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P A P E R S,

&c.

(East India Company.)

(THIRD PART.)

Session

24 November - - - 22 July,

1812 — 1813.

VOL. IX.

V2, L-L5

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V-9-3
14219

C O N T E N T S
OF VOL. IX.—1812-13.

<i>Ordered to be Printed.</i>	<i>The N^o at the foot of each Paper.</i>	PAPERS, &c. EAST INDIA COMPANY. (THIRD PART.)	<i>The MS. paging in the Volumes done up for The House of Commons.</i>
3 June -	264.	PAPERS;—Answers of the Judges of Circuit to Interrogatories of Government; new system of Revenue and of judicial Administration 1801; Police of the Districts; Missionaries; Religion of the Hindoos; Infanticide; first introduction of Christianity into India - - - - -	1.
1 June -	245.	SHIPS and VESSELS built in Asia, admitted to Registry in Great Britain; 1794-1813 - - - - -	445.
—	246.	PRIZE SHIPS and VESSELS, admitted to Registry in Great Britain and Ireland, &c. since 1793 - - - - -	449.
—	247.	SHIPS (not East Indiamen) launched in the Thames for the Merchants Service; since 1770 - - - - -	451.
—	248.	COTTON GOODS, printed and plain, Exported from Great Britain to Ports Eastward of the Cape of Good Hope; since 1794 -	463.
3 June	262.	Idol JAGGERNAUT;—Rev. Dr. Claudius Buchanan to the Court of Directors, on Mr. Buller's statements concerning that Idol - - - - -	465.
<i>[Continued in the Xth Volume.]</i>			

P A P E R S

RELATING TO

EAST INDIA AFFAIRS.

Answers to Interrogatories of The Governor General;—and
New System of Revenue, and of Judicial Administration (1801).
Police of the Districts.—Missionaries.—Religion of the Hindoos.—Infanticide.
First Introduction of Christianity into India.

Ordered, by The House of Commons, to be printed,
3 June 1813.

LIST OF PAPERS

Presented to The Honourable House of Commons, pursuant to Orders,
dated, 8th—9th—and 14th April—1813.

— No. 1. —

COPY of the INTERROGATORIES proposed by the Governor General in Council, in the year 1801, to the JUDGES of CIRCUIT and ZILLAH JUDGES in *Bengal*, respecting the effects of the new System of Revenue and of Judicial Administration, established by the *British* Government in that Country; with the ANSWERS at large of those Judges, and of other official Persons to whom those Interrogatories were sent.—I. Interrogatories to, and Answers by, The JUDGES.—II. By The COLLECTORS.

— No. 2. —

COPY of a LETTER from Mr. *J. D. Paterson*, Judge of *Dacca*, *Jilchpore*, in *Bengal*, to the President and Members of the Police Committee; dated 30th August 1799.

(No. 3.—COPY of the 15th and 35th INTERROGATORIES proposed by the Governor General in Council of *Bengal*, to the JUDGES of CIRCUIT and the ZILLAH JUDGES, in 1801; with the ANSWERS of the said Judges to those Interrogatories.)—[*This having been ordered to be printed on 30th April last, is not here inserted.*]

— No. 4. —

EXTRACT containing Paragraph 4. of Report from Mr. *E. Colebrooke*, 2nd Judge of the COURT of CIRCUIT for the Division of *Patna*, on the completion of the Gaol Delivery of the extra Session of that Division, dated 1804, to the *Nizamut Adawlut*.

— No. 5. —

EXTRACT of Judicial LETTER from the Court of Directors of the East India Company, to the Governor General in Council of *Bengal*, dated 25th April 1806, Paragraph 24.

— No. 6. —

EXTRACT of a LETTER from the Court of Directors of the East India Company, to the Government of *Fort St. George*, dated 23^d January 1805, Paragraph 16.

— No. 7. —

EXTRACT of a LETTER from Lieutenant Colonel *Wilks*, Acting Resident of *Mysore*, to the Chief Secretary to the Government of *Fort St. George*, dated 4th March 1807, on the subject of the HINDOO RELIGION.

— No. 8. —

EXTRACTS, or so much of the CORRESPONDENCE of the Governor General in Council of *Bengal*, with the Court of Directors of the East India Company, as relates to the Abolition of the Practice of SACRIFICING CHILDREN at *Saugor* and other places.

— No. 9. —

EXTRACTS of the CORRESPONDENCE of the Governor General in Council, and of the Governor in Council of *Bombay*, with the Court of Directors of the East India Company, so far as relates to the Abolition of the Practice of INFANTICIDE in the Districts of *Juanpore*, *Guzerat*, and *Kutch*.

— No. 10. —

Copy of a REPORT made by the Reverend Dr. *Kerr*, Senior Chaplain of *Fort St. George*, to the Right Hon. Lord *William Bentinck*, dated *Madras*, 3^d November 1806; together with the Proceedings had thereupon.

East India House,
30th April 1813.

No. 1.

Copy of INTERROGATORIES proposed by The Governor General in Council, in the year 1801, to the Judges of Circuit and Zillah Judges, in *Bengal*; respecting the effects of the New System of Revenue, and of Judicial Administration, established by the British Government in that Country;—with, The Answers at large of those Judges, and of other official Persons to whom those Interrogatories were sent.

INTERROGATORIES To, and ANSWERS By, The JUDGES.

Calcutta Division.

ANSWERS to the Interrogatories respecting the State of the Country, &c.;—received from the Magistrates of this Division;—viz.

Court of Appeal and Circuit	-	-	-	22 March	-	1802.
Zillah Jessore	-	.	-	-	30 Nov.	- - 1801.
D° - Midnapore	-	-	-	-	30 January	1802.
D° - Beerbhoom	-	-	-	-	25 March	- - D°.
D° - Hooghly	-	-	-	-	3 May	- - - D°.
D° - Nuddea	-	-	-	-	16 January	- D°.
D° - Burdwan	-	-	-	-	9 March	- - D°.
D° - Twenty-four Pergunnahs	-	-	-	-	1 July	- - 1802.

TO GEORGE DOWDESWELL, ESQ.

Secretary to the Government, in the Judicial Department.

SIR,

WE have been under the necessity of delaying our Replies to the Interrogatories which accompanied your Letter of the 29th of October last, from the constant application of our time to the duties attending the Appeals, the number of which had very considerably increased from the circumstance of an incompetent Court for nearly one half of the last year, owing to impediments arising from the resignation of Mr. Camac, the protracted junction of Mr. Stonhouse, who, at the time of his appointment to this Court, was on the Daur circuit, and his subsequent indisposition. That a further delay may not, however, appear the result of inattention, we have now the honor to submit our Replies, formed upon such deliberation as limited opportunity has offered.

We are, Sir, your most obedient Servants,

Belvidere,
22d March 1802.

W. A. Brooke. H. Ramus. C. A. Bruce.

INTERROGATORIES to the Provincial Courts of Appeal and Circuit.—

1. What are the number of Appeals depending before your Court?

ANSWERS.—One hundred and fifty-six, on the 1st of January 1802.

2.—What proportion does the number of Appeals, now depending, bear to the number of Appeals usually depending, during the several years, commencing from the year 1793 to the present period?

In answer to this we beg leave to submit the annexed Statement (*marked A.* page 9.) of the number of Appeals filed, decided and depending, at the end of each year, from 1794 to 1st January 1802.

3.—What number of causes was decided, in the past year, by your Court?

One hundred and fourteen. To account for the number of decisions being so small, we beg leave to annex Copy of the explanation given by us to the Sudder Dewanny Adawlut, at the foot of our abstract, register of causes depending on the 1st of January last, marked (B.)—See page 10.

No. 1.

Answers by the
JUDGES.

Calcutta Division.

Court of Appeal
and Circuit.

22 March 1802.

4.—What number of causes do you suppose must necessarily be depending before your Court, and what is the reason that the number of causes depending before your tribunal is not reduced, as low as you think it might be reduced?

