

REPORT
ON
Civil and Criminal Judicature
IN MYSORE.

26TH APRIL 1838.

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No. 51.

MYSORE COMMISSIONER'S OFFICE.

To

W. H. MACNAGHTEN, Esq.

Secretary with the Governor General.

SIR,

1. In obedience to the commands of the Right Honorable the Governor General of India in Council, contained in your letter of the 28th March 1836, I have now the honor to submit a report upon two branches of the internal administration of the Mysore Territory, namely Judicial, Civil and Criminal, and Police, together with my opinion how far the rules laid down have been found by experience to answer the ends for which they were intended.

2. In treating of this subject it will be convenient to notice first of all the practices and forms prevalent in these branches of the Government under the ancient rulers of the country.

3. Little information can however be gathered from any documents or Hookumnamahs that have descended from ancient times, respecting the rules and forms of Civil Judicature in Mysore, and if the scarcity of orders on Judicial subjects, and the multitude of minute instructions for the collection of the Revenue, be taken as signs of the disposition of the ruling powers, it would seem that the administration of justice obtained but little of their attention, the chief anxiety of one and all of them having been directed to the filling of their Treasuries. To this observation the Government of Poorniah can only be considered as a partial exception; and as the remains of his institutions continued to exist, though under a deteriorated character, at the time of the assumption of the country, it becomes necessary to introduce some account of them also to the notice of His Lordship in Council.

4. Indeed, without some such reference to past rules and observances, two important objects might be lost sight of. First,

the ancient practice of the country, into which I understand it to be the wish of Government to infuse the greatest possible amelioration, with the least possible innovation; and secondly, the state of society and public opinion in this country, without due attention to which it is obvious that the introduction of the most humane and enlightened laws might only be productive of evil.

CIVIL JUSTICE.

Under the Ancient
Hindu Rulers.

5. In all disputes concerning property, whether real or personal, it is said that the following was the course usually pursued, under the Hindu Rulers, for their adjustment.

6. If the matter in dispute was of small amount, the aggrieved party usually called upon a few of the most respectable inhabitants of the town or village, and solicited an investigation by Panchayet; a certain day was then fixed, and the place of assembly publicly notified. The defendants and witnesses were duly summoned by the Public authorities, the Depositions of the several parties heard by the Panchayet, and the case was decided *vivâ voce*. When the subject of dispute was of large amount, the form of procedure was much the same, with the exception of taking a Moochilka, or bond, from both parties, binding themselves to abide by the decision of the Panchayet.

7. After a decision had been passed, no appeal was allowed; but, if during the investigation, either of the parties was dissatisfied, he was at liberty to stay the proceedings, and to refer the case to the heads of the village or town.

8. A similar course of investigation was then carried on by the same Panchayet in the presence of these authorities; witnesses were called, documents were examined, and the decision was summarily given.

9. No record of the proceedings was made, neither was a copy of the decision delivered in any case to the respective parties. But, to prevent any future agitation of the subject in dispute, Kurrar-namahs, or writings of agreement, were drawn out and exchanged,

and in general the parties were well satisfied with decisions thus given. It sometimes, though rarely, happened that one of them, in violation of his Moocuilka, carried his complaint to the Amil of the Talook, but this was only done previous to a decision being passed. In such cases the Amil summoned the heads of the village and the PUNCHAYETDARS to his Cutcherry, and the investigation was carried on in his presence, by the same persons who had originally been chosen to settle it. Such conduct on the part of a litigant, was however considered highly discreditable, and was of rare occurrence; even at the Amil's Cutcherry no record of such proceedings was made, neither was a copy of the decree delivered to the parties.

10. Amils were not empowered to decide suits, without previously submitting the case for the opinion of the heads of the village or town.

Under the Mahomedan Dynasty. 11. Much the same system prevailed during the Mahomedan Rule, excepting that there was a Sudder Court at the Hoozoor, for the adjustment of questions of Enams, and of disputes between Mussulmans. There were also Sur Cazys in the principal towns, who were vested with considerable magisterial authority, and the Asophs exercised a general control over the Amils in their Judicial capacity.

Under Poorniah. 12. This state of things continued until the time of the Dewan Poorniah. The practice of this minister, in civil judicature, during a certain period of his administration, has been described in detail by Major Wilks, in his Report on Mysore dated the 5th of December 1804. In the following year, however, Poorniah is said to have represented the necessity of establishing separate departments of Justice at Mysore; and a Court of Adawlut was accordingly constituted, consisting of—

2 Buckshees as Judges,

2 Scrishtadars and

6 Persons of respectability taken from the Mootafurkat, and styled Cumtee Wallahs, Hakims or PUNCHAYETDARS, who formed a standing PUNCHAYCT.

1 Cazy and 1 Pundit.

13. There was no regular form of proceedings laid down for the observance of this Court, the standing Panchayet composed, as above described, conducted the enquiry, *vivâ voce*, before the presiding judge or judges. No Moochilka was demanded from the parties, binding them to abide by the verdict, nor was the latter presented by the Panchayet to the Judge in writing. The Plaintiff and Defendant used to attend in person, and an examination was made of such witnesses and documents as they might have to produce, the witnesses were not examined upon oath, nor had the practice of receiving the written statements and counter statements called *Plaint, Answer, Reply and Rejoinder*, been then introduced.

14. The two Judges first appointed were Veeas Rao and Ahmed Khan. The former was chief in rank, and possessed much of the confidence of Poorniah, to whom he was in the habit of referring frequently in the course of the day, such judicial questions as arose; whilst Ahmed Khan merely attended the minister in the evening, to make his formal report, and receive instructions. Besides his functions of judge, Veeas Rao used to hear, and determine in the same Court, all complaints whatever, preferred by ryots on Revenue matters, and on these subjects Ahmed Khan never exercised any control. In such disputes alone were Moochilkas or bonds taken from the applicants, binding them to abide by the decision which might be passed on their case. Veeas Rao was also Buckshee of the Shagird Peshah or household department (in itself a very laborious office) as well as of the Sandal Cutcherry. Both judges sat at the same time, and the decrees were submitted to their united judgment; in forming which, they were aided by the personal representation of such of the Panchayetdars as had heard the case. In a simple matter, the decision was usually confirmed, and sealed when presented to the judges for that purpose, and a report of the decision was made at the close of the day to the prime minister, whose final confirmation was in all cases necessary. But when any difficulty occurred, the judges were accustomed to represent at once the circumstances to Poorniah, and take his directions.

15. In this court both Civil and Criminal cases were heard.

Matters of caste were referred for decision to the Cazy or Pundit, aided by a Punchayet of such individuals as were considered competent. There was however, little civil litigation in those days.

16. In the Talooks also, during Poorniah's administration, a course of proceeding, similar to that already described under the ancient Hindu rulers, obtained; the parties either named a PUNCHAYET themselves, and agreed to abide by their decision, or they made application to the Talook authorities, who ordered a PUNCHAYET, usually composed of the Killedar and two or three of the principal Yejmans and Shetties, and the matter was settled as they decided.

17. Thus was Civil Justice administered as long as Poorniah continued in office, during the course of which period, Ahmed Khan the second judge died, and Veeas Rao continued to sit alone.

18. When the Rajah assumed the reigns of Government, considerable alterations were, with the concurrence of the Resident, made in this department. A new Sudder Court was established at Mysore, with two Buckshees at its head, and under it were three inferior Courts, each under two Presidents called Hakims. Amongst these courts the business was divided as follows.

19. The Sudder Court heard and decided all civil causes above 500 Rupees; it received reports of the decisions of the three inferior branches of the Court, confirmed or revised them, and inspected and sealed their Decrees, without which, no decision was considered valid.

20. The Second Court had jurisdiction in Civil causes from 100 to 500 Rupees.

21. The Third Court had jurisdiction in suits not exceeding 100 Rupees.

22. The Fourth Court undertook the magisterial department, which will be more particularly adverted to hereafter.

23. Although these four courts sat in one place, and were all under the control of the chief judges; yet each had its separate establishment of public servants. The forms of their proceedings were adopted from the Judicial Regulations in force in the Madras Presidency. They examined witnesses upon oath. Two statements

were taken from the Plaintiff—the plaint and the answer—and two counter-statements, the reply and the rejoinder, from the Defendant, and institution fees were levied upon suits.

24. Two thirds of the amount of these fees were, when realized, credited to the Circar, and the remaining third was paid to the authorized Vakeels employed in the cause. There was no express provision for an appeal to the Rajah from the decision of the Sudder Court; nevertheless, when parties complained to the Rajah, he used often to call on the judges for explanation.

25. The two first Buckshees who sat in the Sudder Court, thus newly constituted, were Baker Sahib, and Gholam Moheeyudeen Mekree. For the first year and a half after their appointment, it would seem that justice was equally and duly administered, and though the judges were subject to the solicitations of the Rajah's courtiers, yet no real hinderance was offered to the course of justice, so long as they steadily resisted all attempts made to influence their decisions. After this interval, the orders of the Court issued upon its ordinary business to the various Cutcherries, began to be neglected by the public officers of the State; the minions of the Durbar increased their interference, and the chief judge Baker Sahib, a man reputed for integrity and independence of character, finding that they were encouraged rather than checked, refused to exercise his judicial functions any longer, and retired to his own house. After a lapse of four or five months, the Resident by earnest representations to His Highness the Rajah, and persuasions to Baker Sahib, prevailed on the latter to resume his duties. He accordingly acted as Chief Judge for a year longer, during which period, the business of the Court, so long as His Highness happened to be pleased with the Resident, went on uninterruptedly; but whenever this harmony was disturbed, every sort of secret and indirect influence was exercised to render the Court contemptible, and its orders nugatory.

26. At last Baker Sahib, unable to support the dignity of the Court, and wearied by the constant repetition of these insults, quitted office in disgust, and never returned.

27. The Second Judge Gholam Mohceyudeen Mekree then

took the seals, and being supported by Sidraj Urrus (a relative of the Rajah, who was entrusted with much of the authority of the Government, and enjoyed likewise the confidence of the Resident) he was enabled in some degree to maintain the character, and to enforce the authority of the Court. At the end of seven years, nine charges of corruption and partiality, were presented against this Judge, but after two months investigation before the Resident, nothing was proved against him. He then besought the Rajah to punish his accusers; but failing in this, he resigned his office.

28. The Cazy of the Court Syed Ali succeeded, but though acting as Buckshee, he did not keep the seals, the decrees being submitted for confirmation to Bala Urrus, a maternal uncle of the Rajah.

29. One Sreenewass Rao was then associated with the Cazy for about 10 months, when the latter died, and Sreenewass Rao conducted the affairs of the Court alone. He too was dismissed by the intrigues of the Rajah's courtiers after some months, and Chota Rajah Khan was appointed in his place.

30. During the time of the latter Judge, who remained in office about three years, the Court was in very bad repute. The suitors sought for and obtained their ends by indirect means. The Rajah often sent for this Judge, abused and called him names in open Durbar, dismissed him from his presence, and summoned a Mutsuddy of the Court to give him what information he wanted. It is currently believed, that every person about the Durbar at that time, however low, used to intermeddle in the suits, and to attempt to influence the decisions of the Adawlut.

31. At length one Kristnah, having obtained an unjust decree for a large sum of money, through the influence as it was supposed of the Serishtadar of the Resident's Cutcherry, the Rajah, at the suggestion of Dassappajee, a relative of his own, assembled a PUNCHAYET, enquired into the charge, and dismissed the judge.

32. After which, at the instance of the Rajah, Gholam Moheeyudeen Mekree, who had formerly resigned, again consented to act as Buckshee of the Adawlut, and remained at the Head of the

Court, until the assumption of the country, when the functions of the Adawlut were suspended. And on the establishment of the newly constituted Adawlut, or Commissioner's Court, in 1834, he was appointed one of the Judges.

33. Thus, from its first institution by Poorniah, until the appointment of the Commission, the semblance of an Adawlut Court was maintained; but it was no uncommon thing, after its decrees were passed, for the Rajah to issue a Neroop dispensing with their observance. It has likewise happened that, in the same suit, as many as four or five contradictory decrees, in addition to the original decree of the Court, were successively passed by the Rajah himself, just as the influence of the one party or the other, predominated at the Durbar; and other circumstances might be adduced in proof of the fact that, at the time of the assumption of the country, nothing remained which was fit to be called the administration of justice.

34. Besides these irregularities connected with the Court of Adawlut, suits to the highest amount were sometimes decided in the Sur Ameen's Choultry, and even by Rajah Khan and Dassappajee, when Buckshees of the Barr, or Infantry. Questions of property were also decided by the Rajah in person, without any record of the investigation, or any written decree.

CRIMINAL JUSTICE.

Under the Ancient Hindu Rulers.

35. Under the Ancient Hindu Rulers of Mysore, the following classification of crimes, and forms of procedure, are said to have prevailed.

