.

A general disarming.

Responsibility of prime movers in affrays.

Mr. Fergusson's minute.

92. The separate minute, signed by Mr. Temple and Mr. Fergusson, treats of some points not noticed in the report. These two gentlemen remark that district magistrates have ample power to investigate and prosecute British subjects in the Mofussil, and that they ought to exercise that power. This is true, though the trial (except in cases of simple assault punishable by a fine of 500 rupees), under the present law, can only be at the Presidency. In grave cases, I trust that this duty is never neglected. But the expense both to the public and to private persons of a prosecution at the Presidency, for an offence committed at a distance, is very heavy; and the inconvenience and loss to prosecutors and witnesses are so great, that such prosecutions are a misfortune to the neighbourhood, in which the person injured is the most certain sufferer. It is not in the nature of things that these considerations should not operate, to a certain extent, as an exemption from amenability to all criminal law in minor matters. These two same members recommend the general disarming of all natives in Bengal, but without taking away clubs. The long, heavy, iron-bound club in use is a formidable lethal weapon; and a disarming in Bengal, which should not touch the most common lethal weapon used in affrays, would be operative, I fear, only for harm; it would disarm the peaceable man, and allow the professional bravo of the country to carry his own peculiar arms. I would rather reverse the operation. I do not see in the evidence anything to show that the mass of the people in Bengal, a quiet and well-behaved race, should be disarmed. I should like to see them much more ready and more stout in self-defence than they are; but I would disarm and punish the hired clubmen, and I would punish all who employ them, without exception of classes. I trust that a provision in the penal code introduced by the Bengal Member of the Legislative Council, in consequence of a suggestion from me, will have the effect of enabling the magistrate to cut off the root of affrays, by imposing some responsibility on those in whose interest they are committed, as recommended by those two members of the Commission.

93. The body of the report is signed by four members. The fifth, Mr. Fergusson, the able representative of the planting interest in the commission, has not signed it, and has put in a separate minute, explaining his reasons. I understand that his dissent, in the main, is to the tone of the report, which in his opinion leads to the inference that planters, as a body, are lawless. The inference I myself draw from the report is, that the planters, as a body, and naturally, are like any other class of our fellow-countrymen, but that being within the meshes of a false system, in all that concerns that system, they cannot but act as the system constrains them. Like all such bodies, they comprise men of all temperaments, but it is and has ever been my conviction, that there are in this body many as good men as any in India, and I see nothing in the report to the contrary. Mr. Fergusson objects to certain views in the report, as tending to disturb the acknowledged principles of the permanent settlement, and to give ryots notions of their rights incompatible with that contract between Government and the zemindar. I conceive that there is here some of that misapprehension of the nature of the permanent settlement which is very common. That measure in no respect differs from any other Indian revenue settlement, except in being permanent, instead of for a term of years; it is only a settlement of the Government demand of revenue; it in no way touches any rights, interests, or tenures of land, all which it leaves as it found them. It is truly described as a contract between Government and the zemindar; and therefore necessarily it could not affect third parties, whose rights, titles, and interests, indeed, it acknowledges specially, and excepts in terms. Mr. Fergusson freely admits that the recent crisis must sooner or later have occurred, because planters did not raise their prices as other prices rose. He comes thus, I think, in effect, to the same practical conclusion that the majority of the commission, and I myself come to, namely, that the root of the whole question is the struggle to make ryots grow indigo plant, without paying them the price of it.

Conclusion.

94. My high opinion of the manner in which the commission have conducted their inquiries, and reported to Government their conclusions, upon this extensive and long controverted subject, has been expressed to the gentlemen who composed it, in a separate letter. At a moment of passionate excitement, the careful

careful impartiality with which they conducted their inquiries was admitted on all sides. And though every one will form his own judgment as to their conclusions and recommendations, the cautious, temperate, and kindly manner in which they have framed their report, will, I am sure, be cordially acknowledged by every one.

(signed) *J. P. Grant.*

17 December 1860.

Appendix A.

MEMORANDUM on the Evidence regarding the Unprofitableness of Indigo, to the Ryot, at the Price paid.

It is shown that the fairest comparison of the return from spring-sown indigo with that from other crops, is the comparison made with early rice, both of these crops being sown in spring, and cut in the rains.