The pleadings being seldom completed in less than two months after the Appeals are filed, we are of opinion, judging from the number filed in the past year, that fifty Appeals must necessarily be depending at the end of each year, and that unless particular circumstances should occur to prevent the regular meetings of the Court, that number will seldom be exceeded.

5.—Are you prepared to suggest the establishment of any rules which (consistently) with the new administration of the laws, would expedite the decision of suits? Are you of opinion, that the object would in any degree be promoted by leaving it optional to the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing or not, as the Judges might think proper?

We are of opinion, that the discontinuance of the mode at present observed, of committing the depositions of witnesses to writing in causes not appealable, would not materially expedite the decision of suits, and that it would be a measure of great dissatisfaction in the outset to the parties, and to the party cast a source of constant allegation against the propriety of the decision, urging (however unjustly) either the partiality of the Judge, or his misconstruction of the evidence. If the measure be adopted, we beg leave to state, that whenever Judges or Registers may be removed from their stations, the witnesses who may have given evidence in all undecided suits must be resummoned to appear before the new Judge or Register, and this must be attended with additional expense and delay to the parties themselves, and serious inconvenience to their witnesses, who are frequently detained several days before their evidence can be taken, owing to the multiplicity of business at the Zillah Courts; thus the want of written evidence, instead of expediting the decisions of suits, will have a contrary effect.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding 200 rupees? What is the amount to which you would recommend the Courts of the Commissioners and of the Registers should be extended, and to what degree would the general administration of justice in the division subject to your jurisdiction be expedited by the adoption of this arrangement?

We are of opinion that the jurisdiction of the Registers might be extended with great advantage, under certain restrictions, agreeably to the outline of a plan which we here subjoin.

1. The Moonsiffs to try all suits in the first instance for personal property, as far as fifty rupees.

2. To establish a Court consisting of three native Judges for the trial of all appeals from the decisions of the Moonsiffs, and the decisions of this Court to be final.

3. To empower the Register to try all suits above 50 rupees to 300 rupees; the whole to be appealable to the Judge, whose decision should be final to that amount.

4. The Judges to try all suits above 300 rupees in the first instance, and all their decisions to be appealable.

5. All suits for real property to be tried in the first instance by the Judges, and all their decisions subject to appeal.

6. In all appeals there should be simply a petition stating the particular points of dissatisfaction. As the pleadings before the inferior Court always accompany the record, a repetition incurs delay and unnecessary expense to the parties. We would also recommend, as an obvious curtailment of trouble, that the Zillah Judges should not keep copies of the records. From that circumstance alone the decision of appeals is frequently much delayed; and in case of any after reference or the requisition of any document, access may easily be had to that Court where the record may be deposited.

7. We would recommend that the native Court of Appeal be fixed wherever the Judge shall reside: a remoter situation might divest them of the check to any tendency to corruption, and in that particular we are well aware of the native characteristic. By the adoption of these measures, we are of opinion that the general administration of justice would be expedited one fourth.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits to be too considerable, or otherwise?

On the establishment of the judicial fees in 1795, a very considerable number of suits was struck off the file, from the plaintiffs omitting to pay the institution fee within the limited period; and at one zillah under our jurisdiction there were of that description upwards of £.12,000. and of those a very small portion were after reinstated. We consider, therefore, that the establishing of the fees has had the good effect of checking litigation; otherwise, had these suits been for actual grievances, they doubtless would have been renewed; and where the liability of paying the fees did not exist, a humane exemption in such cases is provided by Regulation XLVI. of 1793. We therefore do not think the fees too considerable.

8.—Do the fees paid the licensed vakeels, on suits instituted or defeated by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court persons of the above description, and are they in general well acquainted with the printed Regulations?

The fees are fully adequate to induce men of character and of proper qualifications to undertake the situation of vakeels. In very few instances have we met with men in that line so qualified; those attached to our Court come not under that description, nor are they in general well acquainted with the regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

We have never seen any instance to the contrary, nor beyond vague assertion can we adduce any thing against their fidelity.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

We think they are not; the knowledge of the laws does not seem to have been the pursuit (pleaders excepted) of any class of the community, nor do we see any mode of their attaining it; had such been their object, we think it would be highly advisable that translates of the regulations should be distributed to the cazies of pergunnahs, to be sold at the most reasonable rates.

12.—Are you prepared to state any alterations in the terms established for the trial of civil suits, which would expedite the decision of suits without endangering the due administration of the laws?

We are not, beyond what we have already stated in answer to the 5th Interrogatory.

13.—Have you, in your Court-room, any place allotted for the bench of the Judges, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms and ceremonies do you observe in opening your Court or setting in it?

In the Court-room there is an elevated platform for the seats of the Judges; there is a railed inclosure appropriated for the Register, the law officers, the parties, their vakeels, and the omlah. The persons who attend the Court are on the outsides of the railing. On the Judges taking their seats, no other form is observed than the nasir calling the parties to attend, when it is considered that the Court is opened,

14.—Are there any private schools or seminaries in the division under your jurisdiction in which the Mahomedan or Hindoo law is taught, and how are those institutions maintained?

As we consider this question can be best answered by the Zillah Judges, we beg leave to refer to their replies.

15.—What is your opinion regarding the general moral character of the inhabitants of your division? Has the moral character of the inhabitants in general improved, or otherwise, by the system established by the British Government for the administration of the laws and for the conduct of the internal administration of the country?

From the frequent instances that come before us of duplicity, fraud, ingratitude, and falsehood, we consider the moral character of the natives depraved to a degree. It is difficult to draw a comparison between their general moral character prior and subsequent to the establishment of the present system. It may not perhaps be at all improved, but no satisfactory reason occurs to our minds for supposing it to be worse now than formerly.

16.—Are you of opinion that the inhabitants in general of the division under your jurisdiction consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself or by individuals?

The natives are perfectly sensible of the solicitude and intention of Government that their private rights and property should be secured to them against infringement, and are satisfied, as far as the constitution of the country directs, that its laws have that full tendency.

17.—Are you of opinion that the division under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings, or other works, of religious, domestic or other purposes, and on what grounds do you form your opinion?

The opportunities of ascertaining the information required occur in so trifling a degree to the Judges, when on the circuit, that we do not feel ourselves fully competent to submit a reply.

18.—Are you of opinion that the inhabitants of the division under your jurisdiction are in general satisfied with the British Government?

We imagine a very great majority must be, in which we include the Hindoos in general, and the lower classes of the Moossulmans.

No. 1.

Answers by the
JUDGES.

Calcutta Division.

Court of Appeal
and Circuit.

22 March 1807.

No. 1.

Answers by the
JUDGES.

Calcutta Division.

Court of Appeal
and Circuit.

22 March 1802.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

The system is well calculated to insure the apprehension of offenders, and we are of opinion that it has had that effect.

20.—Are the police establishments in the division subject to your jurisdiction adequate to the duties required of them?

We think they are.

21.—Are you of opinion that the number of crimes committed annually in the division under your jurisdiction has increased or diminished since the year 1793, and to what cause do you ascribe the increase or diminution?

The number of trials has certainly increased since the year 1793, and this we attribute more to the active superintendence of the magistrates and the vigilance of the police darogahs, than to the commission of more crimes now than formerly.

22.—What crimes of enormity are most prevalent in the districts under your authority? what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

Murder and dacoity are the crimes of enormity most prevalent within our jurisdiction. We are not prepared to suggest any mode for their suppression, beyond what the present system may enforce.

23.—Do the inhabitants of the division under your jurisdiction keep arms in their houses? What description of arms do they retain, and for what purposes are the arms retained?

Zemindars and men of family and property keep a few men armed with matchlocks, swords and shields, and bows and arrows, for the protection of their houses. Of this description there are but few; and the poorer kind are in general totally defenceless against either the attacks of dakoits, or any other outrage.