- | | |
|-------------|----------------------|
| 1. Theft | 3. High-way Robbery. |
| 2. Robbery. | 4. Murder. |

36. Cattle stealers, and Robbers of cloths, household furniture and grain, &c. were tried by the Shiakdars, Shanbogues and Gowdahs of Villages, who were empowered to inflict, on conviction, corporal punishment, and imprisonment in the stocks. There was no limitation either to the extent, or duration of these punishments, and persons confined on suspicion were seldom released, whether

shewn to be implicated or not, until the stolen property was recovered. A report of the circumstance was however made by the village authorities to the Amil.

37. Primary investigations of highway and gang robberies, and murders, were also made by the village officers, after which the prisoners and witnesses were sent to the Amil, who, assisted by the Killedar, examined them, and reported the result of the enquiry, with their opinion, to the Hoozoór, by whose orders the prisoners were variously punished, by death, imprisonment for life in hill forts, and by mutilation. But records of these trials were never kept, nor does it clearly appear that PUNCHAYETS were ever employed in criminal cases, previous to the government of POORNIAH.

38. Under the Mahomedan Government, Under the Mahomedan Dynasty. no particular alterations were made in the customs which had previously prevailed in the districts. There was a Sudder Court at the Hoozoór; and Mahomedan Law was administered to those of that faith, according to the Koran.

39. The forms of criminal procedure, and the punishment of crimes, which obtained under the administration of POORNIAH, are described in Major Wilks' report, from paras. 76 to 107. But it is proper to observe that, many of that officer's observations are applicable only to the period at which he wrote, when an attempt was made to reduce into practice some of the mild principles of jurisprudence advocated by Beccaria. The experiment however failed. And I have now before me a private communication from that officer, dated the 28th of February 1806; wherein he observes that "although some of these principles had been tried, and answered for a time, their lenity had brought such an influx of thieves into Mysore, since they began to hang in the Company's territory, that they should shortly be compelled to be as savage as their neighbours."

40. Under the Rajah, the fourth Court at Mysore undertook the Magisterial department, Under His Highness the Rajah. each Hakim alternately presiding in it, and receiving petitions; that is to say, each Hakim was employed for 15 days

successively, in receiving complaints, and preparing them for hearing, and 15 days in presiding at trials. This Court enquired into all assaults, robberies and minor offences, and having presented its finding to the Buckshee of the Sudder Court, sentence was passed by the latter. The penalty awarded for theft of all descriptions, and serious assaults, was for the most part, corporal punishment, and but rarely fines; the former being always inflicted on low caste prisoners, the latter on those of higher caste. The instrument used for corporal punishment, was the kordah, a most formidable whip, 40 strokes of which, when severely administered, were sufficient to exhaust the frame of the stoutest criminal; nevertheless, instances were very common, of prisoners suspected of theft being flogged until they fell, being remanded to prison, and again subjected to the same discipline, until they confessed the crime, or named a spot where the property was hidden; the former being necessarily the only resource of such as were really innocent. To carry on these severities, there were two regular Jalebdars, or floggers, borne on the strength of the establishment of the Sudder Court, at a monthly pay of 6 rupees each. Afterwards, when one was reduced, it being found that one individual was inadequate to fulfil the duty required of him, it frequently happened that the floggers attached to the Anchay, Shagird Pesh, and other Cutcherries, (all of which were similarly provided) were called in to assist in the Magistrate's department. It has been confidently stated by one of the most respectable men employed in the Judicial department under the Rajah's administration, that no day passed from the time His Highness ascended the throne in 1812, until the appointment of the Commission, on which, when magisterial enquiries into theft and serious assaults took place, the sound of the kordah was not heard in the Court of Adawlut. In heinous cases the Buckshees were accustomed to report to His Highness the Rajah, and receive his orders on the subject. In awarding the amount of punishment the Mooftee was consulted by the Court, and he gave his futwah.

41. But this mode of proceeding did not, as will be afterwards explained, extend to the greater part of offences committed in the talooks; and even with regard to those committed in the town of Mysore, it must be considered rather as the rule, than the practice.

42. The preceding statements refer to the mode of procedure. With regard to the punishment of criminals, there was, under all the Rulers of Mysore, from Hyder Ally to the Rajah, an utter absence of system, so that it was impossible to say what kind of punishment would be inflicted on any particular class of offenders.

43. For felony, death by hanging, throwing over precipices, and treading under foot by elephants, confinement for life in hill forts, amputation of hands, feet, noses, and ears, flogging, imprisonment in the common jails, confiscation of property, and fines, were indiscriminately resorted to. In one respect however the preliminary proceedings were invariably the same; that is, persons suspected of murder or robbery, were beaten daily until they confessed the offence, or pointed out where the stolen goods were deposited. Indeed, the recovery of the stolen property was considered (and it is believed the current of native opinion still runs in the same channel) of more importance than the punishment of the offender, and when this was effected, the culprit was as commonly released as punished.

44. The usual punishments for petty thieves, revenue defaulters, and fraudulent debtors, were flogging, imprisonment, fines, exposure on the highway with a stone on the head, thumb screws, and pincers on the ears, but these inflictions were equally uncertain and variable with the preceding.

45. Petty assaults, and abusive language, were commonly punished with small fines of from 3 to 12 gold fanams.

46. To refer more especially to the time of Poorniah, Major Wilks observes, that sentence of death was never pronounced excepting in cases of murder, or plunder on the frontier; that theft and robbery were punished with imprisonment and hard labour, that fines were discouraged as a dangerous instrument in the hands of subordinate authorities, and that corporal punishment was prohibited.

47. This statement is true only of a particular period. Previous to that time, punishment by mutilation of hands, feet, noses, and ears, was occasionally inflicted by order of Poorniah; and in the latter years of his government, it is well known that he had recourse to all the severities of former times.

48. At the period of his administration last spoken of, corporal

punishment was not only permitted, but enjoined; suspected thieves were flogged by the village officers till they confessed, and if obstinate, or innocent, they were sent to the talook Cutcherry, where they were flogged again; even the power of inflicting capital punishment was not, as at the time described by Major Wilks, confined to the Dewan, assisted by the resident, but was exercised sometimes by the Fouzdars, by whom also the crime of murder, when committed by persons of high caste, was either overlooked, or not infrequently, commuted for short imprisonment, or a fine.

49. Murder, gang and torch robbery, attended with violence, when committed by persons of low caste, were usually punished with death.

50. Gang and highway robbery, unattended with violence, were punished sometimes with mutilation, but more commonly with imprisonment in hill forts, or hard labour in chains.

51. For thefts, or other minor offences, from 10 to 100 lashes, at the discretion of the Amil, were permitted to be inflicted; likewise thumb-screwing, fining, and imprisonment—Revenue defaulters were subjected to these last, and various other tortures, such as being made to stand on hot earth, from which the fire had just been removed.

52. During the Rajah's administration
 Under His Highness the Rajah. the punishment of offences was much the same as in Poorniah's time, perhaps rather increasing in irregularity, until the state of disorder into which the country was at length thrown, led to its assumption.

53. Persons accused of serious offences, especially at the capital, were, as has been already said, tried according to rule at the Hoozoor Adawlut; but in practice, the Barr and other Cutcherries were likewise not infrequently used as Criminal Courts.

54. By all these tribunals, and also by the Sur Ameen, mutilation of the hands, and feet, noses and ears, were inflicted, even for ordinary theft; while corporal punishment, thumb screws, and ear-pincers, were commonly resorted to for minor offences; women convicted of incontinency were sold as slaves; and, in an order now before me, a woman is sentenced to lose her nose for that offence.

Stripes were inflicted by the local officers without limitation as to number, and were habitually resorted to, in order to recover balances of revenue.

55. The condition and treatment of females, was most deplorable during all former administrations, especially under Hindu rulers; and if to live in constant dread of degradation, and exposure to the greatest indignities, at the accusation of the meanest and most disreputable informers, be considered a state of slavery, actual sale in the market which frequently followed, was but the climax of a long course of previous suffering and servitude.

56. It will hardly be credited, that in the large towns, there were regular farmers of an item of Government Revenue, called "Samiachar" part of the profits of which, arose either from the sale of females accused of incontinency, or fines imposed on them for the same reason. Thus the Government was placed in the position of deriving direct support from the crimes of its subjects, or what is still worse, of sharing with common informers the fruits of their nefarious extortion.

57. The rules of this system varied according to the caste of the accused. Among brahmins, and coonties, females were not sold, but expelled from their caste, and branded on the arm as prostitutes; they then paid to the Ijardar an annual sum, as long as they lived; and when they died, all their property became his. Females of other Hindu castes, were sold without any compunction by the Ijardar, unless some relative stepped forward to satisfy his demand. The wives and families of thieves were also commonly taken up, and imprisoned with their husbands, notwithstanding that there was no pretence for including them in the charge.

58. These sales were not, as might be supposed, conducted by stealth, nor confined to places remote from general observation; for in the large town of Bangalore itself, under the very eyes of the European inhabitants, a large building was appropriated to the accommodation and sale of these unfortunate women; and so lately as the month of July 1833, a distinct proclamation of the Commissioners was necessary to enforce the abolition of this detestable traffic—see Appendix No. 1.

59. The Amils were sometimes confined in irons for corruption, or neglect of duty, or summoned to the Hoozoor, and exposed before the Palace, with their faces covered with mud, and with pincers on their ears, they were also occasionally flogged to the extent of one hundred lashes, or until they gave security for the balances against them; yet such men were not by any means looked upon as disgraced, but were frequently re-appointed to office, and some of the talook servants now in employ, are said to have formerly suffered such inflictions. The natural consequence of this was the extinction of all self respect and honorable feeling amongst the public servants.

60. Although no sentence of death could be carried into execution at the town of Mysore, without the sanction of the Rajah; yet, at a distance from the seat of Government, reputed offenders were sometimes executed, even without the form of a trial. So late as the year 1825, a native officer of infantry was sent out for the apprehension of some Coormurs, (a class of people notorious for their predatory habits) accused of robbing a treasure party, and putting to death two men, who had been employed to obtain intelligence of their movements. The orders he received were to hang the guilty, and bring in the women and children. Sixty five men were accordingly hanged on the spot, and 200 prisoners brought to Mysore. The same officer was again employed in 1827, and brought in 100 prisoners, of whom 3 were hanged. Of the whole 300 prisoners, captured on the two occasions, about 200 were sold in the public bazar of Mysore, as slaves, and the rest without any form of trial were kept in jail. The native officer was rewarded for his activity with a palankeen and an increase of salary.

61. Towards the end of the Rajah's administration, almost all the powers of Government had passed into the hands of his principal officers, or his favorites, by whom they were often exercised for purposes of extortion, or revenge. It was well known that notorious criminals were constantly liberated for a bribe, while the innocent were imprisoned; and on the appointment of the Commission, the jails were found to be crowded with supposed offenders of every description; many of whom it was proved on enquiry, had been confined on mere suspicion, or for no assigned reason; while others had been

imprisoned for ten years and upwards, without ever having been brought to trial. In short both property and personal liberty, and sometimes life itself, were dependent on the mere will and caprice of a class of public officers, who were not only quite incapable of executing their duties, and indifferent to the fate of those under their control, but openly and avowedly were subject to the orders of the debauched parasites and prostitutes at court, who notoriously superintended and profited by the sale of every situation under the Government, the emoluments of which were worth their attention. Nay more, these public officers were themselves not infrequently in league with criminals; and such was the general and deep rooted corruption, that men who could afford to pay, might commit all sorts of crimes with impunity. The capital punishment of an opulent offender was a thing almost unheard of; and it was thought to be an act of unparalleled disinterestedness on the part of the Rajah, when he was reported in 1825 or 1826, to have refused the offer of one lac of rupees, for the pardon of the supposed leader of a gang, which had committed some daring outrages.

62. Of the combinations which formerly existed between public officers and gang robbers, for purposes of plunder, some notice was taken in the report on the insurrection in Mysore; and there is too much reason to believe that, even after the assumption of the country, depredations did not wholly cease to be committed, under the protection of the public servants, and amongst others, may be mentioned that of the principal native officer of the Commission, the late Dewan Báboo Rao.

63. With respect to the jails, little regard was had to accommodation, or management, and there was no classification of prisoners; whether convicted, accused, or only suspected, they were all confined in the same place; and a special order from the Commissioners was necessary, to abolish a practice which had generally obtained, of working them on the high roads *before trial*.