Appendix No. 4 gives the value of the average return from an acre of land, in a large number of districts, of several crops, and amongst others of early rice. The average return from early rice in Duddea (Kishnaghur) generally is stated at *Rs. 8. 10.* At Culna, on the border of Nuddea, and at Santipore in Nuddea, it is stated at 11 rupees; at Chagdah in Nuddea at 9 rupees; and at Ranaghat in Nuddea at *Rs. 7. 2.* The averages given in the neighbouring districts, namely, in Jessore (where it is so high as 14 rupees), Moorshedabad, Hooghly, and Baraset, are all higher than that given to Nuddea. Mr. Sawers, an indigo planter, states that seven and a half maunds of rice, meaning evidently early rice, is a high yield, the value of which formerly, with the straw, would have been 9 rupees, but at present prices it is 17 rupees. On the whole, I think that *Rs. 8. 10.* must be considered a low average return from early rice.

All the evidence goes to show that nine bundles of indigo (from eight to ten) is about the average return. Appendix No. 1 shows that the most common price given for indigo is one rupee for six bundles, the highest price ever given being one rupee for four bundles, and prices as low as one rupee for seven, eight, and even in two cases ten bundles being given. I make out the general average to be about five and three quarter bundles for the rupee. At this rate the average return will be less than *Rs. 1. 9.*; so that the difference between this return and that from early rice, being the net loss of the ryot upon indigo, comes out at *Rs. 7. 1.*

There seems no difference in the cost of cultivation to take into consideration. But against indigo has to be set the cost of a stamp, charged to the ryot, whether used or not, and often the cost of cartage, or a part of it. Also the fees of the factory Omlah, of indefinite amount, which I observe one planter, Mr. Sage, thinks do not exceed one-fourth part of the amount credited to the ryot.

The above seems to me the simplest and most certain method of calculating the loss on indigo.

Sometimes indigo stumps are left in the ground, which produce seed. The seed is taken by the factory at a fixed price, about a quarter of its present market price, or less; but even so it may yield an additional two rupees or four rupees to the ryot. This, however, does not affect the calculation, because in this case the ryot cannot have a cold weather crop, the value of which must be set against the seed.

Spring-sown indigo is the most important for present purposes, as October plant is usually sown on low land, inundated early, on which the pressure of indigo cultivation does not appear to be nearly so severe as on good high land. It appears to be a universal rule, that the severest loss from indigo is from land fit to raise the most valuable crops, which, as might have been expected, is naturally unsuited to so coarse and low-priced a crop as indigo plant.

Mr. Eden makes a comparison between indigo and tobacco, on land fit for tobacco, which is the best sort of land in Bengal, and pays three times the average rent. He gives the cost of the cultivation of this land at *Rs. 13. 6.*, and the produce at twenty bundles (a fair estimate for the produce of tobacco land), which at a price of five for a rupee are worth but 4 rupees, showing a net loss of *Rs. 9. 6.* Mr. Eden has omitted fees and stamps from his cost; but I imagine, nevertheless, it is above the mark for plough cultivation, even of a high sort. For tobacco he gives the cost of cultivation at 24 rupees, and the produce at 35 rupees, showing a net profit of 11 rupees. Adding the net profit on the one to the net loss on the other, he deduces an absolute loss on indigo of *Rs. 20. 6.* But I do not think this a fair calculation; because indigo is not grown on tobacco land instead of tobacco, but in rotation after it. The comparison, therefore, should have been made, not with the produce of tobacco, but with that of the most paying crop which ought in good husbandry to be grown after it. Even so I think there can be no doubt that an absolute loss from indigo upon tobacco land, at a price of a rupee for five bundles, would be fairly deducted, greatly exceeding the loss of 7 rupees a beegah, assumed on land of ordinary quality. A gross return of 4 rupees a beegah,

beegah, from the finest land in Bengal, would be an absurd return to assume under a system of free agriculture, as it would not pay the cost of cultivation.

Mr. Larmour, the able manager of the Bengal Indigo Company, gives the expense of cultivating a beegah of *nij* land, reckoning the full price of seed, but of course without charging for stamps, or Omlah's fees, at Rs. 6. 14. 6. a beegah, by kodalee cultivation; and the produce at 24 bundles, upon land of high quality. In inferior land he states the expense at one-third less, and the produce at ten bundles. At the price he gives for indigo, viz., one rupee for six bundles, the value of this would be 4 rupees, which to a ryot would be a dead loss of Rs. 2. 14. 6. by the planter's own account. In this calculation only Rs. 1. 4. is charged for rent, but the usual rent of tobacco land is 3 rupees. To this loss must be added the loss of the profit that the cultivator would have made by another crop.