24.—Are there any brick or mud forts in your division? In what state are the forts, and what is the nature of their construction?

Our progress through the different zillahs, when employed on the circuit duty, being rapid, and generally performed in the night, we have few opportunities of ascertaining this point. We therefore beg leave to refer to the replies from the zillahs.

25.—What proportion do the Hindoos bear to the Mahomedan inhabitants on the division subject to your authority, and what do you suppose to be the number of the inhabitants, of all descriptions?

We cannot hazard a conjecture on the number of inhabitants within our jurisdiction, as it would be calculation without any guide to promise any reasonable correctness. We consider, in most places, that the Hindoos bear a proportion of 3-4ths, with exception to the zillah of Jessore, where we are informed that the Hindoos and Moosulmans are nearly equal.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the division subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers?

We beg leave to refer to the replies from the zillahs on these points.

27.—Are there any persons, in the division subject to your authority, who are supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the division, and to what extent?

We know not of any persons under this description.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and confer titles and other marks of distinction on its native subjects?

We are of opinion that the conferring titles and other marks of distinction upon the natives would strengthen their attachment to the British Government, and inspire them with a spirit of emulation which might be highly beneficial to the public service in any case of real exigency.

29.—What is the state of the roads and bridges, or other public works, in the division under your authority, and at whose expense are they kept in repair?

The roads in our division are in a state of good repair, particularly in Burdwan and Hooghly. With regard to the bridges and other public works, we beg leave to refer to the answers from the zillahs.

30.—How are the convicts usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

The convicts are usually employed in repairing or making roads, or clearing away jungle. These are benefits so universally admitted, that we cannot recommend a more useful appropriation of their labour.

31.—What is the state of the jails in your division?

The jails built within these few years at Burdwan, Kishinnagur, Jessore, and the 24 pergunnahs,

pergunnabs, and the part of the old fort at Midnapore appropriated as a jail for that district, are in exceeding good repair. The jail at Burbhoom, being of mud, requires constant repairs; that of Hooghly, formerly occupied by a native, being converted to this use, is in as good condition as such an old edifice will admit of.

No. 1.
 Answers by the
 JUDGES.
 Calcutta Division.
 Court of Appeal
 and Circuit,
 22 March 1802.

32.—What is your opinion of granting to zemindars, farmers, or other persons of character in your division, commissions empowering them to act as Justices of the peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons? Would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

We are of opinion that it would not be advisable to invest the zemindars and farmers with the powers proposed, as they would in general pervert such authority, by making it an engine of terror and oppression in the collection of their rents.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

We are not prepared to recommend the adoption of any new rules or regulations likely to be productive of so desirable an end.

34.—What has been the operation of the regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

We have observed little or no difference in the vice of drunkenness since the establishment of the taxes now levied on spirituous liquors.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the division.

We are sorry our limited leisure has prevented our submitting any measure for adoption, tending to so beneficial an end.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

From the number of trials which come before us of this description, we have reason to think that the disgrace by the mark on the forehead has nowise lessened the commission of the crime; it has, however, had the good effect of preventing a repetition of it by the same individual.

37.—What has been the operation of the punishment of transportation introduced by the British Government?

This punishment is considered by many as more severe than death; and though it has not hitherto caused the total suppression of dacoity, it certainly has reduced the formidable power of many gangs of great notoriety.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is in your opinion administered?

We think it probable that a dread of the severity with which the Mahomedan law was formerly administered must have had some effect in preventing the commission of crimes, which less severity may have removed. We mean not, however, to be advocates for the re-establishment of those parts of that law which the humanity of Government has abolished.

39.—In what period does the Judge, who makes the half-yearly jail deliveries, usually complete the circuit?

The circuit is generally completed in four months and a half.

W. N. Brooke. H. Ramus. C. H. Bruce.

A.

STATEMENT of Causes filed in the Court of Appeal for the Calcutta Division, and progressively decided, from January 1794 to 1st January 1802.

Filed from the institution of the Courts in May 1793, to the end of the year 1794 - - - - -	121
Decided in the year 1794 - - - - -	46
	75
Filed in the year 1795 - - - - -	105
	180
Total - (carried forward) -	180

PAPERS RELATING TO

No. 1.
 Answers by the
 JUDGES.
 Calcutta Division.
 Court of Appeal
 and Circuit,
 22 March 1802.

	Total (brought forward)	180
Decided in the year 1795	- - - - -	134
	Balance	46
Filed in the year 1796	- - - - -	161
	Total	207
Decided in the year 1796	- - - - -	107
Balance on the 1st January 1797	- - - - -	100
Filed in the year 1797	- - - - -	164
	Total	264
Decided in the year 1797	- - - - -	148
Balance on the 1st January 1798	- - - - -	116
Filed and admitted in 1798	- - - - -	150
	Total	266
Decided in the year 1798	- - - - -	138
Balance on the 1st January 1799	- - - - -	128
Filed and admitted in 1799	- - - - -	113
	Total	241
Decided in the year 1799	- - - - -	136
Balance on the 1st January 1800	- - - - -	105
Filed and admitted in 1800	- - - - -	105
	Total	210
Decided in the year 1800	- - - - -	167
Balance on the 1st January 1800	- - - - -	43
Filed and admitted in 1801	- - - - -	227
	Total	270
Decided in the the year 1801	- - - - -	114
Balance on the 1st January 1802	- - - - -	156

ABSTRACT of the above.

Causes filed in this Court from its institution to 1st January 1802	- - - - -	1,146
Decided in 1794	- - - - -	46
— - - 1795	- - - - -	134
— - - 1796	- - - - -	107
— - - 1797	- - - - -	148
— - - 1798	- - - - -	138
— - - 1799	- - - - -	136
— - - 1800	- - - - -	167
— - - 1801	- - - - -	114
		990
Balance remaining on file	- - - - -	156

W. A. Brooke. H. Ramus. C. A. Bruce.

B.

In the months of February, March, April and May, no appeals could be heard or decided, owing to the absence of the second Judge on the circuit, and the third Judges not having joined till the first of June. In July, the third Judge was prevented by illness from attending the Court. In October the Court was closed for the Dussarah vacation; and the third Judge continuing incapable of attending, the second Judge not having finished the business of the circuit till the 21st of November, the Court could not meet till Monday the 23d of that month. From the above causes, therefore, and the acting third Judge having commenced the second circuit on the 1st of November, the Court could only hear and decide on causes for five months and ten days in the year 1801; notwithstanding which, all the causes filed prior to the 1st of July have been decided, with exception to thirteen, which have unavoidably laid over for consideration, for additional evidence to be taken, or the original records not having been received from the zillahs.

(Signed) W. A. Brooke. H. Ramus.

A true copy. W. A. Brooke. H. Ramus. C. A. Bruce.

To his Excellency Marquis WELLESLEY, K. P. Governor General, &c. &c.
Lucknow.

No. 1.
Answers by the
JUDGES,
Calcutta Division,
Zillah Jessore,
30 November 1801.

MY LORD,

IN compliance with the commands of the Honourable Vice President in Council, communicated through Mr. Secretary Dowdeswell, in his Letter of the 3d instant, I have the honour to forward Copy of my Answers to the Interrogatories required by the Honourable Vice President, in his Instructions under date the 29th of October.

I have the honour to be, with the greatest respect,

My Lord,

Your Lordships most obedient humble Servant,

Zillah Jessore,
the 7th December 1801.

S. Middleton, Judge & Mag^{tr}.

To GEORGE DOWDESWELL, Esq.

Secretary to the Government in the Judicial Department, Fort William.

SIR,

IN obedience to the commands of the Honourable Vice President in Council, I now submit the answers to the Interrogatories forwarded in your Letter under date 29th ultimo.