64. It has appeared to me to be necessary to enter into this long, and I fear tiresome, recital of the former laws and usages of Mysore; because an impression generally prevails that they were distinguished for extraordinary lenity; whereas with the exception

of a short period during Poorniah's administration, nothing could exceed the corruption and capricious severity, which pervaded the department of justice, as well as all other branches of the administration; and thus it has happened that the people, having lost all feeling of self respect, and accustomed to consider punishment more as the sign of the anger and impatience of their rulers, than a just and certain consequence of crime, have been left in a state of such demoralization, and callous indifference to shame, as to be unable to appreciate and receive, with safety to the public weal, the double experiment now in operation, for preserving order amongst a turbulent population without employing corporal punishment, and for administering Civil Justice without expense.

POLICE.

65. It remains before quitting this part of the subject, to take a brief review of the state of the Police, under the former rulers of the country.

Under the Poligars. 66. It may be premised as a general remark, that the inhabitants of Mysore have, under every form of Government, been characterized by their turbulence; and that the favorable accounts which have been handed down of the excellence of the police in former times, under the many Poligars, amongst whom the country was then divided, cannot be received without considerable allowance. Indeed, when we recollect the predatory habits of these chiefs, the disorders arising from their frequent contests, in the absence of a general controlling power, and the facility with which robbers could pass from one jurisdiction to another, it is difficult to avoid concluding that the traditionary efficiency of the police in the time of the Poligars, was confined to the prevention of disturbance, and the protection of the people from each others depredations, within their respective limits; but that it afforded no security against depredation from without; in this respect resembling the village officers of the present day, who, however watchful over the interests committed to their own care, stand on little ceremony in robbing their neighbours.

Under the Hindu Rulers. 67. Under the Hindu Rulers of Mysore the duties of the police were conducted by village servants, under the following denominations; and these denominations were continued with little variation under the Government of Hyder Ali, Tippoo Sultan, and Poorniah. These servants were paid either in Enam lands, shares of grain from the ryots, or direct from the Circar.

<i>Tulwars.</i>	}	The usual village servants so called.
<i>Toties.</i>		
<i>Neergunties.</i>		
<i>Cavulgars.</i>		
<i>Cuttabiddy Peons.</i>		Watchmen on public pay.
<i>Hula Paik.</i>		Ancient or common peons.
<i>Oomblidars.</i>	}	Holders of Enam lands called Oomblie; it was their duty to provide a constant succession of watchmen, and they were held responsible to protect all property within their limits.
<i>Amergars.</i>		
<i>Hulagawul.</i>	}	Holders of Enams called Amer, which they held for the performance of police duties.
<i>Ankamala.</i>		
<i>Culla Cormurs.</i>	}	Selected from the 13 castes, they were entrusted with the charge of public treasure.
		Watchmen of the Bader caste.
	}	Thieves by profession, and found useful in detecting thieves.

Also the Potails and Shanbogues.

68. In the time of the Poligars these watchmen were held responsible for all robberies committed whether in fields or houses; they traced robbers by their footsteps, and if unsuccessful, themselves became responsible for all lost public property of moderate amount, but not for private property.

69. The first blow struck at the power of the Potails was in the reign of Canterava Nursa Raj in 1654. That Prince attributing the opposition he met with from his subjects, to the turbulence of the

Potails, reduced their Enams and confiscated to his own use, a great part of their property.

70. Their allowances were partially restored by Chick Deva Raj, who ascended the musnud in 1672, and at the same time regulated the rusooms of the other Barabaloties.

71. His son and successor Canterava Raj, however, sequestered the shares of the Potails, leaving the Enams of other village servants as they were.

Under Hyder. 72. Under Hyder the effective state of the Police can be much more readily credited, as indeed it can be more easily accounted for; there was then no separation of interests, and no clashing of jurisdictions. His administration was as extensive as it was vigorous, and besides the terror of his name, and the real sagacity of his character, it must be remembered that, his immense levies effectually drained the country of all turbulent spirits, or, what is much the same, gave them employment congenial to their tastes, and a sure means of livelihood. Hyder took no steps to restore to the Potails their sequestered allowances; but, by continuing to the other Barabaloties their emoluments and privileges, he ensured their services. The village walls, and bound hedges, were kept in repair; and tranquillity was preserved by the presence of his troops, who were everywhere distributed, and by the severity of his punishments, whenever it was disturbed.

Under Tippoo. 73. Under Tippoo Sultan, the Police, though impaired by the reduction of many of the Potails, Oomblidars and Amergars, and by the assessment levied upon their Enam lands, was still kept from utter ruin, by the presence of his troops under the Assophs, and the dread of his sanguinary disposition.

74. The Sultan's reductions however extended only partially to Nuggur, and not at all to Munzerabad, where his authority was never sufficiently established to render such measures practicable; and at one period of his reign, he appears to have had some intention of restoring to the Potails the Enams of which they had been deprived. They were accordingly summoned to his presence, enquiries were instituted for that purpose, and sunnuds were actually issued to the

Talook Catcherries for delivery to them, but for some reasons which are not known, probably the confusion of the affairs of his kingdom, nothing further was done to replace them in their old position. One of those original sunnuds (which had been suffered to remain a dead letter) bearing the Sultan's own seal and signature, and regularly countersigned by the prime minister, Meer Sadic, is appended to this report. No. 2.

Under Poorniah. 75. Under the administration of Poorniah, the Candachars selected from the remains of Tippoo's army, were employed in the Police, and as the country was well guarded from disturbance by the vigilance of the ruler, and the presence of British Garrisons, little opportunity was afforded for the perpetration of those crimes, which in India are almost an invariable consequence of public disorder.

76. The ruin of the Potails was completed by Poorniah, in the year 1800. Until the period of *his* Government, the Potails' Enams, though sequestered, were still entered as such, in the accounts of the Sewaye Jumma, or extra Revenue; thus kept separate, it was easy to restore them to their original possessors, who probably still had hopes from the clemency of some future sovereign. Poorniah however at once destroyed such expectations, by including the whole of these allowances under the general revenue of the country, and from this state the Potails have never emerged to this day.

77. But Poorniah did more. He reduced many of this class whom Tippoo had spared; and as this final spoliation of the Potails was immediately followed by the establishment of sixty three charitable feeding houses, the two measures are inseparably connected in the public opinion; with what effect will be noticed hereafter.

Under the Rajah. 78. The same state of things continued for some years under the Rajah. In the capital, the Police authority was aided by the Barr or Infantry, a large body of which was constantly stationed in the town for that purpose. The Police however, began to decline with the other branches of the administration, and the general prosperity of the country; some of the causes of its deterioration will be hereafter adverted to, when noticing the remedial measures which it is my intention to propose;

but enough has been said under the preceding description of the course of criminal justice, to convey an adequate idea of the concomitant state of the Police.

PRESENT ADMINISTRATION.

79. Having thus described the state of civil, criminal and police administration under the former rulers of Mysore, I shall now proceed, as directed, to submit such explanations and remarks, as seem called for by the observations contained in the despatch from the Honorable the Court of Directors to the Government of India, under date the 25th September 1835, respecting the rules now in force for the administration of justice within this Territory, and conclude with a report on the effects which have resulted from the abolition of corporal punishment, and the discontinuance of the Institution fee in Civil Suits.

CIVIL JUSTICE.

80. The Honorable Court observe with reference to the union of Judicial with Revenue authority, in the office of Amil, that no reason is given why two kinds of business, so different in their nature, should be assigned to the same individual.

81. But however inapplicable this union may be to other nations under a different state of society, wherein civilization has made greater progress, interests have become more complicated, and the wealth of the state is sufficient to provide for the minute division of public trusts, and duties, into separate departments and offices; it is viewed in a very different light by the natives of India, who have been habituated to the concentration of authority from the earliest ages, and regard its division among several offices, not only as an innovation, but far more inconvenient, than its union in the hands of one individual. The heads of villages, of Maganies, of Talooks, and of Provinces, have been accustomed to exercise, each in his proper sphere, the authority of collecting the revenue, of preserving the peace, and of settling the disputes of the inhabitants. The Amils have never been regarded as revenue officers only, excepting in the British Provinces, where they have been made such by

the transfer to other hands, of their Judicial powers. They were more properly speaking the Governors of Districts, and as such invested with nearly all the executive powers of Government, although most stress was laid upon the collection of the revenue; the regular payment of which, through the varying and disturbed scene of Indian History, formed no bad index to the general condition of the people.

82. The next objection of the Honorable Court under this head is, that the Amils will often have to decide as Judges, on causes affecting themselves as Collectors, and that the Ryots, will not have much confidence in appealing to a revenue officer for the redress of wrongs, which a revenue officer may have committed. This objection, however serious in appearance, derives no real support from the practice of Mysore. For questions affecting revenue, are, under the present practice, carefully and reasonably excluded from the decision of the Amil in his Judicial capacity. Indeed such has been the immemorial usage, it may be confidently said, under native Governments throughout all India; it can be referred to the constitution of all Eastern Governments, and seems a necessary consequence of the principles of their administration.

83. Were a Ryot to sue a revenue Officer acting as such, he would in fact be suing the sovereign himself, and making a demand of what he could not consider, nor ever did consider, a right. Now, it matters not whether the claim of the sovereign to a proprietary right in the soil be founded in justice or not, nor how it originated; the fact, and universal practice, is, and has been, to look upon him as lord of the soil; nor in the present state of things would it perhaps be advisable, in a political point of view at least, to divest the ruling authorities, whoever they may be, of the influence derived from the prevalence of this opinion. Under this view of the situation of a Ryot, it may well be accounted for, why he has never thought of suing a revenue servant of the Government; it would be in his opinion an open provocation of the Sovereign, to question thus disrespectfully, the terms which that Sovereign himself is supposed to have laid down for the cultivation of his own lands. And, as it would be far from the intention of a Ryot to do so, it would have been equally remote from the notions of any Eastern Prince, to have allowed

it. There is little doubt but that such a resort to courts of law would have been punished as a species of rebellion.

84. Thus much may suffice to shew that as the withholding of this right, is not to the mind of a Ryot in India, any denial of justice, the granting of it would in fact utterly change his views of his own position with regard to the ruling power, nor can it be wondered that, surprisingly ignorant as he is, such should be the effect.

85. And, as on the one hand he does not wish for, nor expect, this privilege, so neither on the other hand, does he want it. He considers a respectful appeal by petition to the immediate superior of the revenue officer by whom he thinks he has been wronged, as his best, as it certainly is his speediest remedy, and leaves the civil courts for those who have more time to attend them than he has.

86. The advantages of the present practice, and the peculiarities which attend it, may here demand some detailed explanation, and the evils of any change may be on the other hand, as clearly anticipated.

87. The rule at present in force provides a speedier remedy, against an exaction of the Amil, or his revenue subordinates, than any resort to a court of law could do. For, there is no need that a hearing of the case should be postponed a day beyond that on which the Ryot may choose to petition the Amil, or the Superintendent; whereas in a Civil Court, the cause can only be heard in its turn.

88. Again, a Court could only award the Ryot damages, after all. But the Superintendent can dismiss as well as fine, and Amils know well that this power, has in some cases been exercised. Restrained by these considerations, the Amils are naturally careful not to give cause for accusation against themselves, nor to slur over those brought against their servants, which can be so speedily heard, and so effectually redressed. On the other hand, were revenue questions referred to the Moonsiff, who is the only judicial officer unconnected with that department, (for it should be remembered that the superintendent is equally with the Amil, a revenue officer) no doubt can be entertained that the collections would in a very short time fall into utter confusion.

89. In the first place, Ryots and Amils would be always at law, for there is not a single item of assessment, which upon some plausible pretext or other, might not be made, at the instance of a clever vakeel, ground for disputing the collection, and suing the Amil in the Moonsiff's Court. When sued, he must attend either in person, or by deputy, to defend himself; if by deputy the government of course must provide for his expenses; and if the court consider his personal attendance necessary, the inconvenience and danger of his absence, for even a few days, perhaps 80 miles from his talook, is beyond all computation.

90. But, supposing all these difficulties overcome, the question, after all, must be decided by evidence, and if the village accounts be called for, it is most probable that those produced will not decide the question, and the summoning the accountants with their accounts to the Moonsiff's Court, would be equal in inconvenience to removing thither the whole of the talook business.

91. These observations may perhaps be sufficient to show that the Ryot has ample and speedy means of obtaining redress for revenue exactions by complaint to the Amil, or the Superintendent. And, as to wrongs committed by revenue officers, not connected with the revenue, it will be remembered that the Amil is not exclusively a revenue officer, that he should show tenderness to the delinquency of a revenue servant. He feels his responsibility as great when acting in his Judicial, as in his Revenue capacity; and his character, and office, are as much at stake in one department, as in the other. There seems nothing more strange in an aggrieved party appealing from a Peon to an Amil, or from an Amil to the Superintendent, than in appealing from a village to a District Moonsiff, or from a District Moonsiff to a Zillah Judge. I believe it will be found that the Ryots have more confidence in appealing from the act of a subordinate officer to his immediate superior, than to an officer in another department; that, even in the Company's provinces where separate courts exist, the Ryots seldom resort to them for redress of wrongs committed by revenue servants—and that complaints of this nature are usually made to the Collector, and by him redressed more promptly, and effectually, than they could be by the courts.