Taking the cost of Mr. Larmour's *nij* cultivation roughly at 7 rupees, and the selling price of the dye manufactured from the produce at 24 rupees (which is about the mark when indigo sells at 200 rupees a maund), there remains a sum of 14 rupees, from which, if all the general and manufacturing charges are deducted, the remainder will be the profit and interest upon capital divisible in fair proportion between both cultivation and manufacture. I find no evidence as to what this deduction should be. But from what I can learn, I am inclined to believe that those charges must be taken on four seers of dye at from 6 to 7 rupees, leaving at the lower estimate only 8 rupees to be divided between the cultivator, as such, and the manufacturer, as such, for interest upon capital and profit. This estimate may not be very near the truth, though it can hardly be very far from it; but however that may be, it is plain that twice the price now paid would not nearly remunerate the cultivator, as such, though it would much reduce the manufacturer's profit. It is very far from clear that putting cultivation and manufacture together, an ordinary crop would not, on such land as this, pay better than indigo at present prices. In my view there is nothing in this calculation to invalidate, and much to corroborate, the result above arrived at, as to the amount of average loss to the ryot being 7 rupees a beegah.

The calculations of Joy Chand Pal Chowdry, a zemindar and indigo planter, do not materially differ. He puts the ryot's cost of cultivating tobacco land for indigo at Rs. 5. 6. 6. a beegah, and the produce at 16 bundles; the quality of land assumed being probably not so good as Mr. Larmour's, and its degree of cultivation being less.

The same gentleman, as well as Mr. Rose, a planter, and others, admit that a rupee a bundle on some land would not compensate the ryot. As a bundle only makes a rupee's worth of dye, this evidence throws light upon the above calculation; for it makes it manifest that on some land it would be a great waste of money in any one, being both cultivator and manufacturer, to raise indigo. It follows, that for the produce of some ryot's land, if he is forced to cultivate it with indigo, not only does the ryot not receive a fair price, but the manufacturer could not afford him a fair price. Whenever, by the force of circumstances, such land is cultivated with indigo, at the present prices of agricultural produce, and of the dye, the country loses by this unnatural application of capital at least an amount equal to all the manufacturer's charges.

Mr. Morell calculates the net profit on rice at Rs. 3. 10. 4½ a beegah. This is in the Eastern Soonderbuns, where rice is very cheap. Mr. Sawers, a planter, gives the profit on rice in Western Bengal at Rs. 3. 2. formerly, and at Rs. 10. 10. now. All the evidence supports the statement of Shumboo Nath Mookerjee, zemindar and indigo planter, that the dead loss to the ryot from cultivating indigo is the value of the labour of man and beast upon the land. This may be taken at between 3 and 4 rupees, and the net profit from rice may be taken in Western Bengal, at present, at between the same two rates. This corroborates the first calculation made, which gave 7 rupees as the absolute loss on average land from cultivating indigo at the price now paid for it.

OFFICIAL PAPERS published in the Supplement to the Calcutta Gazette, dated 6 October 1860.

On the Cultivation of Indigo in the Madras Presidency.

From *J. D. Bourdillon*, Esq., Secretary to the Government of Fort St. George, to *W. S. Seton-Karr*, Esq., President of the Indigo Commission, Calcutta, dated Revenue Department, Fort St. George, 20 September 1860.

Sir,

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your letter of the 27th June last, and to forward in reply copy of one from the Board* of Revenue, and of its enclosures, furnishing information on certain points connected with the cultivation of indigo in this Presidency.

* Dated 15th September 1860.

From *J. D. Sim*, Esq., Secretary to the Board of Revenue, to *J. D. Bourdillon*, Esq., Secretary to Government, Revenue Department, dated Madras, 12 September 1860.

Sir,

With reference to the order of Government, dated 11th July last, No. 1151, Revenue Department, I am directed by the Board of Revenue to submit reports (as per margin), from the collectors of the five districts in which indigo is most extensively cultivated, furnishing the information required by the President of the Indigo Commission at Calcutta.

From Cuddapah, dated 25th July 1860.
 " South Arcot, dated 2d August 1860.
 " Nellore, dated 22d August 1860.
 " Salem, dated 29th August 1860.
 " North Arcot, dated 4th Sept. 1860.

2. In this Presidency indigo is almost entirely grown by the ryots who have no dislike to its culture. The manufacture of the dye is also very largely conducted by the natives on their own account.

3. Contracts for the supply of the plant are readily and voluntarily entered into, its cultivation being profitable and the contract securing to the producer a certain market, as well as the convenience of an advance. Where the demand for the plant is sure, the ryots cultivate it extensively without contracts or advances. Many manufacture their own produce, and all are at full liberty to consult their own interests in making or abstaining from engagements for its sale when ready for delivery, and in settling the terms of such arrangements. The "ryots" of this Presidency are themselves the "zemindars," the ryotwaree tenure giving them absolute right to their lands in perpetuity, subject only to the condition of paying the fixed Government assessment; they are consequently free to raise what crops they please, and are fully aware of their rights, as well as able and ready to assert them. Indigo contracts are not found to be productive of more litigation, disputes, or disturbances, than contracts of any other description.