1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

Before the Judge	- -	Original suits	- - - -	793	
		Register appeals	- - - -	339	
		Commissioners d°	- - - -	549	
					1,681
Ditto Register	- - -	Original	- - - -	1,477	
		Appeals	- - - -	504	
					1,981
Commissioners	- - -				8,945

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793 to the present period?

About half the number.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

By the Judge - - - - 777 causes, from 1st January to 1st October 1801.
By the Register - - - 602 d° - - d° - - - d°.
By the Commissioners 18,540 d° - - d° - - - d°.

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

Before the Judge - - - - - 500
D° - - Register - - - - - 1,500
D° - - Commissioners - - - - - 6,000

The only reason to be given is, that new suits are constantly instituting, nearly equal to what are decided.

5.—Are you prepared to suggest the establishment of any rules which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals, to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

The present rules are as well adapted as possible for the expediting causes under hearing; and the proposed plan of not recording depositions, would create confusion, and be attended with a source of uneasiness to the parties.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding S° R° 200.? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice in the district subject to your jurisdiction be expedited by the adoption of this arrangement?

The average proportion above exhibited must evince Government, that the suggested extension is altogether improper and unnecessary, as it could not expedite the decision of causes; on the contrary, create an enormous arrear.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits

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hibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law suits to be too considerable, or otherwise?

It may have been checked, but the fee is, in my opinion, heavy, and too considerable; I would recommend its abolition, and an additional duty levied on stamp law papers in lieu, bearing such a proportion as may preclude the possibility of shackling the needy in securing their rights.

8.—Do the fees paid to licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court persons of the above mentioned description; and are they, in general, well acquainted with the printed Regulations?

It does, and many of the vakeels are men of capacity and character, possessing, at the same time, a general knowledge of the Regulations, but the fee is very heavy.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment certainly expedites suits, by bringing more speedily and accurately the merits of the causes before the Courts.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

I have reason to suppose they do, as there are no complaints made against them.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

They are, generally speaking.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits without endangering the due administration of the laws?

For the expediting suits of landed property under 50 rupees, there should be established at the Sudder Court four Referee Commissioners, who should be vested with powers to decide these land causes, under the prescribed rules: if this measure was adopted, I am convinced that there would be in twelve months little arrear in the respective Courts. I further conceive litigation would be checked in a great degree, if suits of landed property, under two hundred rupees, were, in appeal before the Judge, to be on his confirmation or reversion final, as injustice and oppression to individuals proceeds in a great measure from the procrastination which must occur by the repetition of appeals; and, if not improper, I would recommend, that all decrees of the Judge and Register shall, upon the award, be immediately enforced, taking as security from the individual who obtains the suit an equivalent to the actual or standard value of such property. This would prevent the undue means which are often adopted, of having lands sold for arrears, and thereby depriving individuals of their rights. Suits for staying decrees only, being amenable for one year's supposed resources. The adoption of this, checking, as I have before observed, the main object, procrastination, the spirit of litigation, unless under evident injustice, must naturally cease.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court or sitting in it?

The forms prescribed by the Regulations are adopted; chairs are used instead of benches.

14.—Are there any private schools or seminaries in the district under your jurisdiction in which the Mahomedan or Hindoo law is taught, and how are those institutions maintained?

There are few Mahomedan, but several Hindoo seminaries; and these institutions are maintained by the rich, who give fixed pensions or an allotment of lands for that purpose.

15.—What is your opinion regarding the general moral character of the inhabitants of your district. Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

I do not consider the moral character of the inferior classes materially improved.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

They do consider their rights secured by the present constitution of the country, and are ever ready to vindicate and defend those rights, even against the supreme executive authority.

17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation, and commerce, and its buildings, or other works, for religious, domestic, or other purposes; and on what grounds do you form your opinion?

From every information I can derive from the inhabitants, as well as local experience, the

the country is in a general state of improvement, with regard to its population, cultivation and commerce; the permanent works, and edifices for religious, domestic, or other purposes, are not numerous, but the Hindoo edifices are gradually increasing.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction are in general satisfied with the British Government?

They are satisfied.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

It is.

20.—Are the police establishments in the district subject to your jurisdiction adequate to the duties required of them?

The establishments are inadequate.

21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

They have not diminished; and I ascribe their continuance rather to the leniency than the severity of the laws.

22.—What crimes of enormity are most prevalent in the district under your authority? What is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

The crimes most prevalent are murder, burning, and robbery, committed with every degree of cruelty. The police establishment being defective, the difficulty of establishing crimes, the connivance of the officers of the zemindars, and the natural dread of the inhabitants to give evidence, death being the consequence, resulting from this connivance, are the causes that must be ascribed as the real source of such crimes. Severe examples will tend to their suppression; and I should recommend, that upon a robbery or nightly theft being proved, the sentence should be never less than seven years, and transportation for the term. People convicted of murder, burning, or other acts of inhuman cruelty, should be punished with death; and this not to be inflicted solely on the person committing the act, but the gang present and aiding in the perpetration of the crime. I would further recommend, that no person convicted of a crime of heinous nature shall return to society till proper security is tendered for his good behaviour.

23.—Do the inhabitants in general of the district subject to your jurisdiction keep arms in their houses? What descriptions of arms do they retain, and for what purposes are the arms retained?

Several of the inhabitants; such as broad-swords, roybanses, spears, tulwars, matchlocks, and bows and arrows. The respectable people retain them for the preservation of their property and lives, the pikemen for service.

24.—Are there any brick or mud forts in your district? In what state are the forts, and what is the nature of their construction?

There are no forts, except one, called Mirza Nahgur, in ruins.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

There are about one million five hundred thousand people in this district; three fourths Hindoos, and one fourth Mahomedans.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

There are no men of high rank in this district: those that are superior reside principally in Calcutta. The greatest part of the rights of landed property having been totally changed, the number of armed followers which their naibs retain are few, and simply employed for the security of their property, and remittances to the public treasury. Government having, in the Collector's office, a list of the respective proprietors, it is unnecessary to detail them.

27.—Are there any persons in the district subject to your authority supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

There are no disaffected people in this district.

28.—Are you of opinion, that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

The conferring of titles, and Government declaring itself the sole source of honour within its territories, would certainly strengthen the attachment of the natives to the British Government.

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29.—What is the state of the roads, bridges, and other public works, in the district under your authority; and at whose expense are they kept in repair?

The roads are bad, in general; and no bridges of note, or public works, in this district. The road from Calcutta to Dacca, as far as possible, is kept in repair by the convicts, at Government's expense, and is very good.

30.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

The convicts are employed in the roads; which seems preferable to any other, being of utility to the country. It would further be advisable to employ them in digging public tanks in places where it is difficult for the inhabitants to obtain water.

31.—What is the state of the jail in your zillah?

The jail is an excellent one.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as justices of the peace? Do you think that such a measure would contribute to the suppressing of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

It will have a contrary effect, and be attended with every exaction and oppression on the inferior classes of the people. They are already the protectors of these banditties, of course inadequate to execute the power with propriety; nor should it be admitted, unless they become amenable for all robberies committed within their limits.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

If the landholders and their officers considered future instead of temporary advantages, depredations within the inland jurisdiction could at all times be suppressed; but so far from their attending to the general welfare of the country, there is, on every occasion, presumptive evidence of their not only encouraging but participating in the plunder. As it is not to be supposed that these depredations could be carried on in countries where there are no recesses or places of retreat for these banditties, unless supported by the landholders or their menial officers, to vest power in them, would therefore prove nugatory, and be adding, as I have before observed, an authority by which they might avail themselves on every occasion to oppress the inhabitants.

The only mode of establishing an efficient police, is a permanent patrol through your districts, added to the causing a rigid attention on the part of the proprietors and their officers to suppress these depredations. The rules which appear to me necessary for that purpose are as follows; and I shall at the same time take the liberty of pointing out the means of raising the assessment that may be necessary for the establishing the permanent patrol, and which I humbly conceive would afford an effectual protection to the inhabitants of the country.