92. But, the strongest argument for the union of Judicial and Revenue powers in the Amil, is to be derived from a consideration of the nature of native testimony, the value of which as described by Major Wilks, is estimated by a rule precisely inverse to that which obtains in European society. Major Wilks states that, "it appears to be in the spirit of English jurisprudence to receive as true, the testimony of a competent witness, until his credibility is impeached."

"It is a fixed rule of evidence in Mysore, to suspect as false, the testimony of every witness, until its truth is otherwise supported."

"It follows as a consequence of this principle, that the pundits are anxious for the examination of collateral facts, of matters of general notoriety and of all that enters into circumstantial evidence, and that their decisions are infinitely more influenced by that description of proof, than is consistent with the received rules of evidence, to which we are accustomed, or could be tolerated in the practice of an English court."

93. Strange as this may sound, it is certain that Major Wilks' description, does not present an exaggerated picture of the worthlessness of native testimony, as it is now found in Mysore. In all cases, however strongly they may seem to be supported either by oral or documentary testimony, much must depend, not only upon the penetration of the Judge, but upon his means of acquaintance with local circumstances, habits and character: The consistency of the evidence is frequently no proof of its veracity, for a false case may be got up with great completeness of detail; and if there be a proportion of truth mixed with it, cross examinations conducted by strangers to the parties, may seem rather to confirm than to refute the falsehood. Nor can its inconsistency on the other hand be considered as a proof of falsehood, for there is a tendency amongst all natives, even when they are in the right, to go beyond the fact, in the hope of bettering a good cause, and a skilful opponent might bring discredit on a just cause by taking advantage of such inconsistencies.

94. The best and most efficient judge in such a community is

therefore the one, who from his situation has the most intimate knowledge of those between whom he is called upon to decide. In other words, the Amil, or other public officer, who in his proper sphere, exercises every function of Government towards those under his control, and is necessarily in constant intercourse with them. This remark is equally applicable to the European, as to the native functionary; and the same difficulty of estimating evidence will perhaps explain, why the natives in general would prefer, with all the risk of occasional partiality and informality, prompt justice administered on the spot, by officers well acquainted with the parties, to a reference to a distant tribunal, where the judge is incapacitated by want of the same information, from forming a correct decision.

95. The remaining apprehension expressed by the Honorable Court that the Amil will not have time properly to perform both his revenue and judicial business, is a point on which there seems more ground for apprehension. If the Amil have time, he is, as has been shewn, placed in a far more favorable position for ascertaining the truth, for procuring the attendance of witnesses, and for enforcing the execution of decrees, that is, for administering speedy justice, than a Talook Moonsiff. If he have not time, it will only be necessary, after making due provision against vexatious litigation, which will hereafter be remarked upon, to have recourse to the remedy already provided for, by the Governor General of India, of appointing one or more additional Sudder Moonsiffs according to the exigency of the case, in the districts where business is heaviest. It may be remarked however that under the rules now in force, suits for real property, from the smallest value to 500 rupees, and for personal property from 100 to 500 rupees, fall, at the option of the suitors, within the jurisdiction of the Amil, or the Moonsiff; that if the parties find they can obtain better and speedier decrees from the latter than the former tribunal, they will naturally resort to it: and that the increasing pressure of civil business, bears more upon the Moonsiff than the Amil, having arisen less from the real wants of the people generally, than from dishonest litigation amongst the depraved population of towns. The principle of this concurrent jurisdiction seems a sound and good one, and provided means could be devised

for relieving the Moonsiff from the vexatious and fictitious causes which now overload his files, it might be carried into practice with advantage; but it has been lately found that, revengeful plaintiffs have greatly abused this privilege, making their option of the Moonsiff's Court, not because they expected from it either juster or speedier decrees, but because they could harass their defendants, and their witnesses, by summoning them to a more distant tribunal; and the delay, and vexation, to which these abuses had at length given rise, has made it necessary to withdraw for a time this option in the Bangalore and Astagram Divisions; since in the absence of the Institution fee, it was found to have impeded, instead of promoted, the attainment of justice.

96. In their observations on the classification of suits in the Amil's courts, and the provisions made for an Appellate Judicature, the Honorable Court do not appear to have fully observed the great latitude ensured to suitors, in the Governor General's rules, by the provision that all decisions concerning real property, of whatever amount, and by whatever tribunal, are appealable; and that, in such cases, special appeals are provided from the decisions of the Moonsiffs in appeal.

97. With regard to the next observation of the Honorable Court, that as no appeal is allowed from the Amil's decisions in suits for personal property up to 20 rupees without, and 500 rupees with, a Punchayet, they apprehend that in this the most numerous, and on that account perhaps the most important class of cases, no security has been provided against an erroneous decision, it would seem to have been supposed that the cases of exactions, and other grievances sustained by the ryots from the petty revenue officers, come under the lowest class of Judicial suits. These cases however, as before observed, have always been, and I think ought always to be, redressed summarily by the Amil, or the Superintendent, in his revenue, or general capacity; and in this usage, so consonant with native ideas, the ryot has a far better security against oppression, than any which the forms of a court of law could afford. By the present practice, he makes his complaint verbally to the Amil, and obtains

instant satisfaction, or if not, he addresses a petition to the Superintendent, and without quitting his home, or losing his crop, his complaint is enquired into and adjusted.

98. The question being thus confined to ordinary dealings between parties, it would hardly be possible, consistently with the ends of justice, to provide for an appeal in all the numerous cases which come under the lowest class. It should not be forgotten that the right of appeal can be used two ways, and that it is an instrument as powerful to delay justice, as to prevent injustice. When the successful plaintiff is a poor man, and the suit is for a small amount, he may suffer as much from the postponement of the execution of a just decree, as from an unjust one, particularly when the appeal lies at a distance from his home; and if the appellant be as poor as himself, he can recover no damages, and is entirely without redress.

99. But although there is no appeal in the lowest class of cases from the Amil, there is not, it is apprehended, any denial of justice. It is clearly provided that, the Amil is only allowed to decide in person, where either of the parties do not demand a Panchayet, to which tribunal they have therefore the option of referring their dispute. This constitutes a pretty strong security against the exercise of partiality by the Amil; while on the other hand, if both parties agree to his deciding the case, they must believe him to be a competent and disinterested judge. And if, as the Honorable Court observe, there is likely to be a tendency to carelessness in administering justice in the petty affairs of the poor, it must in return be allowed that these affairs are for the most part very simple in their nature, easy of adjustment, and far less liable to be affected by corruption, partiality, or error in judgement, than the more important and complicated concerns of the rich.

100. Another security against partiality exists in the publicity of judicial proceedings, and the influence which public opinion upon the spot must exert, over the conduct of the Amil. Nor have the Amils been found wanting in probity in settling these petty cases. A final decision must rest somewhere, and it is certain that, the Amils have much better means of passing a correct one, than any distant tribunal; while the most vexatious part of all proceedings in India,

that of compelling witnesses to leave their homes and occupations for many days, is avoided by the present rule. In addition to this, the abuse of the power of appeal which is shown in the returns, is a strong argument against extending the privilege, excepting upon a stronger necessity than can be said in this instance to exist.

101. But in addition to these circumstances, which in the absence of an appeal so far control the judicial power of the Amils, there is yet in all cases another safeguard against injustice on their part, in the right of petitions to the Superintendents and the Commissioner. All petitions to these authorities are received free of postage in every part of the country, and when it is understood that, in one division alone of this territory, upwards of 29,000 of these petitions have been received and disposed of, within the short period of three years, some idea may be formed of the information which is conveyed to the European superiors, of the manner in which the judicial duties of the native officers are conducted. These petitions refer as much to the proceedings of the Moonsiffs, whose functions are purely judicial, as to those of the Amils, who are also revenue officers; and as those which deserve notice are endorsed to the native officers for their attention, and in glaring cases for their explanation, it is not unreasonable to suppose that, the practice will operate as a powerful check against partiality and injustice. It may however be as well to remark, that the purport of many of these petitions is either frivolous beyond conception to an European mind, or that they merely claim the interference of the Superintendent during the progress of judicial proceedings, and when an unfavorable issue is anticipated,—which interference was of common occurrence under the Rajah's government, and a principal cause of the utter degradation and ruin of the Court established at Mysore. Still, an officer of any experience may for the most part, discriminate between the vague clamour of dishonesty against the course of justice, and the cry of injury under real oppression.

102. The Honorable Court have observed that in the third, and highest class of offences, in which the Amils decide by means of a Panchayet, there is to be no appeal excepting on the ground of gross partiality, or corruption; and that as this is not an appeal, but

rather of the nature of a charge against the Judge; that there may be wrong decisions, without involving corruption, or gross partiality, against which, upon this plan, no security is provided. This proviso, so narrowly confining the grounds of appeal from a decision by PUNCHAYET, is, as it stands, without doubt liable to the objection here pointed out. But, the practice has been to give it considerable latitude of interpretation, and as the losing party when making the application, invariably assigns partiality, or even stronger reasons in support of it, he is allowed to range over the whole proceedings; and should it appear, upon the examination which the Court above makes into this charge, that plain and wilful injustice has been done, from whatever cause, the usual course adopted has been, to refer the proceedings for a final decree to another PUNCHAYET; and should the charge not be substantiated, yet the preliminary inquiry thus undertaken, is nearly as valuable towards the attaining the ends of justice, as a regular appeal, from which indeed it differs only in this, that the former decree is incidentally, not formally, confirmed by the result. Taking, however, into consideration the peculiar advantages of local knowledge which the Talook PUNCHAYET possesses, and the expediency of giving to that ancient Institution, every support compatible with the main end for which its services are required, too great caution cannot, I conceive, be observed in taking any course which may tend to throw discredit on its proceedings; no mere difference of opinion as to the merits of its decision, unsupported by any proof of a wilful perversion of justice, should induce the court of appeal to allow of a re-hearing; for besides that the admission of appeal upon slight grounds, would naturally disgust these unpaid, and respectable jurors, it may be fairly questioned, whether the PUNCHAYET of appeal, distant as it is from the scene, would not, as far as the merits alone are concerned, alter the decree for the worse, instead of improving it.

103. The Honorable Court remark that
 Objections to the Primary Jurisdiction of the Superintendent. the suits included in the primary jurisdiction of the Superintendents will be so few in number, that they doubt whether there was any advantage in reserving them for a particular tribunal; and they seem disposed to think, that the Superintendents should be relieved from their duties of primary

jurisdiction, and receive all appeals from the Amils. As regards the number of suits, this anticipation has been in a great measure verified. The number hitherto presented to the Superintendent's courts, except in one Division, is so small, that the transfer of them to the Moonsiff would give very little relief to the European Officer; and the Court do not seem to have adverted to the fact that, the Moonsiff is at present empowered to decide such suits on their being referred to him by the Superintendent. In reality, the suits tried in the Superintendent's Courts (the Division of Astagram excepted) have been such only as could not, from some peculiar state of public or party feeling, have been prudently referred to the native judicature; so that in practice there is little deviation from the principle of original native jurisdiction, approved of by the Court. But as occasions have arisen and may again arrive, when it might be highly advantageous that the European superior, should have the power of exercising original jurisdiction, it is not I think desirable to disturb the present arrangements.

104. The suggestion of the Honorable Court that the Superintendents, instead of the Moonsiffs, should receive all appeals from the Amils, would, it is apprehended, bring upon them an increase of business, which it would be impossible to dispose of, without considerable additional assistance from European subordinates; and as it has not been found that many of the decisions of the Amils need the revision or correction of the European Superintendent, such of them as are appealed against upon reasonable grounds, may without fear be entrusted to the Moonsiffs. But the objection chiefly relates to time; for if the Amils are supposed to have little time to attend to Judicial business, with the advantage of being on the spot, and the parties and witnesses to a suit all forthcoming, the Superintendents have much less leisure, to wade through voluminous papers which are for the most part brought forward in appeals; and moreover, they are obliged for many months in the year, to travel through their Divisions, under circumstances which render it by no means easy to conduct civil inquiries, and which must unavoidably entail much extra expence and inconvenience on the appellant and respondent. For as the pleadings in native Courts, are by no means so clear and

relevant as in Europe, nor their decrees so plain and consequential as to present upon the record alone, a full and correct account of all the important points in dispute, and the reasons of their settlement, it is impossible for a court of appeal to rely with perfect confidence on the written proceedings; nor, during the complete review of the case, which it is their bounden duty to make, before venturing to issue a final decree, to avoid in many instances not only references to the principals, whose statements may be refuted by the evidence, but also on some occasions, both to re-examine the former witnesses and to call new ones. To justify this practice, it need only be remembered that in India, the questions on appeal, are mostly those relating either to facts, or local custom, whether the objection alleged by the appellant be that the evidence taken has not been fairly weighed, or that evidence has not been taken which should have been taken, both reasons involve charges of partiality, and in either case it is manifestly better for the appellate court itself to clear up the objection, than to refer it to the inferior court thus accused of unfairness, to defend themselves, at the expence of justice. In fact, it would be a mere form to ask the inferior court to convict itself, and a mockery to the appellant thus to treat him. This considered, it does not seem advisable to add so much to the abundant occupations of the Superintendents, without any prospective advantage from the change. They would in such case be obliged to abridge the time which they now devote to the general improvement of their Divisions, and to the examination and redress of revenue complaints with which the Ryots are chiefly concerned, and for which it is quite as necessary to provide a moveable tribunal, as it is to maintain a fixed court for the mercantile classes.