4. It is impossible to state what proportion of the cultivation and manufacture is carried on without European superintendence, or what advances are made to the producer by Europeans.

5. The Board are not aware of any printed reports on the growth, &c, of indigo in this Presidency, and their records supply no information of any importance on the points under the consideration of the Bengal Commission. Nothing has occurred to raise discussion; the rights of the people are known and upheld; their engagements with European manufacturers are voluntary, and differences are adjusted, like other ordinary disputes, without recourse to measures unsanctioned by laws. Transactions in indigo are in fact not distinguished by any peculiar characteristics whatever, nor is there any antagonism of feeling between the European merchant and the native producer.

1850-51	-	-	21,97,714 lbs.
1851-52	-	-	17,18,931 "
1852-53	-	-	29,68,493 "
1853-54	-	-	23,20,427 "
1854-55	-	-	14,07,785 "
1855-56	-	-	28,99,627 "
1856-57	-	-	28,46,838 "
1857-58	-	-	20,88,682 "
1858-59	-	-	19,84,773 "
1859-60	-	-	25,31,726 "

6. The exports of indigo during the last 10 years are given in the margin.

From *A. Wedderburn*, Esq., Officiating Collector of Cuddapah, dated Cuddapah, 25 July 1860.

I HAVE the honour to reply to the Government Order, No. 1151 of 11th July 1860, on the Proceedings Board of Revenue, in reference to the three points on which information is required by the Indigo Commission.

1. Indigo is not chiefly grown in this district by Europeans on lands held by them in direct connexion with their factories, or cultivated either with their own or hired stock. It is grown by ryots on contract, to deliver so much indigo plant at the factory at a fixed rate per bundle.

2. The agents of the Madras firms wisely avoid occupying the same talooks; so that there is no system of forcing the cultivation upon the ryots, who are much too independent to submit to such a process. It is quite free; no complaints have been made; on the contrary, the system of advances to the pauper tenantry of this district, has done a great deal to improve their condition, as well as facilitated the collection of the revenue.

3. The cultivation of indigo is not fixed; it extends or contracts with the demand for the article. It has, however, been steadily increasing of late years; many of the richer ryots cultivate it and manufacture it on their own account. Native capitalists also engage in the trade.

4. I estimate the cultivation and manufacture of indigo by natives, without European superintendence, in the ratio of 10 to 1 of that produced under European management.

5. It would be difficult to state precisely the amount of advances made by Europeans to producers, without trespassing on the private concerns of commercial firms. However I may state that eight lakhs of rupees were drawn by bills last year on the Cuddapah treasury by Madras houses. The amount of money obtainable from this treasury is now more circumscribed than formerly, as large drafts are now made on account of expenditure on the railway works in this district.

6. I consider that eight lakhs scarcely represent one-half of the sum paid for indigo, the out-turn of which on 36,000 acres, cultivated last year, at an average profit of rupees 50 per acre, will show a value of 18 lakhs of rupees.

From *H. Wood*, Esq., Collector of South Arcot (dated Cuddalore,
2 August 1860.)

I HAVE the honour to acknowledge the receipt of Board's proceedings, under date 12th ultimo, giving cover to the proceedings of Government of the 11th idem, requesting information as to the culture of indigo in this district.

2. This plant has been cultivated here by the natives ever since the commencement of the century; at first it was used in a rude state as a dye for local purposes. When it became prized in the European market, however, a large number of factories were built in the district, and carried on under European superintendence for some years.

3. The natives themselves, about the year 1830, discovering that the process was a simple one, built factories for themselves, and soon were enabled to beat the Europeans out of the market, there being now not a single factory in the district of those formerly established under European superintendence, and the only factory, not under native superintendence, being that of Messrs Parry & Co., at Trivananalore.

4. The Europeans never did cultivate the indigo themselves, but bought it from the natives through their native broker, who occasionally gave advances to them, but no regular contracts were entered into, and this seems to be the course now adopted by Messrs. Parry & Co.

5. It frequently happens, however, that the grower of the indigo is both the manufacturer and the shipper, if he is a man of substance, though a large part of the business of the native merchants of the place is in this article.

From *J. W. B. Dykes*, Esq., Collector of Nellore, dated Nellore, Collector's
Office, the 22d August 1860.

WITH reference to your proceedings dated the 12th July last, communicating the order of the Madras Government of the 11th idem, and requesting information on the first three heads of paragraph 3 of those proceedings, bearing on the subject of the cultivation and manufacture of indigo, I have the honour to reply to them *seriatim*.

2. In answer to the first point, whether the cultivation of Indigo is directly carried on by Europeans on lands held by them in direct connection with their factories, or by natives who contract with the Europeans and deliver the indigo plant

plant at so much per weight or bundle, I beg to state that the plant is grown throughout the district entirely by natives, by the ryots who contract to deliver the plant at so many bundles per rupee.