1. That a patrol be established throughout the respective ganges, towns, and villages of the district, to be placed under the superintendence of the respective police darogahs; the negabans to be registered and to wear a badge, which is to specify the name of the town to which the negabans appertain.

2. An estimate to be made of the number of towns and villages in each police jurisdiction, with the number of inhabitants of each town, &c. This to be formed by a khamah shoomaree delivered in by the zemindars and talookdars, and the proportional number of watchmen then to be allotted.

3. That for the purpose of preventing persons of bad characters residing in any town or village, the zemindars and talookdars shall take mochulkas from their servants, ezardars, and leaseholders, not to give a place of residence to any new inhabitant, till they have previously ascertained, in the presence of the negabans of the town, his character, from whence he came, and the cause of quitting his former place of residence; and, upon his character appearing doubtful, he shall forthwith be forwarded to the superintendent of police by the negaban of the town, who shall again send him to the magistrate, to be detained till he shews that he is a person of reputation and character.

4. That the servants of the zemindars and talookdars, the farmers and other leaseholders, shall report to the police superintendant, when any person or persons reside in their districts, markets, towns and villages, who may live in apparent affluence without means of subsistence, either by trade, cultivation, or actual property; and that such persons shall be immediately apprehended and sent to the magistrate and detained by him for security.

5. That no person shall retain arms without the sanction of the police superintendant, who previously is to ascertain the cause of the people keeping them, and is, on his sanction, to state the party's name, with the cause of keeping such arms, and the description thereof.

6. That no blacksmith shall prepare arms for sale, nor provide any individual with arms, but with the specific permission of the superintendent, who is to particularize the cause of the person requiring such arms to be prepared.

7. That no goldsmith, silversmith, petty banker, brazier, shopkeeper, or otherwise, shall purchase

purchase old gold or silver, or ornaments or brass pots, in any town or village, without the same being registered in the presence of the negaban and mundal of the village; the articles to be specified, with the name of the disposer, his residence, &c. and the report to be sent to the police darogah.

8. That there shall be no boats whatever but those within the dimensions stated in the regulations.

9. That villagers are by dhole to assemble, when called on by the negabans, for the seizing people who may approach a town with bad intention in the day or night, and subject to penalties in case of refusal, but also entitled to proportional reward on conviction of offenders.

10. That rewards be tendered according to the nature of crimes; viz.

A person convicted one year 5; two ditto 10; three ditto 15; four ditto 20; five ditto 25; six ditto 30; seven ditto 35, and so on to the term of sentence, 5 R^s each year.

In murders and decoities, for those sentenced to death and perpetual imprisonment, 100 rupees each man.

11. That every prisoner sentenced on the charge of committing a robbery for five years shall be transported, whether specified in the warrants or not.

As the establishing this permanent patrol will be attended with considerable expense, it is proper that the taxes should fall on the landed property and those persons for whose security it is intended, and that it should be levied in a manner so as to preclude the possibility of exaction. As experience in the police tax has already demonstrated that the collection of duties in the interior parts of the country on commodities were grievous, without answering the purpose for which they were intended, the following may be collected without difficulty; and as the amount levied will be specified, there cannot be any considerable degree of oppression.

1. A tax upon rent-free lands, of 15 per cent. (i.e.) rent-free lands of persons equal to the paying a tax.

2. A general privilege shall be given to landholders to establish markets and gunges, and that all proprietors of existing as well as new established markets shall take out licences sanctioning their holding them, subject to a certain monthly rent to be proportioned to what each gunge is able to bear, and this to be in lieu of Government's resuming the market duties; and that a privilege, under specific rules, shall be granted for their levying export and import duties, as no bad consequences can ensue, the competition rendering, by the general privilege above stated, the proprietor and vendor's interest reciprocal.

3. That all established shops, such as goldsmiths, silversmiths, tinmen, braziers, bankers, pawnbrokers, coppersmiths, blacksmiths, permanent wholesale dealers and retailers, washermen, dyers and putnees, in gunges, towns, and markets, shall pay a fixed annual tax for the police establishment; the amount to be estimated according to the business carried on by them in the markets or towns.

4. A list of these, in each town, to be previously obtained from the landholders, and specified in the khamah shoomaree, who are to be summoned and to enter into an engagement for the tax; after which the amount can be paid either to the tehsildars or police superintendents, or through any person they may select for the purpose, at the close of each year.

5. That, with a view of checking vice, the khankeergorha, or houses of bad repute, shall be subject to a tax, and liable to penalties for harbouring thieves or receiving or concealing stolen property.

The taxes levied as above, if approved, will be adequate to every purpose, including rewards, and for the effectual securing of the property of individuals, not only of those concerned in commerce, but the inferior classes of the people, who are now obliged to conceal their money under ground, and which being known, is the cause of the inhuman acts committed. I should recommend that a paper currency be established throughout your districts, from 5,000 R^s to 25 R^s, to be payable with interest of 5 per cent. on demand, in specie, in the same manner as bank notes, either at the treasury of the zillah or any other district that they may be produced in. This, though it must be effected gradually and progressively, from want of confidence at first, will not only be the means of securing property and checking depredation, but also add to the resources of Government in cases of emergency. Independent of this, from the body of the people having so much property in the hands of Government, it will most effectually secure their attachment; nor could the measure require a greater capital in each treasury than the proportion which, according to the banking system, is deemed adequate to the current demand of the respective districts.

34.—What has been the operation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

35.—Do any measures occur to you the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

Foundation schools should be established by Government for the instruction of the inhabitants, and which, for a small establishment, would be equal to the educating 1000 boys in each district.

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36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead? It has not been carried into effect in this district; the operation, therefore, is undeterminable.

37.—What has been the operation of the punishment of transportation, introduced by the British Government? Of essential utility, and should be extended as much as possible.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

It is too lenient, and of course the consequences produced by the operation of the spirit in which the criminal law is administered is not so efficient as it ought to be for the suppression of crimes.

39.—What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction?

They conduct themselves with the greatest propriety.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for ensuring justice to the weavers and manufacturers in their dealings with the officers of the Company and with private European merchants; and also for enabling the officers of the Company and the individual European merchants to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

The weavers and other manufacturers are happy, and the regulations adapted to insure justice to them as well as enabling Government and individuals to secure the punctual performance of their engagements: indeed the only obstruction is, the delays they are subject to in the courts of justice. This might be remedied by the court at all times giving a preference to suits which are connected with commercial concerns.

I have the honour to be,

Sir,

Your most obedient humble servant,

(Signed) S. Middleton,
J. & M.

(A true copy)

Middleton,
Judge and Mag^{te}.

To GEORGE DOWDESWELL, Esq.

Sec^y to Gov^t in the Jud^l Dep^t.

SIR,

I HEREWITH transmit and request you will lay before Government my Answers to the Interrogatories received by me with your Letter of the 29th of October last.

I am, Sir,

Your most obedient humble servant,

Ziller Midnapore,
30th Jan^y 1802.

H. Straching,
J. & Mag^{te}.

ANSWERS to the Interrogatories received by the Judge and Magistrate of Midnapore, from the Secretary to Government in the Judicial and Revenue Department.

Answer to Interrogatory I.—The number of causes depending before the Judge, Register, and Native Commissioners, on the 1st January 1802, was as follows: before the Judge, 197; the Register, 253; the Native Commissioners, 3,317.

Int^y II.—The number of causes usually depending before the Judge and Register has been gradually diminishing since 1794 or 1795. The number depending before and decided by the Native Commissioners have been during the same period gradually increasing.

Int^y III.—The number of causes decided in the year 1801 was as follows: by the Judge, 421; by the Register, 370; by the Native Commissioners, 14,559.