Objections to the
Appellate Jurisdiction
of the Commissioner.

105. In explanation of the objections of the Honorable Court to the appellate jurisdiction of the Commissioner, I would respectfully remark, that the provision of the Rules which authorizes his deriving assistance from the court of the Adawlut, obviates the inconvenience anticipated from its causing the interruption of more important duties; while at the same time, a power of interference is reserved which in particular cases might prove useful. There is in reality no greater

anomaly in this rule, than in an appeal to the King in council, and its abolition would moreover be unpopular.

106. With regard to the formation of Rules for the practice of Courts: Rules for enforcing greater uniformity in the practice of Civil Courts, noticed in the 46th paragraph of the Honorable Court's despatch, there is, it is believed, no considerable variation in the forms of procedure of the several courts in this Territory. The opening part of the proceeding is a little more full than that mentioned by Major Wilks; as the practice of stating and defending the case by the plea, answer, reply and rejoinder, introduced by the Rajah, had, before the institution of the new Courts, become too general, and well understood, to allow of its discontinuance. These, when taken, are handed over to the Panchayet, who examine and cross-examine both plaintiff and defendant, as well as all the documents, and witnesses produced on both sides, until the case is fully exposed, and all possible light thrown upon every feature of it.

107. The Panchayet of Mysore, as it exists in practice at the present time, bears less resemblance to a court of arbitration, than to an English Jury. Excepting in special cases, and by the mutual desire of the parties, the members are not nominated by the latter, and are therefore not likely to become parties themselves. Being taken by the public officer in rotation from a register of competent persons, no one can know beforehand, what persons will sit on any particular trial; while their impartiality is still further secured by the publicity of the investigation, and the right of every respectable person to assist in it. They are sometimes superintended by the Amil or judge, and sometimes not, according to circumstances; but invariably left to themselves to form their decision. Neither party has the power of declining their jurisdiction, but free challenge is allowed, and the members objected to, changed, on reasonable grounds. Before a Panchayet thus constituted, untruth cannot stand. And, although slow in their proceedings, they generally conduct them with exemplary care and independence; and their decisions, with few exceptions, are remarkable for discrimination, perspicuity, and justice.

108. A few simple Rules for the attendance of parties and

witnesses, and for the enforcement of decrees, have been circulated to the Superintendents. But it does not seem at all advisable to lay down any precise forms of investigation for the guidance of Panchayets. They are in their own mode, however irregular, of eliciting the truth, most acute and able inquirers; and to confine them within rules, would be to say the least, an unnecessary, and might prove a hurtful, interference. It is however proper to observe here, that the preliminary enquiries are conducted according to the ancient usage of Mysore, as described by Major Wilks, and approved of by the Honorable Court in the 47th and following Paragraphs of their despatch. The case is thus cleared of much that is irrelevant and superfluous, and its merits are pretty well ascertained before the trial by Panchayet commences.

109. Before quitting this branch of the subject, it may be proper to state that professional vakeels are not permitted to practice in the Courts of Mysore, excepting in particular cases when the parties to a suit are unavoidably absent, and have no relations or friends to conduct it for them. Notwithstanding this rule however, the prosecution of vexatious suits has received but little check, for professional vakeels from the Company's Provinces (and generally it may be feared, men of the lowest character, who have been unable to find employment in the Company's Courts, or who may have been forbidden to practice there) have established themselves in the vicinity of the Courts in this territory, and are as mischievous in exciting litigants, as though they personally appeared in Court, and pleaded for them.

CRIMINAL JUSTICE.

Classification of Crimes
and Punishment.

110. In the same manner, I would not advocate a very minute classification of offences, or the establishment of rules defining the exact proportion of punishment applicable to them; for, while native institutions are preserved, personal wrongs and other offences of a similar nature, must vary with an infinity of circum-

stances connected with the caste, the rank, or situation of the parties. At present, sufficiently copious returns of all crimes and punishments are received and examined, and particular instances of misapprehension or palpable errors pointed out or rectified. These returns, with the provision of a double Panchayet in all criminal cases, one held in the Talook where the offence is committed, and the other in the Moonsiff's or the Superintendent's Court where the final trial is held, form, I conceive, ample safeguards; the first against the unjust detention, and the second against the erroneous conviction, of the innocent; proceedings which in these respects correspond with the examination before a Magistrate, and the trial by a Judge, of prisoners in England; with this advantage, that the committing Panchayet has much surer means of finding out the truth, than are within the reach or knowledge of most Justices exercising a similar power.

111. With respect to the degrees of punishment which may be awarded by the Moonsiff and Superintendent, respectively, a subject which has been adverted to in the 54th and 55th Paragraphs of the Honorable Court's despatch, it is necessary to explain that, though these officers can sentence prisoners to the extent prescribed, without reference to the authority immediately superior to them, yet that due provision exists against any harsh exercise of this power, in the full returns, accompanied by details, which are regularly furnished by the Moonsiff to the Superintendent, and by the Superintendent to the Commissioner. Nor are complaints by the convicts, themselves, or their friends, ever passed by unheeded. But beyond the limits assigned to each of the foregoing authorities, no sentence can be passed by them; and all cases in which they consider the proper punishment will exceed their own jurisdiction, are referred for final trial to the Superintendent, or the Commissioner, as the case may be.

112. Thus it will be seen that these courts are not of concurrent jurisdiction, but have each their peculiar sphere, and defined powers.

113. The state of the Jails, and the discipline and condition of the prisoners confined in them, are subjects which have frequent-

ly received attention, and every arrangement has been made for the accommodation and security of the inmates, which the existing conveniences allow of. In Chittledroog and Seringapatam, the prisons are ample and commodious, and although that in Bangalore has not equal advantages, yet it is large enough, under the present system of lodging the working gangs in tents, near the roads on which they are employed; a system which has been in operation since 1835, and productive of considerable advantage. In Nuggur, however, a new Jail is required, and a plan and estimate has been called for.

114. In all the Divisions the prisoners have been as healthy, whether in Jail or under canvas, as the inhabitants of the neighbourhood; their supplies of food and clothing are good and sufficient, and in sickness they have proper medical attendance.

POLICE.

115. With regard to the Police of the country, experience has sufficiently shewn that, it does not appear desirable to introduce any alteration in the present system. New regulations are not so much required, as the revival of wholesome practices, and a strict supervision of those still extant. The Hookoomnamah defining the duties of the Candachar Peons, and the control to be exercised over them in the Talooks, (Vide Appendix, No. 12 to the Notes on Mysore) is well adapted as a Code of Rules for the reform of this body. But no hope can be entertained of any very decided improvement in the conduct of these men, until their allowances have been so increased as to render them independent of other sources of subsistence.

116. From the reports of all the Superintendents, and from the replies to queries on this subject, circulated to the Moonsiffs, and Amils, it appears fully established that, any interference in the present system of entrusting the general superintendence of the Police to the Amil, would be detrimental. This opinion is unanimous, and it is stated that the Amil has sufficient time to attend both to his Revenue concerns, and the duties of the Police, which

Objections to the Police
Authority of Amils.

mutually give and receive assistance, and that the separation of these duties from his office, would tend to lower him in the eyes of the Ryots, to embarrass him in the execution of his revenue functions, and to diminish that respect towards the office generally, in the Talook, which it is so indispensable to uphold.

117. The Amil moreover, though the controlling Police authority in the Talook, is not the sole Police officer, as a great portion of the executive authority is delegated to the Killedar. The whole machinery of the village police, and indeed a great proportion of the Talook Peons, must necessarily have a double avocation, both in watching the growing crops, and protecting the stores of grain and the revenue collections, as well as the more regular Police duty of guarding the village, and tracing and apprehending offenders. In the first of these capacities they must obviously be subject to the Amil alone, and it is in the very course of these duties, they derive that acquaintance with the country and the persons, and habits, of all within their observation, which renders them at once the most efficient and responsible agents of Police; more especially when considered in that preventive capacity, to which the Honorable Court attach so much importance. Indeed, to separate from the office of Amil, the Police authority which he at present exercises, would be to break up, not to preserve the system of municipal government, to which the inhabitants of this country have for ages been accustomed; they have been taught to look upon the Amil as the Governor, as it were, of his Talook; and under the vigilant control of the Superintendent, there is at present little probability of his abusing his power as a magistrate, without detection and punishment. To appoint a separate officer of Police under these circumstances, would be an unpopular and useless innovation; and there is little doubt but that a new and independent Police, instead of aiding the government would abuse their power, and oppress the people. They would have no interest, as the Amil has, in preserving the peace, and thereby improving the condition of the district; they would receive no assistance from the hereditary watchmen thus superceded in their office: regarded with jealousy, they would repay it by spite,

and suffer, together with the government that employed them, the odium universally attached to espionage.

118. The convenience therefore which the Honorable Court anticipates might follow from establishing Agents of Police, apart from the Amils, would not, it may with certainty be deduced, be realized in Mysore.

119. Such preventive measures as can be adopted against crime, are, under the present system, peculiarly within the province and knowledge of the Amil alone to effect, intimately acquainted as he must be with the state and habits of all within his district. Nor are the functions of criminal judicature which he exercises as a police magistrate, nearly so extensive as those of a magistrate in England; while it may be truly affirmed that, all the criminals now sentenced by him, would suffer much more severely in the confinement which must follow a regular committal, than they do now, by the short imprisonment, or trifling fine, which the Amil can summarily inflict on them, upon conviction. Their powers of committing for trial are moreover guarded by a Panchayet.

120. With regard to the inferior Agents of the Police, though there has been a great deterioration in the discipline of the Candachars since the time of Poorniah, the outline of the system is good, and the Agents are precisely those which should be continued, viz., the village watchman and the Candachar. The latter establishment domiciliates in the Talooks the military classes of the community, and not only diverts them from mischief, but keeps in readiness for any emergency, a most respectable body of irregulars.

121. That the vigilance and active control constantly exercised by the Superintendents over the Police, has been productive of considerable benefit, is apparent from the gradual and steady diminution in each year since their appointment, with the exception of the last, of the serious crimes of gang, torch, and highway robbery. Of the two former the decrease has been from 224 which are returned as committed in the year ending 30th June 1834, to 194 in the succeeding year, and 84 in each of the official years 1836 and 1837,

whilst the highway robberies have diminished from 53 in 1834 to 34 in 1837.

122. It is necessary to observe that implicit confidence cannot be placed in the amount of heinous offences given by the Amils in these returns; for the result of an examination lately made in order to check them, shews that they had reported in one half year nine more gang and torch robberies, than had really occurred. It is probable that the same exaggeration runs throughout; this will not however, affect the comparisons of different years.

123. This improvement is particularly observable in the Divisions of Nuggur, and Munzerabad, which notwithstanding the insurrection, anarchy, and violence that prevailed there from 1831 to 1833 inclusive, have for the last three years been as free from disturbance and crime, as any other parts of the Mysore Territories. That there was no decrease in the number of gang robberies during the past official year 1837, is partly attributable to the formation of bands of depredators (some of them Moplas and other foreigners) who, during the outbreak in Canara, collected on the confines of Mysore, and committed some outrages; and partly to the audacity of two bands of professed robbers, mostly Coormurs, who committed several robberies in the Divisions of Astagram, and Chittledroog. These parties however were soon captured, and are now under sentence. Most of the atrocious crimes of gang and highway robbery committed in Mysore, can be accurately traced to the two lawless races of Lumbanics and Coormurs; the latter of whom have for ages subsisted upon plunder alone; the prevalence, therefore, of these grave offences in one or another district at particular times, does not so much indicate any deterioration in the habits of the general population, or the neglect of the Police, as it is a consequence of the temporary sojourn in that neighbourhood, of some of these wandering tribes. Robbery and violence, with a recklessness to all the consequences of detection, are hereditary among the Coormurs; no punishment reclaims them; nor can they be induced to earn their subsistence in any other way than by rapine; and until they are so reduced in number as to become insignificant, the country will never, it is feared, be entirely free from their depredations.