3. With regard to the second point, whether the contracts are willingly entered into, or whether the cultivation of the plant interferes with the other occupations of the ryots and produces disturbances, I may, I think, state with perfect and entire confidence, that, as a general rule, the contracts are entered into willingly and readily, and the cultivation is not productive of disturbances of any sort. The ryots of a portion of the district (the Nellore, Kaligiri, Pámúru and Náyudupéta Divisions), not only enter into the cultivation freely, but give a decided preference to dealings with Europeans. The ryots of the other parts of the district, on the other hand, give a preference, apparently, to their own countrymen, for which two causes might be assigned, first, the native merchants give advances when the ryots stand in need of them, and take the plant when ready; they thus bring many within their operations who would not otherwise be so engaged; and secondly, when the ryots fail in their contracts, they resort to legal process only as the last expedient, whilst Europeans, on the other hand, grant advances and, recover more after the regular course of trade. But in reality, much is undoubtedly to be ascribed in this respect to the relative circumstances of the different portions of the district. Where there are wealthy natives, there the trade is more likely to be in their hands. Where this class is wanting, a wider field is opened to Europeans.

4. With regard to the third question, I am unable to give any precise information. The cultivation and manufacture of indigo are carried on to a very great extent in this district without any European superintendence whatsoever. But what proportion such indigo bears to the indigo raised and manufactured under the direct superintendence of Europeans, there are no accounts to show, any more than to what extent advances have been made on the latter.

From *H. A. Brett, Esq.*, Collector of Salem, dated Salem, Collector's Office, Usúr, the 29th August 1860.

With reference to the Board's proceedings, dated the 12th July last, No. 3196, communicating the order of Government, dated 11 July 1860, No. 1151, on a letter addressed by Mr. W. S. Seton-Karr, President of the Indigo Commission at Fort William, to the address of the Chief Secretary to Government, Madras; and requesting me to report on the various points referred to in Mr. Seton-Karr's letter, I have the honour to submit a reply to the several questions *seriatim*.

Answer 1.—The indigo grown in this district is not raised chiefly on lands held by Europeans. The only European in the Salem district who grows indigo on his own land is Mr. Frischer, the mirththadar of Salem. He cultivates the plant on a small extent of land belonging to himself, with his own ploughs and bullocks. Mr. Frischer deals largely in indigo. His usual plan is to make advances to the ryots, who contract with him to supply the plant at a certain price per maund, according to the quality of the crop. No native mirththadar, zemindar, or poligar, grows this plant on his own private lands, or employs the ryots to grow it. There are seven factories in this district in which indigo is manufactured. Four of these factories belong to Mr. Frischer, and the remaining three to two wealthy ryots, who follow the same system as that followed by Mr. Frischer in regard to the cultivation of the plant; that is, they cultivate indigo to some extent on their own land. They also contract with the ryots to grow it for them.

Answer 2.—I have no reason to believe that the ryots who contract to supply the plant do so at all unwillingly. The contract system has not, speaking generally, been productive of disputes, litigations, and complaints.

Answer 3.—In the three factories belonging to natives, the owners make no use of European superintendence. They sell the manufactured indigo at Madras, or elsewhere, on their own account.

Answer 4.—The Salem district is not one of those districts where the cultivation of indigo is carried on to any large extent. I am not aware that any report has been made to the Board, or the Government during the last 10 years, in any way bearing on the subject of the Commissioners' present inquiry. I submitted to the Board, under date the 8th March 1858, No. 19, a report on the extent to which indigo is cultivated in this district, but that report had no reference to the particular points on which information is now required.

Answer 5.—I have no means of stating with any degree of accuracy what quantity of indigo has been exported from this district during the last 10 years.

From *J. D. Robinson, Esq.*, Acting Collector of North Arcot, dated North Arcot, Collector's Circuit Kacheri, Palamaner, 4 September 1860.

I HAVE the honour, with reference to the proceedings of the Board of the 12th July last, No. 3196, to report on the several points upon which the Indigo Commission have called for information. In regard to the first point, I gather from the reports of my native subordinates and other sources, that European agency is not directly employed in the cultivation and manufacture of indigo in this district. Messrs. Parry & Co. of Madras, and Messrs. Hart & Simpson are the only Europeans who have factories in the district, and from some correspondence which has passed on the subject, I learn from the former firm, that their concerns are managed entirely by native agency, and that the indigo manufactured at their factories is cultivated by the ryots on their own lands, on receipt of advances made to them under agreement to deliver the leaf at a certain rate per cullum at the factory. The rates probably vary somewhat according to locality, but the tehsildar of the polar talook, in which Messrs. Parry & Co. have a factory, gives it at 10 kallams per pagoda of three and a half rupees, and Dr. Shoot in his treatise on indigo mentions that the plant is very generally sold at seven bundles per rupee, each bundle being about seven feet in girth. The plant is also freely brought to the factories for sale for ready cash by cultivators who have received no advance.