Int^y IV.—I cannot positively say that as many causes as are now depending must necessarily be so always, because that depends on a great variety of circumstances, with some of which I have no concern. But as the business is now very nearly kept up, that is to say, as suits are decided almost as fast as they can be prepared for decision, I can say, in general, that I have no expectation their number will be reduced. I am now deciding suits which were instituted in the month of August and September last.

z. Many delays occur in delivering answers, replies, and rejoinders, owing to the expense of stamped paper.

Int^y V.—

Int^r V.—I am not prepared to suggest any rules (at least any which I conjecture would be approved) by which the decision of suits would be expedited, consistently with a due administration of the laws.

2. From my answer to the last question, it will probably be thought no such rules are required here.

3. I doubt whether the object would be promoted by leaving it optional with the Judge to take down in writing, or not, the depositions of witnesses in suits not appealable to a higher tribunal. I think it might be attended with inconvenience, and possibly of dissatisfaction to the parties.

Int^r VI.—I should not at all object to the plan of empowering the Registers and native Commissioners to decide causes for sums exceeding 200 rupees and 50 rupees; but not conceiving it necessary for expediting the administration of justice, or rather for clearing the file, (the sole view here proposed by Government I believe) I deem it superfluous to recommend it. I profess myself, on other grounds, a zealous advocate for enlarging the powers of the Munsifs, and I may embrace some opportunity of attempting to set forth the benefits to be derived from such an arrangement. Here I will only observe, that the expense of prosecution in the Munsifs Courts bears no proportion to that of the Dewanny Adawlut, and that it is my opinion the nearer we approach to the rule of granting to all speedy justice without any expense whatever, the nearer we shall in our judicial system approach perfection.

Int^r VII.—Litigation may possibly have been checked by the fees and stamp duty, but I confess I consider the charges too high.

2. It will not, I imagine, be denied that it is desirable the least tedious and least expensive mode of obtaining redress should be open, where an injury has really been suffered. When a poor man has been oppressed, he should be freed from trouble and expense, and assisted and encouraged, as far as possible, in prosecuting the complaint. He is not in such a situation a fair object for taxation. It does not become the ruling power to add to his misfortune by levying impositions upon him.

3. It is clear that a ryot, from whom an increase of rent has been exacted, and instituting a suit for the same, must feel the charge of stamps and fees to be a severe aggravation of his distress. Nor can he console himself under the reflection that these impositions are intended to check litigiousness, or that for certain reasons of finance it is expedient he should submit to new exactions.

4. The expense and delay to which ryots are subject in prosecuting their suits, are, to my knowledge, excessive. For the truth of this I would refer to the records of any register in Bengal. The duty of deciding revenue causes for a small amount, under the operation of the present regulations, has fallen chiefly on the registers. The rights of the inferior ryots are seldom discussed in the superior courts.

5. The welfare of those from whom all revenue and even subsistence must be ultimately derived, who are the poorest, the weakest, and the most numerous, who constitute the bulk of the people, is a matter of importance, and not unworthy the notice of Government. I have therefore thought it my duty to dwell on this subject with some minuteness.

6. It must, I am sure, constantly happen that a ryot gives up his prosecution in despair, on finding the expense of continuing it beyond his power to sustain.

7. Exaction of revenue is peculiarly difficult of proof: either no engagements exist, and no accounts can be found, or they are extremely defective and perplexing. It is not the original fee on the institution of the suit, but the subsequent charges on exhibits and on witnesses, that appear to me intolerable. I have often seen a suitor, when stripped of his last rupee, and called upon for the fee on a document, produce in Court a silver ring or other trinket, and beg that it might be received as a pledge, and after all, perhaps, he was cast for want of money to bring proof.

8. I confess I think such scenes in a court of justice unpleasant to those who are entrusted with the administration of the laws, and not very creditable to Government.

9. Formerly in these provinces (and it is still the case throughout the East) the cultivators of the soil, when oppressed beyond endurance, were accustomed to assemble in a crowd with ploughs and other implements, and demand justice with violent and outrageous clamour. They still, sometimes, resort to this practice, though with us it can avail them nothing. They are unable to support themselves at the Sudder during a procedure of two or three months. They cannot return to their houses without submitting to their oppressor. They must have speedy justice or none. The complaints of these people are seldom or never litigious. I have seen some false complaints, and some conspiracies supported by false evidence, but suits simply litigious, brought forward merely from the quarrelsome disposition of the prosecution, are not common; neither, if they were common, would it, in my opinion, be proper to take any measure except that of fining the individual suitor.

10. The fact appears to me thus, when the business of the Civil Courts became too heavy for the Judge, which very soon happened, instead of appointing more Judges, it was resolved, that to prevent the accumulation of causes, it was necessary to check the spirit of litigiousness, which was supposed to produce it; accordingly heavy taxes have been laid upon prosecution. Out of 100 suits, perhaps five at the utmost may be fairly pronounced litigious, and those five are probably instituted by men well able to bear the expense.

11. If what I have understood is true, that suits in the Dewanny Adawlut are now prevented from accumulating as heretofore, it is not because the litigious only are deterred from prosecuting, since a man is disabled from sustaining expense in proportion as he is poor,

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and not as he is litigious. Nothing else can be inferred from the fact, than that the charges of prosecution are so exactly calculated, and the fees and stamp duties so judiciously contrived, as to enable the courts to administer justice to all who can afford to pay for it.

12. Half that complain in the Dewanny Adawlut of this Zillah, appear as paupers, although these find much difficulty in complying with the regulation intended for the relief of paupers. No man can be admitted to prosecute as a pauper, under Regulation 46. 1793, till he brings two witnesses to attest his poverty, and two securities for his personal appearance; and no one can well do this without at least maintaining them and himself, during their absence from home. But the expense of such maintenance must exceed that of the fees and stamp paper for a suit of the nature I allude to, which aggregate sum, if the suitor has not his power to pay, he is in strictness no pauper.

Int^r VIII.—The pleaders are very amply paid; the best are always employed most. They are not ill qualified, though few are well acquainted with the regulations.

2. The establishment of the pleaders has much facilitated the attainment of justice to individuals.

Int^r IX.—I think the establishment of licensed vakeels has contributed greatly to expedite the decision of suits, by bringing more speedily and accurately before the courts the merits of the suits.

Int^r X.—The vakeels in general discharge their duty with honour and fidelity; I have seen instances of negligence, but none of treachery to their clients.

Int^r XI.—The inhabitants at large of Midnapore, are, I imagine, nearly as well acquainted with the laws as the inhabitants of other parts of the country, that is to say, their knowledge is extremely limited.

2. None but the public officers, the pleaders, and those who are candidates for office, can be said to possess a general knowledge of the regulations. The zemindars, talookdars and farmers, and the merchants, know such regulations as concern them respectively. The one, the revenue laws, relating to the collections, attachments, &c.; the other, the commercial regulations, respecting duties, rate of interest, &c.; and among men of business, this knowledge of the regulations immediately relating to their particular occupations, is no doubt increasing, but I believe the regulations are very little studied out of Cutcherry. I never met with, or heard of, a native who possessed a full distinct comprehensive view of the regulations, any more than of the civil or political state of the country. No learned man, except a candidate for office, regards our institutions as a branch of knowledge which it becomes him to pay attention to. Of the Shaster and Koran all are equally ignorant, except the Mahomedans of education, whose learning extends to the quotation of a few scraps of the Koran of little or no practical use. All Hindoos, but Pundits, of whom there are not many in Midnapore, are entirely ignorant of the Shaster.

3. I should not omit, that it is my opinion, the most profound knowledge in the Koran and Shaster are of little service in the Cutchery.

Int^r XII.—I am not prepared to recommend alterations in forms, further than to offer my opinion, that as few as possible should be added, and that any opportunity should be taken of diminishing those which exist. Fortunately for the natives, they are not many; perhaps not more than are essential to regularity and expedition.