124. It has not been unusual for a band of Coormurs to attack in the same, or two or three successive nights, several houses in a village, or several villages in the neighbourhood of their encampment, and to make off either to another jurisdiction, or to a distant part of the country, before a sufficiently strong body of Police could be levied to attack them; for when the band is regularly organized, as some of those lately convicted were, no ordinary police force dare to attempt their capture; for they are personally, both stronger and braver than other classes, and are most frequently armed with swords and matchlocks.

125. As the Naiks of the several Tandahs, or tribes of Lumbanics resident in Mysore were well known, an attempt was made two years ago to restrain their lawless practices, by taking security from each Naik, for the good behaviour of his Tandah. Notwithstanding this, in one or two instances the very Naik himself who signed the bond, has been proved foremost in organizing his band, and arranging the plan of the robbery in which they all participated.

126. A register of all the Coormurs, who compose the other class of professed robbers, will shortly be prepared, with a view of devising some means of inducing them to follow an honest livelihood; and even should the attempt fail, yet the accurate knowledge of their haunts and connections, thus attainable, will at least assist the Police in detecting and tracing offenders.

127. It may here be remarked that the great apathy of villagers of this country, to the misfortunes of their neighbours, and the want of proper spirit, and union among themselves, has been the chief cause of the boldness of professed robbers. Frequent efforts have been made by the authorities to persuade and encourage them to a vigorous and united resistance to such attacks, and latterly with success; and some individuals who have bravely defended themselves and their villages, and either killed or wounded the robbers, have been rewarded by a small present. In a few cases where the villages might have prevented the robbery, and where there were strong grounds for suspecting connivance, the value of the property stolen has been assessed on the village, according to ancient usage,

and the provisions of the Police Hookoomnamah, and with good effect in stimulating the people to more vigilance and energy.

128. I have dwelt the longer upon gang and highway robbery, because the frequency of murder is, when unconnected with daring outrage or political excitement, no criterion of the good or bad government of the people, but rather of their moral state. In India it may be said without fear of contradiction, that if it were possible to persuade the people, that every such murder would be followed by the certain and speedy execution of the perpetrator, little diminution of the crime would ensue.

129. Whilst their natural passions are uncontrolled either by religion or education, the evil consequences of indulging them must follow. Accordingly we find, that deducting the errors made by Amils in the classification of crimes, (suicides and accidental deaths being frequently set down by them as murders) and subtracting the murders committed by the hardened criminals of the two castes above described, most of the remaining murders have had their origin in jealousy, or drunkenness. I do not include in these remarks infanticide, which is not now frequent in Mysore, and when it does occur, must be accounted for more by the peculiar laws regarding caste, than by any evil disposition of the mother.

130. The evils of the present system, as I have already remarked in a general way, chiefly arise from the poverty of the Police servants, which lays them open to the temptations of screening offenders from detection, for the sake of part of the plunder, or of allowing them when captured, to escape from custody.

131. Their pay, since they have been prohibited from living as formerly, at free cost upon the Ryots, is wholly inadequate to their subsistence, and should be increased as soon as ever the finances of the country will admit of it. At present, dismissal from situation, is, on account of the small emolument attached to it, no sufficient punishment, and imprisonment with felons in the common jail, is not a fit retribution for the offence of abuse of trust, in the circumstances in which they are placed. A higher salary would at once increase their activity and respectability, and there would probably be but little occasion then to punish them for misconduct.

Revival of Ancient
practices.

132. It remains to consider the methods which appear most advisable for restoring efficiency to the Police, and amongst these the most important must be reckoned a provision for the three classes of servants by whom the Village Police is administered, viz., The village Potail, the Watchman, and the Shanbogue.

Potails.

133. The first of these, that is, the Potail, ought to form the connecting link between the Government and the mass of the population; but this class has from various causes been subjected to degradation, both under the Hindu Rulers, and Mahomedan usurpers of Mysore, whose policy it seems to have been, with the exception of a short period of Tippoo's reign, to reduce as much as possible the power of this class, which they feared would be exerted against themselves.

134. Poorniah was, in his own vigor and talents, and in the ready aid of British Troops, too strong to care for the Potails; he found he could carry on his administration without them, and in his brahminical hatred of them, was as willing as any of his predecessors to accomplish the annihilation of their power.

135. The exactions to which they in common with the other agricultural classes were subject, under the Rajah, were no doubt a principal cause of the disaffection towards his government, which produced the insurrection; and the influence they then exerted, is no contemptible proof of the power which, notwithstanding their fallen condition, they still retain over the mass of the people. The effect of this system of continued oppression, however, has been to reduce them in many parts of the country to the most abject poverty, and in some places, there are villages where no traces of the hereditary Potail are to be found. The chief exceptions are in the Mulnaad of Nuggur, but particularly in Munzerabad, where, from the strength of the country, the inhabitants have under all the changes of the last half century, preserved their ancient institutions, and the Potails their power, though this latter has been always an object of jealousy to the Government, and permitted to exist only through a sense of weakness and necessity. The consequence has of course been that,

throughout Mysore the people have now become dissevered from the ruling power. That the chain of connection should be kept up, through the public servants, is manifestly impracticable; for under the late Government, the Amil was rendered at once hateful to the people, by the license allowed to him during the period of his employment, while the corruption of the Court, by frequently sacrificing him to intrigue, rendered his connection with the inhabitants insecure, and ephemeral. It is true that these evils have been in some degree corrected; that the Amil was, and still generally is, by birth a native of the country, and that in proportion to the faithful discharge of his duty he may, as far as his official connection with them goes, conciliate the regards of the people; but, being generally a brahmin, his hold on their affections, and his identity with their interests, are almost as frail as those of an entire foreigner. In fact their castes, prejudices, and ceremonies, strictly forbid all approach to intimate correspondence, and the one class may be, and often is, totally ignorant of the wishes and intentions of the other. This mutual antipathy, between the brahmins and the Lingayets, who form a large proportion of the population, founded originally in caste prejudices, was greatly inflamed by the cruelties which each party practised on the other, as occasions arose, during the late insurrection, and the breach between them has thus been widened, beyond all hope of conciliation.

136. Now, the Potails occupy that exact position in the state, most naturally adapted to establish the connection between the Government, and the mass of the people, which the present class of public servants cannot, it has been seen, effect; for they are closely allied to the Ryots, by every natural and social tie; they are of the same caste, they intermarry, and are, equally with the Ryots, government tenants: and with them participate in the advantages or disadvantages of any course which the government may adopt. The importance therefore of restoring them to their former consequence, and of converting them from disaffected, because degraded and disappointed, subjects, to useful and confidential public servants, needs but little comment. Indeed it is a measure which would seem

unavoidable, for until the connection between the Ryot and the government, be made nearer and surer than it now is, the system is inconvenient, disjointed, and unsafe. Some little encouragement has already been held out to this class by promoting to the situation of Amils of Talooks, a few who were found fit for public employ. But the great step to be taken, in order to raise the whole class, and to transform them into useful agents of Police is, to restore their emoluments, a plan which, in its popularity and consequences, would well repay the outlay necessary for its completion. In Coimbatoor, the charge on account of the Potails, Shanbogues and Taliaries is, it is understood, 5 per cent of the land revenue, out of which 2-5ths is allotted to the Potails; whereas in Mysore the whole of the charges on account of these servants scarcely exceed $1\frac{1}{2}$ per cent of the land revenue, out of which, the proportion enjoyed by the Potails, exclusive of those in Nuggur and Munzerabad, is only 337 pagodas, or not a one hundredth part of what it should be.

137. It will be proper here to advert more particularly to the conduct observed by Poorniah towards the Potails. For, apart from all prior causes of enmity, it was alone sufficient to excite the latter, and the whole population whose natural leaders they are, not only to bitter hatred against the brahmins, but to permanent disaffection to the Government. Of this no doubt can be entertained when it is known, that the Enams of the Potails, originally given to them as emoluments for no mean services to the state, were finally appropriated by Poorniah, not to any state exigency, nor for any assigned political reason, but to form a fund for the gratuitous supply of food to brahmins, but more particularly to the members of his own peculiar sect.

138. The sum set apart for the support of the sixty three Chuttrums, established for the purpose above mentioned by Poorniah, and subsequently increased to seventy by the Rajah, is about Rupees 59,000 per annum; and the average expence about 54,000.

139. It would not be too much to say that, bearing in mind the great jealousy with which separate and hostile castes throughout India, scrutinize even the most trifling measure of Government which

tends to elevate the one over the other, nothing could have been devised better calculated than this measure of Poorniah's, to perpetuate the keenest animosity between two classes of the inhabitants.

140. Had the confiscation merely deprived the Potails of the fair remuneration for duties still expected from them, abundant reason for discontent were furnished. But to squander the bread which they earned, in daily gratuitous distribution, even before their very thresholds, to their caste adversaries, was an aggravation of their misfortune, which no time could allay.

Village Watchmen. 141. The next class of village servants, the watchmen, are taught from infancy to make themselves acquainted with the character, haunts, and habits, not only of every inhabitant in the village, but of every stranger or intruder in it; and these early habits of observation are matured and strengthened by the circumstance that the very means by which they live partly depend upon their vigilance; for since they receive in kind a certain share of the village crops, they have every motive to watch the proceedings of their neighbours, lest their own gains be fraudulently withheld or diminished, and their superintendence is further exercised in keeping charge of the village boundaries.

142. The rights of this class also have been much invaded in Mysore; many of their lands have been subjected to an authorized assessment, and their immunities from petty taxes, have in some instances been revoked. The object of future measures should be, I conceive, to restore their privileges to such an extent, as to bind them to the Government, and to prevent them from stealing, to which they are by caste and habit addicted; but the manner of payment should be continued, lest they lose the principal incitement to vigilance.

Shanboguea, 143. The Shanbogue may appear at first sight more a revenue than a Police Officer; but his intimate acquaintance with the circumstances and resources of all classes of the community, his title to fees in grain from almost every inhabitant within his range, and finally, his office as public Notary, render him a very useful adjunct to the Police. These

*Abstract Statement of the amount of Lands and Money enjoyed by the Talaries, Shanbogues and Potails in Mysore
in virtue of their Office.*

Amount actually enjoyed by Talaries in Mysore.	C. Ps.	7,302
Amount at 1 per Cent of the land Revenue as calculated in Mysore.	C. Ps.	18,000
Amount actually enjoyed by Shanbogues in Mysore.	C. Ps.	21,548
Amount at 2 per Cent of the land Revenue as calculated in Mysore.	C. Ps.	36,000
Amount actually enjoyed by Potails in Mysore.	C. Ps.	335
Amount at two per Cent of the land Revenue as calculated in Mysore.	C. Ps.	36,000
Total how enjoyed by Talaries and Shanbogues and Potails.	C. Ps.	29,185
Total at 5 per Cent on the land Revenue as calculated in Mysore.	C. Ps.	90,000
REMARKS.	The land Revenue in Mysore is calculated at 18,000,000 lacs of Pagodas per annum.	

servants are very inadequately remunerated in Mysore, and are open to bribery for the concealment of offenders and stolen property. Some of the Shanbogues, although compelled to keep their accounts on paper, and to furnish all the materials for their preparation, receive less than one canteroy fanam, about 4 annas per mensem, and the average salary of the whole class throughout the territory is little more than four canteroy fanams each a month.

144. A brief abstract of the present aggregate allowances of the village servants above mentioned in Mysore, as compared with that to which they would be entitled on the Coimbatour plan, estimating the land revenue of this territory at 18 lacs, is noted in the margin.

145. I shall have the honor in a separate letter, to point out the extent and manner of remuneration by which I propose to raise each class of the above

public servants, to a state somewhat more consistent with the responsibilities of their several employments.

146. It will be seen from the tenor of my explanations on such parts of the system as appeared to the Honorable the Court of Directors to be objectionable, that I am an advocate for its improvement, rather than for any material change; since the existing system unites on the one hand, the advantages of as much as has been suffered to remain of native habits, and institutions, with the benefits of European principle on the other.

147. It remains however for me to add some remarks on two points which are in a more especial manner innovations of our own, and which although founded upon humane and liberal principles in the abstract, must as means of good government be considered beneficial or hurtful with reference to the peculiarities of the country in which they are adopted, and the good or evil consequences that they entail on the community. I allude to the abolition of corporal punishment and to the discontinuance of the levy of institution fees in civil suits.

148. With regard to corporal punishment enough perhaps has been said in the previous part of this report, to prove its general prevalence in this Territory prior to the assumption in 1831. Statements have been prepared of all offences brought before the Police for a certain period before and after its abolition. But from the disturbed state of the country during the former period, and the comparatively improved state of the administration during the latter, no conclusive judgment can be formed from these tables what effect this one measure may have had on the great body of offences. Crimes of an aggravated character have certainly diminished, while the increase which is observable in the catalogue of minor offences, may be attributable in some degree to the greater accuracy of the reports made of them, and the greater proportion of detections. The increase of minor offences, however, has been both gradual and constant since the period that the Superintendents were appointed, which can scarcely be attributed to a greater or less accuracy in the mode of registry.