On the second point I am, from the reports before me, able to state confidently that contracts are entered into readily and gave no occasion to misunderstanding. They are not more productive of dispute and litigation than contracts in general, in which the same class of people are concerned. The cultivation has long been familiar to the people; it is profitable, popular, and adapted to the light soils used for it.

On the third point, the statistics before me show, as already stated, that the culture of the plant is exclusively in the hands of our native cultivators, and that, in the subsequent transactions connected with the sale of the raw material, there is little, if any, contract with European agency. Messrs. Parry & Co. are silent as to the amount of advances they make annually, nor can they, or others, be expected to supply this information, for very obvious reasons. From my Jumma-bundi Report however, just transmitted to the Board, you will learn that 21,017 acres of land were cultivated with the indigo plant during fusli 1269. The produce of this may be roughly estimated at about 23,000 maunds, which, at an average selling price of 30 rupees per maund, would give 690,000 rupees as the market value of this staple manufactured within these limits.

In conclusion, I would merely observe, that not only has the cultivation of indigo in this district been attended with beneficial results to the ryot and manufacturer, but it is indirectly a very profitable source of revenue to Government, inasmuch as it brings under a highly remunerative crop, light soils which could not be utilized to equally good purpose, if sown down with the usual dry grains.

— No. 5. —

(No. 3.)

To the Right Honourable Sir *Charles Wood*, Bart., G. C. B., Her Majesty's
Secretary of State for India.

Home Department, Camp Kuttra Moharee,

29 December 1860.

Sir,

1. PROBABLY by the last mail from Calcutta you will have received the minute of the Lieutenant Governor of Bengal, dated the 17th instant, on the report of the Indigo Commission; but I herewith enclose a copy of it in order that, if not already sent, it may reach you without delay.

2. In this paper the Lieutenant Governor has dealt with the subject fully and clearly. I can add nothing to the succinct history which he has given of the system of indigo cultivation in the lower provinces of Bengal, and I agree generally in his reasoning and conclusions.

I entirely agree in the opinion that the cause of the evils in that system is to be found in the fact, that under it the manufacturer has required the ryot to furnish the plant for a payment not nearly equal to the cost of the production; and I concur in the opinion, that it is to the system, much more than to the planters individually, that blame attaches.

3. As is usual when the interests of two important classes of the community are in open antagonism, and when a great evil is in process of righting itself, the Government has been blamed sometimes for not interfering enough, sometimes for interfering too much. Upon a careful retrospect, it appears to me that the only reproach to which the Government is justly open in its treatment of the two classes, planters and ryots, is that of having left the ryot too long in ignorance of the protection which he might claim against the proceedings of any planter who had bound him by unreal obligations, and who had enforced these by unlawful means. The Lieutenant Governor is quite justified in saying that our administration of the law has not been impartial. The evidence taken before the Indigo Commission shows what the nature of the above-mentioned obligations and means has been, and how they have been used, especially by the native servants of the factories; and I am sorry to say that it does not show that the ryots have been adequately defended against them.

In this respect the Government has been long in fault; and the fault is a part, or a consequence, of the general and acknowledged imperfection of the administration of justice and of police in Bengal. But, as regards the crisis through which we have just been passing, I am not aware of anything which could wisely and safely have been done in the last 12 months, and which has been left undone.

On the one hand, the planters were, in the exigency of the moment, protected to the very verge of justice to the ryots by the Act of 14th April 1860. In truth, but that that Act was declaredly temporary, it would have been unjust to the ryots. On the other hand, the ryots having become sensible of their position, were cautioned against pressing such grievances with violence or excitement, and were solemnly warned against repudiating contracts which were real. They were also warned against the delusion (to whatever extent it may have existed) that the Government was opposed to the cultivation of indigo; and means were taken to compel them by force, if necessary, to be peaceable.

There was at one time risk of conflict arising from a coercion of the ryots, where their contracts were real, and where the planters would have been justified in compelling them by law to sow. I understand that no such conflict has arisen; and if so the merit is due to the planters for their wise forbearance.

In a proclamation issued in one district, an error was committed by the apparent ignoring of the obligations of those ryots who were under engagements to sow indigo in years subsequent to the present year; but this was pointed out to the Bengal Government, and I believe that no evil resulted from it. At all events the continuance or recurrence of any evil that was likely to result from it (such as the repudiation by any riot of a *bona fide* obligation to sow or deliver indigo), was guarded against as far as the Government could guard against it.