Int^r XIII.—The Judge sits in a chair, and the Molovy, if he attends, which he seldom does, in another; all the rest stand while in Cutcherry; but there are rooms adjoining where they sit on mats and carpets, according to their usage, converse with their clients, and, I believe, smoke hookas. I have introduced no forms or ceremonies whatever in opening the Court, nor did I ever hear of any such being used either during the present government or former governments. When the Judge enters the Court, all present make their obeisance; a criminal throws himself into a suppliant posture, and frequently a suitor likewise. These are the customs of the country, and happen of course, but no orders are given regarding them, and I know not how they could be settled by regulation. There is necessarily some little parade and constraint where an European appears, but except in that respect, which is inevitable, I am not aware that we ever depart from the simplicity so conspicuous in the administration of justice all over the East.

2. I give myself no trouble respecting the adjustment of ceremonials, except as to maintaining silence, which is easily done, and keeping off the crowd. Any measures to preserve decorum, appear to me superfluous, for a breach of decorum never occurs.

Int^r XIV.—In Midnapore, I cannot discover any schools or seminaries where the Mahomedan or Hindoo Laws are taught. There are schools in almost every village for teaching Bengally, and accounts, to children in low circumstances. The teachers, though tolerably well qualified for what they undertake, are persons no way respectable. Their rank in life I take to be generally very low, and their emoluments exceedingly scanty, certainly little superior to those of our lowest domestics. The schools are only day schools. The children sit in the open air or under a shed, and learn to read, write, and cast accounts, paying each perhaps one anna or two annas a month. I recollect it happened some time ago in the Foujdarry Adawlut, that a man charged with several thefts, when asked his occupation, said it was the teaching of children, and on sending for some of his scholars, I found he was eminent in his way; nor did it seem to excite much surprise that a man in this situation should turn out a thief.

2. In opulent families teachers are retained as servants. The children of respectable natives do not go to school.

3. Persian and Arabic are taught for the most part by Molovies. Most men of this description have a few scholars in their houses, whom they support as well as instruct. Thus Persian and Arabic students, though of respectable families, are considered as living on charity, and they are total strangers to extravagance and dissipation. There was formerly a Mussulman College in Midnapore. Even yet the establishment exists, but no law is taught. There are a number of private individuals who teach pupils in the manner I have above described. And the students at the Sudder station, living in the families of Amlah or of the pleaders, perhaps occasionally pick up a smattering of the Mahomedan Law.

Int' XV.—It is not easy to say whether the moral character of the natives has improved by means of the system established by us. In my opinion, the system has little direct influence on the morals of the people. They are probably somewhat more licentious than formerly; chicanery, subornation, fraud and perjury, are certainly more common. These constantly occur among the suitors and witnesses; and the pleaders, through whom it might be thought the Judge possessed some little power of check and control, never, I think, exert themselves to prevent them. Intrigue and corruption in the Amlah, so as to affect the actual administration of justice seldom happen; oppression, cruelty, violence of all sorts except that of decoits, choars, &c.; are grown much less frequent. The ill treatment of women, of servants and slaves, has nearly ceased. The same may be said of the corporal severities formerly exercised in collecting the revenue. The poor look up to the laws, and not as heretofore to a patron for protection. In some respect, therefore, the present mode of administering justice may be deemed conducive to good morals.

2. Drunkenness, prostitution, indecorum, profligacy of manners, must increase under a system which, although it professes to administer the Mahomedan law, does not punish those immoralities. None of these however prevail to an alarming degree in this district.

3. Midnapore contains no large towns. I beg leave here to offer it as my opinion, that little morality is learnt in any court of justice. In Calcutta, I have reason to believe the morals of the people are worst, in spite of the severity of the police and of the English laws; nor do I attribute this solely to the size, population and indiscriminate society of the capital, but in part to the supreme court. I scarcely ever knew a native connected with the supreme court, whose morals and manners were not contaminated by that connection. In mentioning this evil, which I by no means attribute to individuals, I trust it will not be imagined I mean to speak generally with disrespect of the institution of the court itself.

4. The bulk of the inhabitants of Midnapore appear to me to have very well preserved their mildness, simplicity and innocence. They retain the characteristic features of Hindoos. They are less quarrelsome, and give less trouble than the natives of the neighbouring districts. They are little in the habit of engaging in law suits; and it appears to me that but a small proportion of them have opportunities of seeing the practices and learning the vices of the Cutcherry.

Int' XVI.—To answer this 16th Interrogatory is not easy. I cannot readily ascertain the opinion of individuals on these points. I have never observed any symptoms of distrust, and I should imagine the confidence reposed in the judicial officers, to whom the people look up as the safeguards of their persons and property, to be very general. The natives probably know the intention of Government's officers to be good; but that their rights and property are not in all instances effectually secured, the lower orders must see. That the magistrate has always the wish, but very often not the power, to protect their lives and property from choars and decoits, they must know. The ryots are not, in my opinion, well protected by the revenue laws, nor can they often obtain effectual redress by prosecuting, particularly for exaction and dispossession. The delay and expense attending a law suit are intolerable in cases where the suitor complains, which almost invariably happens, that he has been deprived of all his property. The cancelling of leases after the sale of an estate for arrears, must frequently operate with extreme harshness and cruelty to the undertenants.

2. One species of distrust in the supreme power is pretty generally known. The landholders are even yet apprehensive of the increase of their jumma, but this possibly less here than in some other districts, on account of the lands having been greatly over-assessed at the settlement, and since sold for arrears, and the old proprietors for the most part ruined. The lakerajdars are, I am told, but of this I am not sure, in constant dread of impositions; and the best informed commercial people believe new taxes will be levied whenever they can be with effect. In short, a general opinion, I presume, prevails, that Government, in attending to the welfare of all, is studious of its own interest, and shews an anxiety about the general prosperity chiefly with a view to increase the available pecuniary resources of the state.

3. There exists, doubtless, an universal impression, that property is not liable to confiscation or gross violation by the supreme authority. It was formerly customary to bury in the ground treasure and valuable goods, and to conceal the acquisition of wealth; this is still done, but generally from the dread of decoits, never from any apprehension that the officers of Government will lay violent hands on private property. I am informed, there are hardly any instances of the zemindars or others, of the very few who possess wealth, lending it out to individuals on interest, or vesting it in the Company's funds. They prefer hiding it

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as their ancestors have done. This, I conceive, proceeds from ignorance alone, and certainly not from any well-grounded distrust in the faith of Government. From this remark should be excluded merchants, and all such as have correspondence or commercial transactions with Calcutta. Such persons frequently possess Company's paper to a considerable amount.

4. It will probably be found on inquiry, that the natives do not describe the present wretched state of the old zemindars to the unexpected difficulty of collecting their revenue under our regulations, or to other causes of a similar kind, which are unquestionably the true ones; they imagine it to be the result of a settled premeditated plan of policy in the Government to level and degrade its most powerful subjects.

5. On the whole, I do think the inhabitants of the district subject to my jurisdiction, must consider their property, as it manifestly is, entirely safe from violation by the officers of Government, or by the supreme executive authority.

6. There is certainly now little or no dread of arbitrary fines and imprisonment to extort money, nor of cruelties exercised in the collection of the revenue; all of which abuses were as notorious in the old native governments as they are still among the Mahrattas in the neighbourhood of this district.

7. With respect to rights, in the common acceptation of the word, I do not conceive that the natives ever possessed any. They know, because they feel, when they suffer oppression in their persons or property. But they must likewise perceive, if there are among them any who possess a share of discernment, that their safety from lawless encroachments is the result of the humane policy, the mercy and forbearance of their enlightened rulers, who agree to govern according to laws which shall bind even themselves, and not from any power residing in the people which could enable them to resist such encroachments. Although, therefore, they are, with respect to their persons and property, entirely secure from violation by Government and its officers, and though they may actually enjoy as much happiness, or nearly as much as they ever did, properly speaking they enjoy no rights and liberties. If they possess happiness and security it is not because they have a right to them, but because the equity or the policy of their rulers is pleased to confer upon them those blessings, as valuable privileges and immunities.