Abolition of Corporal
punishment.

149. Be this as it may, the Superintendents of Divisions, the District Moonsiffs, the Judges of the Adawlut, the Heads of Villages, and every intelligent native who has been consulted on the subject, concur in opinion that, the abolition of corporal punishment has been productive of evil, by removing one great, and to certain classes, the only, restraint on the commission of crime, and consequently exposing to the depraved and lawless, the persons and property of the peaceable citizens; that the present state of society in Mysore is not fitted for so violent a change; and that the power of inflicting corporal punishment, however limited in practice, should be again introduced in principle.

150. The late returns of petty offences (which embrace two years and a half, from July 1835 to December 1837) subject of course to certain inaccuracies from the ignorance of the native officers of the method of classifying the offences they register, may yet be depended on, as exhibiting a sufficiently correct view of the increase of the lesser crimes.

151. In the first year of the above period, i. e. from July 1835 to June 1836, the total amount of petty offences was 3,665. In the second year they increased to 5,243; and during the last half year i. e. to December 1837, they exhibit 3,159 or (giving the annual proportion) 6,318. In 18 months, by this account, petty offences throughout the country have been nearly doubled. No 3.

152. One of the most forcible arguments against the abolition of corporal punishment is, that the greater number of thieves, who are of the Kormur and other low castes, look upon imprisonment, which is the only substitution for it, as no punishment at all, and it neither deters the prisoners themselves from repeating the offence, nor others from following their example. They have no character to lose, nor would imprisonment hurt it in public estimation even if they had; for the miscellaneous collection of all castes of persons in jail, under the late administration, some on the most frivolous pretences, has had the effect of well nigh effacing all sense of degradation under it. No severity of labour while in prison, consistent with humanity, can surpass that by which they must earn, if they ever do

earn, their livelihood when at large, and the work is moreover rendered light by the comparative plenty in which they live. The inconvenience of wearing irons is so little regarded, that many prisoners are anxious to remain, regret being released, and take the first opportunity of returning to so certain a livelihood as the jails afford them.

153. The question then of retaining the power of occasionally resorting to corporal punishment, as a means of preventing crime in Mysore, does not seem to be, whether such a penalty is a humane and wise one in the abstract, but whether it is not a much less evil than that the abandoned and shameless should be subject to it, than that the community should be daily and nightly exposed to their violence and depredations.

154. The principal arguments against the enforcing such a penalty, are chiefly applicable to countries which have long enjoyed the privileges of free institutions, with a high state of morals and civilization, wherein the exposure and disgrace accompanying this mode of punishment, are calculated to outrage the feelings of the people, and incompatible with the object of all legal penalties, reformation of the offender, and example to evil doers.

155. But the policy of totally abolishing such a measure, even in those countries, might be questioned, as long as it was found impossible to substitute for it, one equally effective, to keep the peace of the community.

156. In Mysore, however, this mode of punishing incorrigible offenders, is not, as has been shewn, incompatible with the existing feelings and usages, while on the other hand there can be no doubt of its value in checking crime.

157. Guarded by the strictest provisions as to its application, were the power of sentencing to this punishment restored, it is not probable that its exercise would be often called for. The terror of it would alone repress many disorders. In the case of juvenile culprits, it is more humane to flog and release them than to expose them by imprisonment to the certain contamination of hardened offenders; and it would be impossible, considering the few conveniences for classification now available in our jails, to separate such offenders from the general mass of criminals.

158. The foregoing remarks relate to ordinary offenders. But it is alleged too, that without this mode of punishment, the refractory inferior servants, including the Candachar Police Peons, cannot be kept in order; as the only means which now remain for enforcing obedience, are either the exaction of a fine from a starving public servant, which drives him into dishonesty, or the still harsher measure of throwing him out of employment, for neglect of duty, absence without leave, or some offence to which these punishments are not very applicable. They must therefore, it would seem, either be deterred by corporal punishment, or their pay be raised sufficiently to make discharge a severer punishment than it now is.

159. Whether the native officers of the Government have, in giving their opinion on the evils attendant on the abolition of corporal punishment, been partly influenced by a sense of the diminution of their power and a desire to recover it, cannot be certainly known; but at least the European Superintendents, and natives out of employ, are not likely to be either mistaken or prejudiced in forming an estimate of the effects produced; and no doubt can I think be entertained that much insubordination, and many offences for which no adequate remedy can now be found, would be prevented by a recurrence to this mode of punishment. Its abuse might be guarded against by limiting the number of lashes, and regulating the instrument of infliction, by specifying the classes who should be subjected to it and the offences for which it should be applied, by providing that it should not be inflicted unless under the recorded sentence of an Amil or Panchayet, and such other safeguards as the Government might deem proper to prescribe.

160. That the bad habits of the Coormurs are inveterate, and their condition when at liberty so low, that jails with their certain allowances of food and clothing can have no terrors for them, are observations long since made by Sir Thomas Munro, who in his Police Report on the Ceded Districts writes thus: "They are always poorer than the lowest laborers, and are consequently forced to renew their excursions without ceasing, in order to save themselves from starving. If an order were issued through-

“out the country to apprehend and confine them, it would do
 “more in putting a stop to theft and robbery than any Police
 “Regulations could effect in a long course of years; but as the
 “adoption of such a measure without any previous attempt to reform
 “them would hardly be justifiable, it would be proper that they
 “should first have a fair trial. The Collector should be authorized
 “to take them up and settle them in certain villages, to give them
 “Tuckavee for the purchase of agricultural stock, to prohibit
 “them from going beyond the limits of the village without a pass,
 “to confine and employ in hard labour all who should act contrary
 “to this order, he should also be authorized to treat all other
 “vagabonds in the same manner.”

161. The Honorable Mr. Elphinstone also in speaking of particular castes observes: “Some avow that they were born and
 “bred robbers, and that it was the intention of providence that
 “they should remain so, surely society is entitled to take measures
 “against men, who set out with so open a declaration.” He then
 advocates the measure proposed by Sir Thomas Munro, of seizing and
 compelling wandering and thievish tribes, on pain of imprisonment,
 to reside in particular villages; but he has previously acknowledged
 that “imprisonment is far from being looked upon with dread, and
 “that the natives think that with the regular subsistence and con-
 “fortable blanket they get in jail, they are better off than they
 “would be in their own villages.” When treating more especially
 on the nature of punishments he observes, “It is possible that a
 “very civilized Government may not be suited to a society on a less
 “advanced stage, and that coarse expedients at which our minds
 “revolt, may be the only ones likely to check those evils which origi-
 “nate in the barbarism of the people.” He then adds “our punish-
 “ments I should think might be made more intense but shorter;”
 and amongst the punishments he enumerates “severe flogging.”

162. With respect to the substitution provided in the 23d
 Section of the Judicial rules, of a fine for corporal punishment, the
 poverty of the offender renders this commutation in most cases
 impossible. There remains therefore nothing but imprisonment. To

add to it fetters and hard labour, let the term be never so short, would be to fix the same kind of disgrace, and the same kind of penalty, to a light offence, as is now awarded to the most desperate crimes short of murder, thus confounding crimes as well as punishments. To adjudge imprisonment merely, would be in fact to pass no sentence at all, for it would have no effect upon the prisoner. But though useless towards his punishment and reformation, yet unfortunately it would be most powerful towards his further corruption, and this particularly in the case of the young, amongst whom petty offences are most common, since they are the first steps in the ladder of crime. It is not therefore hard to see how the infliction of timely and moderate corporal chastisement, shall in many cases be reconcilable with good policy, justice and humanity; the first by protecting the community, the second by properly punishing crime, and the third by deterring the young, and preventing the contamination of all.

163. While on the subject of fines I may be permitted to remark, that the authority of the Superintendents might with much advantage be extended to the imposition of fines as high as rupees 200, a limit much more accordant with their other powers than that at present fixed, viz. rupees 30. The payment of the latter sum is no punishment at all to the wealthy, and it is for the higher classes that this penalty is more particularly adapted.

164. Instances of gross fraud, tampering with witnesses, withholding documents, contempt of court, and disobedience of its orders, not infrequently occur in the Superintendents courts, and it is very advisable that they should have the power, not only of trying such offenders, but of awarding the fitting punishment. Indeed, for individuals of religious orders, Brahmins, Jungums and others, fines in light cases are the only sentences which are appropriate. They neither degrade the sufferer at all, nor violate his feelings more than this, that the payment is bitterly and properly felt.

165. The authority of the Moonsiffs also might be usefully extended to the awarding of fines as high as Rupees 30 instead of 15, provided that they immediately report the same to the Superintendent; and it is advisable that the latter officer should have the same con-

trolling power of revising and remitting these fines, as the Commissioner now has over the court of Adawlut in like cases.

166. Whilst remarking upon the results of the abolition of these fees in Mysore, I may be permitted to say a few words on the objections generally urged against their imposition, which, however reasonable and weighty elsewhere, are, from the peculiarities of this state, and the character and habits of the people, not so applicable here, as might be supposed.

167. The chief objection against attaching any expence to an appeal to a Civil Court is, that it is a tax on justice, and a tax too unequally levied, and in the most urgent cases, i. e. of the poor, a tax that amounts to a total denial of a common right.

168. This argument presumes first that all who apply to the courts are wronged, or at least think themselves so, for otherwise their application must be for something else than justice.

169. Now in Mysore this is not the fact. For although during a short period after the abolition of the fee, and the consequent freedom from expence on suits, the applications to the courts were, as before, mainly founded on just and reasonable grounds; yet, as soon as it became generally known how easily the courts might be made instruments of oppression and extortion, and vakeels from the Honorable Company's districts began to assemble in Mysore, false and vexatious litigation received a fresh impulse, and from that time it has been plainly proved that the increasing crowd of litigants who besiege the Courts, consists mostly of impostors and rogues; men of no principle and character, who instead of pursuing their designs of fraud and knavery on such plans as might lead to their apprehension as criminals, have adroitly converted the very institutions of justice, into engines of oppression, and the sure means of dishonest livelihood, obtained at the expence of those who would rather submit to extortion than prosecution. So exact and correct is this consequence of throwing open the Courts, that if the returns be consulted it will be seen that with the increase of causes, the proportion of non-suits has more than corresponded. The Abstract, No. 4. exhibits this result most

clearly. In the first quarter of the year 1837, the proportion of false suits to true throughout the four Divisions was 38 per cent. It increased in the second and third quarters to 41 per cent. and 42 per cent respectively, and in the last quarter to nearly 45 per cent.

170. The arrears pending in the Courts of these Territories on the 31st December 1837, are shewn in Statement No 5. They then amounted to little less than 8,000 causes, one half of which, or even more, may, according to the progressive advance of false suits upon true, be set down as spurious. It is obvious that no increase of the judicial establishment could keep pace with this growing demand, nor would any diversion of the finances of the country to such a purpose be justifiable, for with the number of the courts, would only increase the activity of the abandoned applicants, until justice were fairly driven from her seat.

171. With respect to the latter part of the argument, it may be observed, that the agricultural and poorer classes, who chiefly defray the expences of the state; and must therefore bear the burden of any increase of establishment, which the great arrears now on the files would seem to call for, are not those who throng the courts; for in Chittledroog, Mudgherry, Munzerabad, and that portion of Nuggur where there is but little trade, the abolition of fees has produced no increase in the civil business of the Courts which cannot be fairly accounted for. Whilst among the population of the towns of Bangalore, Mysore, Seringapatam and Shemogah, litigation has made most rapid and unprecedented progress.

172. If then, the poor have taken no occasion to profit by the abolition of the fee, it may be justly argued, that its imposition was no hardship to them. The truth is, that the Ryots' complaints are chiefly on revenue matters, which are summarily redressed by the Amils, or Superintendent, as before observed.

173. But though the Ryot has not under either system of fee or no fee, any wish or occasion to enter the Courts voluntarily as complainant, he is, under the abolition, unfortunately, and to his great vexation, very frequently dragged there.

174. If a Potañ, he is constantly annoyed by summonses to

attend PUNCHAYETS; if a RYOT merely, he is liable to be summoned at the caprice of any petty trader to whom he owes a few rupees, to the MOONSIFF'S courts, on a false account of as many hundreds, and if neither debtor nor creditor, it is still in the power of any one who spites him, to call him away from his business many miles, and for a long period, under a false citation as a witness.

175. In short, it is impossible to enumerate the many grievances, to which, under the present regulation of free admission of suits, false or true, the poor and industrious are exposed.