4. If, nevertheless, it should be the opinion of any one that the Government ought to have done more to ease the crisis to the planters, and to induce the ryots not to refuse to sow, I beg that he will read the evidence recorded by the Commission. No one who does so will fail to see that, having regard to the strong feeling evinced by the people against the cultivation of indigo, and to the reasonableness of that feeling, the Government would have been unfaithful to its duty if it had not made known to the ryots exactly their position under the law. He will see that any attempt on the part of the Government to persuade or reconcile those ryots to sow, even for one season, who were not bound to sow, would have been liable to very dangerous misinterpretation. And if he will refer to the Lieutenant Governor's minute of the 17th of September, describing the scene through which Mr. Grant passed about that time in Nuddea and Jessore, he will find that although it was the peaceful people of Bengal with whom we had to deal, and although they were quite orderly and respectful, their conduct demonstrated unmistakably that to endeavour to stint or delay their exercise of free judgment in disposing of their land or labour, might have led to consequences much more disastrous than any partial discouragement of the growth of indigo.

To me it appears that there was only one fitting and safe course for a Government to take in such circumstances—to speak the truth plainly and fully to both sides; to warn both; and to be prepared to enforce order with a strong hand.

5. The Lieutenant Governor shows what proportion that part of the indigo trade of India, which has been in jeopardy, bears to the rest of the trade. This is very deserving of attention. Less than one-fifth of the produce of the Bengal Presidency, or about one-seventh of the produce of all India, has been in peril. In other words, six-sevenths of the indigo cultivation of India is carried on upon systems which, if not all equally sound, have not had their unsoundness pushed to the extreme and dangerous length which has been reached in some parts of Lower Bengal. This shows that the interests of India as an indigo-producing country are not widely in peril; and it is presumptive evidence that where the system has been unsound the remedy lies with the planter, and not in changes of the law. For those who grow indigo on a sound system live under the same laws, and, to a great extent, under the same local administration with those who grow it on an unsound one.

6. But I rate the local value of the indigo trade higher than I understand it to be rated by the Lieutenant Governor.

Of course that value depends mainly upon the profits which indigo brings to the producer and to the manufacturer; but the trade is valuable on other grounds also.

The cultivation and manufacture together give employment to many more persons than would be employed if grain crops alone were raised. I believe, that in and about the factories of one firm* alone, upwards of 60,000 persons are engaged at one season or another; representing an outlay, which, together with the planters' and merchants' profits, is drawn from Russia, France, and England mainly, but more or less from every civilised country in the world.

And, although it is true that grain, rice, and oil seeds would at present prices be far more valuable crops than indigo, this has not always been so, and it may not continue. It is certain that as Upper India extends and improves its productions, and as the facility of transport increases, the tendency will be towards a general equalisation of prices in all articles, the cultivation of which is common to a greatly extended area; † whilst Lower Bengal, having a soil and climate better suited to the growth of indigo than any that have yet been discovered in the world, would not, as regards this product, be affected by any new area that could be brought within reach of the port of Calcutta. It is, therefore, quite possible that rice and grain may again become unremunerating crops, while indigo, cultivated upon a sounder system, would not only hold its own against them, but would become more and more profitable as the extending wants of foreign

* Messrs. Watson.

† The degree to which the want of roads or of easy communication causes a difference of prices, even in the necessaries of life in different parts of the country, is scarcely credible out of India. At this present time there is famine between Delhi and Agra; whilst in Oude, less than 200 miles distant, there is a glut of grain. Ten days ago the Irregular Cavalry with my camp were paying in the Mirzapore district 33 per cent. more for forage, and 60 per cent. more for flour, than they are to-day paying in Rewah. The reason is, that in Oude and Rewah the roads are few and bad.

foreign markets gave a higher value to the peculiar advantages possessed by Bengal.

7. These are not reasons for protecting or bolstering up the cultivation of indigo in any place, and least of all where it is cultivated upon a system which is not sound; but they would be reasons for viewing with regret any general break down of the indigo trade of Bengal, if a general break down were imminent; and they are reasons for giving to the English capitalists engaged in that trade all the help and encouragement that can be given to them short of special legislation. By special legislation, I mean any legislation which should confer upon indigo planters greater power and facility than are accorded to other classes in the making or enforcement of contracts, or in the punishment of breaches of contract. I concur with the Lieutenant Governor in deprecating any laws of the kind.

8. But I am not sure that help may not be properly and usefully given to the planter without departing from this principle. Already the fraudulent breach of contracts for service, of contracts with artificers and labourers, or of contracts for public works, is cognizable by a magistrate and punishable with fine or imprisonment. Perhaps the same law might beneficially be extended to contracts for the delivery of any agricultural produce (not of indigo alone) where the breach of contract was fraudulent, and where advances had been accepted. Upon this question I wish to defer giving a final opinion until I return to the Presidency.

9. That which certainly can be done to help the indigo planter is to improve the police; to improve and expedite the administration of the law, and to give the security of registration to contracts for agricultural produce.

The Lieutenant Governor states briefly what has been accomplished and what is in progress under these heads. It will be seen that much has been done in the last few months by the introduction of the new civil code, the strengthening and extension of the courts, and the increase of sub-divisions. I have nothing to add to his Honor's statement, except that I entertain no doubt that a system of police, similar to, though not precisely the same as the Madras system will be found applicable to Bengal; and that I am perhaps a little less confident than he is of the satisfactory working of a registration scheme.

10. I agree in the Lieutenant Governor's objections to the appointment of special indigo district officers, or of special indigo commissioners.

To the employment of special commissioners, indeed, (which was much pressed upon the Government at one time), there is a fatal impediment, unless the number of them were far greater than the supply of thoroughly competent and available persons would permit they would be quite unequal to the task. The area of the six districts* in which alone serious differences have arisen between the planter and the ryots, (and the operations of the Commissioners could not fairly be confined to these), extends to about 15,000 square miles; the roads within it are few; it is intersected with large unbridged rivers, and it is studded thickly with indigo factories. An attempt to refer all disputes in indigo matters to any moderate number of roving commissioners would, in such a country, infallibly fail, whilst the expense would be a large addition to the cost of the existing judicial establishment of the country.

The idea of employing special commissioners seems to have been taken from the example of the inspectors of factories or of coal mines in England; but in a country where railways and good roads are as yet unknown, where the land is a swamp for four or five months in the year, and where each factory consists, not of a compact building, and some hundreds of workmen living within a stone's throw of it, but of a tract spreading over many miles, and including numerous villages and their lands, the example is not appropriate.

11. The Lieutenant Governor touches briefly upon the suggestion to invest indigo planters with magisterial powers as honorary magistrates, and makes mention of a previous minute of his as being already before the Government of India, and as recording his opinion upon that subject. I enclose a copy of that minute, and of minutes by the members of the Supreme Government, and I request your perusal of these papers.

Minute by Lieutenant Governor of Bengal, 3d November.
Ditto by the Governor General, 13th November.
Ditto by the Honourable Mr. Beadon, 13th December.
Ditto by the Honourable Sir B. Frere, 18th December.

* Rajshaye,
Moulah,
Moorshedabad,
Nuddea,
Jessore,
Fureedpore.

They treat of the question of honorary magistrates in Bengal generally, and not in the indigo districts alone; but they show how strongly the Government of India desires to obtain from non-official English gentlemen in those districts, as elsewhere, aid in support of the law, and general co-operation for the purposes of Government. They show, too, that this is no new desire, and they cite the fact that an experiment has already been made of the measure, though in circumstances and at a time singularly disadvantageous.

12. But in truth, the greatest impediment of all to the well-working of that measure in Lower Bengal is this very system of indigo cultivation which we are now discussing, and which every man, planters themselves included, joins to condemn. Let any one who has read the evidence taken by the Commission say whether the position of an indigo planter conducting his factory upon that system, and called upon at the same time to act as a guardian of the law, and as a protector of the weak from wrong, must not be a false and untenable position.

It is monstrous that in the part of India where independent English residents are most numerous, and where there are many who, by character and education, are well qualified to take their places in a magistracy, the vast majority should, by reason of an old-established vicious system of dealing with the natives, which perforce they have been compelled to follow, be practically debarred from rendering useful service to the State. The system was so old and so deeply rooted, that although better police and better administration of the law would have diminished the evils growing from it, I do not believe that any action of Government could, within a reasonable time, have forced a sound system into its place. The endeavours of individual planters to do so, and to institute fair relations between their class and the ryots would have remained equally unavailing. The task required not only courage, perseverance, and capital, but union and co-operation, and these last are not easily accomplished by non-official residents in the Provinces of India. There would, too, have been a certainty of loss, more or less heavy and continued to any planters who should have attempted to set their relations with the ryots upon a thoroughly right footing. As it is, the system has now broken down from its own unsoundness; and whilst I deeply deplore the injury which its fall will bring upon some who have earnestly striven to mitigate its injustice and to make the best of it, I cannot look upon the emancipation of Lower Bengal from such a system, and the changes which will follow that emancipation, as other than a great national good.

I have, &c.

Canning.

Camp, Kuttra Moharee,
29 December 1860.