176. In their state of timidity and ignorance it cannot be doubted that they are oftentimes forced to compound at any cost with their unprincipled complainant, rather than forsake their homes and their crops, and though so hardly treated, they still cannot shake off their oppressor, for, to him and his class, poverty compels them to have recourse for advances on every little occurrence which demands a small outlay.

177. But the false suits considerably exceed the number given, however enormous that is, for it may be fairly said that if among the total number of causes, so great a proportion has been found false, it is highly probable, considering the nature of native testimony, that among those considered real, some false ones have passed undetected, even by the most intelligent PUNCHAYET. Thus, fraud, oppression and perjury have their full and free exercise, and pass through the midst of the officers of justice, disguised by the cloak of a humane and charitable provision.

178. The levying of fees on the Institution of suits at once checks all these evils.

179. The graduated scale of fees on suits deters a false claimant from the very threshold of justice; while it compels the real one to confine his demand to its just amount.

180. It prevents the oppression of the poor, and purifies and reduces the files of the courts to their proper and just scale; hence again, it conduces to the speedy and accurate decision of legitimate suits, now indefinitely postponed by the influx of false ones, and raises the character both of the civil tribunals and their decrees in the estimation of the people.

181. It leaves to the industrious time to ply their business, and to the Amils opportunity to improve their talooks. In fine, it tends to substitute for vexation, annoyance, and uncertainty, peace, confidence and security to all classes who look for it and deserve it; and is an arrangement, of which, as the unprincipled and worthless alone profited by its abolition, so they alone will deplore the restitution.

182. The imposition of a fine at the end of a false suit has not the advantages of an institution fee. For, in the first place all the manifold inconveniences and vexations which precede the decree, must be undergone before it be discovered whether the suit be false. And in the next, the fine will be useless on parties who cannot pay.

183. The fine too, is of no sort of avail in compelling the plaintiff to have recourse to such courts only, as are particularly, and for the public convenience, most reasonably restricted to the settlement of cases of a certain amount.

184. Under the present system of free admission, neither is the man who is free from debt free from prosecution, nor can the debtor of a certain sum guess even at the court where his creditor may drag him, for not only are false claims invented, but real ones so preposterously exaggerated, as to confound all jurisdictions. Defendants and their witnesses who by regulation need not have moved above a mile or two from their homes, are now perhaps summoned from one end of Mysore to the other, and the injustice is not discovered until the decreed amount proves the case to have belonged to the Amil, not to the Adawlut. The same confusion is of course continued through the courts of appeal, and the several provisions effectually set at nought.

185. The appended Table, No. 6, shews many instances of this. In some cases there referred to, only 4 or 5 per cent of the sum sued was the real amount of the debt.

186. This wanton exaggeration of claims in real suits of small value has advanced as steadily and rapidly, as suits wholly false. The two tables No. 7 and 8 prove this to have occurred in the two Divisions of Bangalore and Astagram; wherein the per centage of the

sums decreed, compared with the sums sued for, has dwindled from seventy-one in 1834, to forty-three in 1837 in the former Division; and in the latter, from eighty-four, to twenty-two.

187. Again, no fine can make compensation to the state, for the abuse of its time and labour; and the power of awarding it could hardly be left to the native courts, nor the line defining its application be correctly laid down.

188. Were fines too, imposed with any approach to the frequency which the proportion of false and vexatious suits demands, there is little doubt that the judge, instead of being looked upon as the impartial and disinterested arbitrator, would incur the odium of a vindictive public prosecutor, eager to punish by indiscriminate fine all suitors who reasonably or unreasonably invaded his leisure, and added to the labours of his office.

189. The judge would therefore often hesitate before he made himself a mark for such opprobrium, and false suitors by no means meet with the discouragement they should; moreover, he would be assailed by the urgent and embarrassing solicitations of the losing party, to remit a fine which would seem to emanate so immediately from his mere personal irresponsible opinion and fiat, and all such solicitations would tend to sap his integrity or at least the public trust in it.

190. If however he be unusually upright and firm, the frequency of fines at first, would alarm the timid and ignorant from seeking justice at all in his court; and as the files have become loaded to the sacrifice of the honest suitor, so at his cost too would they be relieved.

191. The same objections lie against intrusting the power of fining to the Panchayets; to which may be added that, the delegation to them of this new trust would be entirely to alter their character of mere Jurors, and their excited feelings would prevent them from exercising it impartially.

192. Under the fine too, claims would be still exaggerated, confusion of jurisdiction would still remain, and Panchayets and witnesses be harassed and oppressed almost as much as they are at

present. For fines are powerless, as already observed, towards those who cannot pay, and mere imprisonment is no punishment to them; while the wealthy can always find needy and unprincipled persons to put forward as Plaintiffs in false suits, ready to plead poverty as soon as they are discovered and cast.

193. With respect indeed to PUNCHAYETS, many more observations might be made in derogation of the free admission of suits, and in recommendation of the Institution Fee.

194. They are at present constantly engaged it may be said in the service of the state, to their great loss and inconvenience, and without the least remuneration; they are the only class indeed who labour without hire. Their case is peculiarly severe, for the more respectable they are, the more they are harassed.

195. The immense increase of litigation has become to these respectable and well disposed classes, a serious evil, and as may have been expected, their complaints have been loud and frequent. Nor has it been easy to answer them. If the occasion of their assembly only occurred now and then, the representation of the honor and trust thus conferred on them by the choice of the Government might probably have had a little effect; but it would be unreasonable to suppose that men can be persuaded to give up for days and weeks together their time and talents to the service of Government, merely for the honor of the employment.

196. But that which chiefly tends to discourage and disgust these native jurors, is this, that after sacrificing their time, business, and personal convenience, in attempting to give a just decision, subject to the clamour and solicitations of the parties during the progress of the suit, and their reproaches and spite after its termination, they perhaps at last discover that the whole cause is a mass of fabrication, and that they themselves, together with the Court, have been duped throughout by the worthless and perjured plaintiff, who mocks their just indignation, and departs unpunished to renew his roguery in some other Court, and under different pretences.

197. It cannot be expected that PUNCHAYETDARS so often harassed to no purpose, and conscious of this daily perversion of their time

and labour, should much longer maintain that character for care and ability which has hitherto distinguished them, and rendered them such trust worthy assistants in the administration of justice. Once careless and indifferent to the objects of enquiry, it is greatly to be feared, that the evil would extend from civil to criminal cases, and the deterioration of Panchayets in the latter branch would be a misfortune to the country which no skill could remedy.

188. The Institution of the Fee would reduce the toil of these classes to a reasonable scale, and under the certain discouragement thus given to false claims, Panchayetdars would at least have the satisfaction of knowing that they were labouring in the cause of Justice, not of imposition. The Institution Fee would do more, for it would provide funds for their remuneration, and take away every grievance now so loudly complained of.

199. And indeed, whether the Fee be restored or not, remuneration to Panchayets cannot be withheld on any just grounds.

200. It is no little recommendation to the restoration of the Fee therefore, that among other good results, it will produce funds for this purpose, and that in a mode the least objectionable of any that can be devised.

201. For, it should not be forgotten that the burthen of the Judicial Establishment, whatever it may be, is now borne chiefly, or it may be said wholly, by the Ryots, since it is a general charge on the State Revenues; but the litigation, whether false or true, lies among other classes, and the Ryots have neither caused it, nor profited by it; on the contrary the vexation it causes them, is a great grievance. It would seem then very unfair that they should be made not only to suffer it, but to pay for it; and that too, when it is possible, by an Institution Fee, to levy directly and infallibly from the very party who demands the aid of the Courts, that exact proportion of the expence of the establishment which, as the State must demand it from some quarter, the litigant should certainly pay in preference to others.

202. If the Right Honorable the Governor General should be satisfied upon a consideration of the foregoing facts and arguments, that the free admission of civil suits has within this Territory

been productive of serious evils, and that the re-establishment of an Institution Fee is the only arrangement which is likely to prove an effectual remedy, I would beg leave respectfully to suggest the restoration of the provisions on this head, which were originally contained in the Judicial regulations, and rescinded under the orders of the Government of India, as contained in your letter under date the 2d. September 1834.

203. With respect to the great objection often urged, viz. that a measure of this kind impedes justice, I feel persuaded that no man, however humble, will, if his case be at all probable, find any difficulty in raising the necessary fee; but if he should, the clause for the free admission of paupers will at once remove the impediment.

204. Should the principle of remuneration of Panchayets meet with his Lordship's approbation, it will not be difficult to devise such detailed rules for carrying it into effect, as may prevent all abuses.

205. In the Talook courts removed from great Towns, the causes are simple and soon disposed of; and as the duties of the Panchayetdars there are light, it does not seem expedient to provide any compensation for them unless the time necessarily occupied in the trial exceed two days.

206. In the Mooniff's Courts, where the business presses heavily on the Panchayetdars, a certain sum per diem should be awarded to each member, taking due care that the cause be not unnecessarily delayed for the sake of the pay.

207. For the Panchayetdar summoned to decide the intricate and important cases, either original or on appeal, which are brought before the courts of the Superintendents, the Adawlut, and the Commissioner, no certain sum can be prescribed: the amount of remuneration must depend upon the skill and labour exercised, and the expence and inconvenience suffered by the jurors; and it would seem best to leave the extent of the compensation to the discretion of the Head of the Court.

208. It is anticipated that the Institution Fee will provide ample funds for remunerating Panchayets in criminal cases, as well as civil, but if not, the experiment of remunerating Panchayets may

be introduced at first in such Courts only as may seem urgently to require it, and the extension of the system to the Talooks may be left to be determined by future experience.

209. In concluding this report I feel it my duty to offer to His Lordship some apology both for its length, and the delay which has attended its completion.

210. Had the system of administration in the two branches upon which I have had the honor to offer my remarks, appeared to me in every important respect adapted to fulfil the objects of good Government, or had the improvements even which I have ventured to suggest in the Judicial department, been such as coincided with the opinions expressed by the Honorable the Court of Directors, much of the details I have given would have been superfluous, and I should not have waited so long before presenting the result of my own observation and experience.

211. But as all the opinions and information I could gather concurred in pointing out the necessity of introducing some decided alterations, I have been anxious to submit more fully the reasons on which my suggestions are founded, and to prolong the experience of the present system as late as possible, that the result when brought forward might be more certain and conclusive, and such as I trusted might justify the recommendation of the changes I have ventured to propose. I allude particularly to the re-establishment of the Institution Fee on suits, for the abrogation of which I myself, I may be permitted to observe, was at first a warm advocate, not only at the time of the abolition but for sometime afterward, when the increase of causes was fair and justifiable, before the chicanery of the Vakeels, and the mischievous propensities of the abandoned and immoral classes of the inhabitants, had discovered, in this liberal provision of Government, an easy weapon against their more peaceful and upright fellow citizens.

212. I am now compelled to confess I have been completely disappointed in this particular, and however much concerned, not only that my altered opinion should tend to a change at variance with the liberal views of the Honorable the Court of Directors, but that it

should be grounded on proofs of the prevalence of so much ill feeling and immorality among the people of this Territory, yet a sense of duty impels me plainly to express it, and unhesitatingly to recommend the only remedy which I can devise for an evil so dangerous and extensive as the unbridled and oppressive litigation in Mysore has become since the abolition of the fee.

BANGALORE,
25th April 1838.

I have, &c.
(Signed) M. CUBBON,
Commissioner.

P. S. Since the conclusion of this report, a return (No. 9.) has been obtained from the judeed Moonsiff's Court at Bangalore, for the year 1837, which exhibits a much larger proportion of false and vexatious claims than have already been noticed in the previous statements. In that return the decrees are to the nonsuits as 82 only to 303. And of these 82 decrees only 13 are for the sums sued for. 18 are for sums exceeding half the amount sued for, and the rest shew the claim preferred to have more falsehood than truth in it. 32 decrees are for such trifling sums that the Amil might have decided them even without the aid of a PUNCHAYET, and there are others in which the amount given has not equalled in annas what was demanded in Rupees.

PROCLAMATION.

Notice is hereby given that the practice which has hitherto prevailed of selling, on account of the Sirkar, women who have offended against the rules of their caste, is henceforth prohibited. All public officers and renters are accordingly hereby forbidden, on pain of the severe displeasure of the Commissioners, to make or order any such sales, or to receive any profit or advantage therefrom, either for themselves or for the Sirkar. They are also prohibited from imposing or receiving, either for themselves or the Sirkar, any fine on account of adultery or of any offence against the rules of caste.

The intention of this order is merely to put an end to the practices of the public officers and renters which are above described; and not to prevent the settlement of such matters as are above alluded to by any other proceedings which may be conformable to law and usage.

COMMISSIONER'S OFFICE. }
 BANGALORE, }
 6th July 1833. }

BY ORDER
 (Signed) F. CHALMERS,
Acting Secretary.