Int. XVII.—I have no doubt Midnapore is rapidly improving, in population and cultivation. With respect to commerce, except the internal trade in articles consumed by the inhabitants of the district, which of course increases with the population, I am inclined to think it nearly stationary, but certainly not declining; I must here however mention, that the Company's investment has, during the war, dwindled away to almost nothing; and that numbers of weavers who depended for subsistence on the advances of the commercial agents, and who are less able than other descriptions of artisans to change their occupations, are reduced to very great distress.

2. I have not heard of any buildings worth mention erected by the natives, either for religious or domestic purposes; neither are there any works carried on for manufactures. I am not able to discover, that in Midnapore any extensive commercial concern, requiring costly or substantial buildings or machines, was ever carried on, unless by Europeans. Contrivances for abridging labour are here unknown; I do not perceive the least spirit of enterprise among either merchants or farmers.

3. In Midnapore there are no religious buildings of any consequence. The natives are sometimes, from motives of vanity or of piety, induced to dig a tank; and this, though the least ornamental, I conceive to be the most useful of all public works; but the increasing poverty of the higher orders, and other causes, have contributed to make the digging and cleaning of tanks very uncommon, except in towns, and a few other places where perhaps they are least wanted. In this district there are very few new works of this nature, but the remains of old ones attest the superior opulence of former times; at least they show that property was more unequally divided among the natives than at present.

4. The private houses of zemindars and other men of note consist either of forts in ruins, or of wretched huts generally worse than the stable of an European gentleman. It does not appear, however, that they were much better off for habitations when more wealthy; no vestiges of genius are visible in the ruins of the buildings and forts of Midnapore; nothing by which we could be led to suppose that the arts ever flourished. It may seem surprising that the opulent and respectable natives are so seldom tempted to imitate, as far as their domestic habits permit, the decent and commodious, but not splendid edifices which we are accustomed to build for our own residence, and that they have acquired no taste whatever for gardening. If the erection of buildings is to be reckoned a sign of prosperity, it is my opinion that the district does not at all improve in this instance; but it is to the climate and the manners of the people, rather than to any impression of the insecurity of property, that I attribute their perseverance in constructing for their own accommodation nothing but the slightest and most miserable huts.

5. The bulk of the people of Midnapore like those of other parts of the country, and I presume of other countries, acquire by their labour what is barely necessary to their existence, and little more. They work not with a view to improve their situations, but merely to enable themselves and families to subsist. They scarcely ever think of saving money, or of procuring themselves better food, clothing or habitations, than they have been accustomed to; yet labour is, I think, not ill rewarded. A ryot can with ease cultivate 16 biggars of rice, and supposing half the produce to go for rent, the remainder will afford food for four or five persons; and this is only one crop, the labour required to produce which cannot occupy half the year.

6. The coolies or common labourers frequently earn a rupee or two rupees, which enables them to be idle for several days. It is usual for those who employ them to keep them in arrears, because when they receive money they are idle till it is spent; yet all those who drink spirits are strangers to luxury and excess of every kind, unless it may be thought proper to except tobacco as a luxury.

7. The situation of the lower orders is on the whole somewhat improved by our system of administration, but their nature is not changed; they are always in debt, and borrow at enormous interest. They are not stimulated to any efforts of industry by the security they enjoy, but solely by the calls of hunger.

8. The country is improved by increased population and cultivation. There are in number more ryots, but they are just what their fathers were; and hardly an instance can be found of a poor labourer becoming rich by dint of industry and parsimony. To their few wants, the uniformity and extreme simplicity of their habits, their unsocial education, and the heat of the climate; to these causes, and not to our laws, are, in my opinion, to be ascribed the peculiarities of the people,

9. Cultivation is increased by increasing population, for the ryots must work to live; it is very little extended by plans for the improvement of agriculture, or by revenue regulations. Waste and jungle land, if low and fit for rice, may be brought into tillage in one season, and the poorest ryot can undertake it; but a man of substance seldom employs stock in farming, under the expectancy of a distant return.

10. The class of mere labourers who work for hire is not numerous. Every ryot is a farmer, who tills the land for which he pays rent. Talookdars hold in their own hands little or no part of their own estates to cultivate by means of servants. The poorest ryots are tenants, and, by the custom of the country, they are considered as a sort of proprietors entitled to a perpetual lease. They are attached in the strongest manner to the soil, never migrate but from necessity; and I think they ought to be recognized as enjoying a right (they and their posterity) to their tenures.

11. Thus the lowest class of the people, however wretched in appearance, and depressed in spirit, possess a sort of independence, though perhaps not a beneficial or satisfactory independence. On the failure of a crop of rice very few are able to get employment, for there is no work to be done; they leave their houses, and being destitute of the means of procuring a livelihood by industry, are driven to subsist by begging or by robbing.

12. The poor, the sick, and the aged, besides great multitudes of idle religious persons, bramins, fakeers, and pilgrims, always depend on private charity alone. In times of plenty the resource of begging is perhaps sufficient; for all the natives are impelled by nature, habit, and religion, to assist each other with food when in distress; but in a famine the poor soon perish.

13. A famine in this country is, of all calamities to which the earth is liable, the most dreadful: it ought to be considered as perpetually impending; for that it has not occurred during several years is not to be ascribed to any measures of ours. The country is perhaps as populous as it was previous to the great famine in the year 1770; and if another scarcity, equal to that, should take place now, I do not suppose it would be less heavy. Individuals in the Mofussoul are less able to assist each other than they were formerly. Fewer private stores of grain are preserved; and I have been informed, perhaps without foundation, that Government have come to doubt the utility of the establishment of the public granaries.

14. The people are, or at least would be, in the event of a famine, less domesticated, and less dependent on each other. It is to be recollected, that, during a great famine, dependence, slavery, and captivity, are for the poor (that is for 99 in 100) highly enviable, and accordingly sought after with eagerness. Many hospitable families, where thousands might and would have been collected together and fed, are now entirely ruined. I trust I shall be pardoned for adding, that I doubt, in spite of all the information that has been got, and all the plans that have been suggested and adopted, whether Government are better enabled to apply effectual remedies than they were heretofore.

15. A great deal of rice was destroyed last rains by an inundation; and from the little information I have picked up respecting the neighbouring districts, I cannot help entertaining some suspicion that distress will be felt before the next harvest.

16. The condition of the ryots is, on the whole, I think, better, because their lives and limbs are safe from the zemindars and collectors of revenue. On the other hand, the dread of decoits, the expense of prosecution, and the spirit of prosecuting, the slowness of our legal proceedings, and the doubtfulness of the event of lawsuits, on account of perjury and other causes, all these are evils of the present day.

17. It is true that every man who is injured may prosecute; that he is considered as possessing a right to redress, and that justice is intended to be impartially administered; whereas in other states of Hindostan, for instance the neighbouring Mahratta country, there is no pretence of this. But perhaps in a few of the Mahratta estates which are best taken care of, where no poor man conceives that he possesses any rights whatever, and where all are aware that without the help of a patron they have no power to obtain redress for injury,—perhaps, I say, in these estates, less injustice is on the whole committed, and less misery felt, than in estates of the same size under our Government. In the Mahratta estates, there may probably occur one or two glaring instances of oppression, outrage, and cruelty, which are silently put up with, because there no inferior attempts to contend with his superior. In the Midnapore estates a number of poor men may be seen to set up for themselves, and are ruined by ineffectual contests, often about trifles, with rich and powerful individuals.

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18. I know not whether it will be thought that some of these remarks indicate an attempt to undervalue the advantages of an equal and regular administration of justice. This is far from my intention. But it may be permitted me to consider whether that justice is in reality equal and regular; whether the poor can obtain it as well as the rich; whether the state of the country or the nature of things will admit it. I am ready to confess my opinion that many are apt to make up their minds on these points from hasty and superficial views. It has always appeared to me a very great inconvenience and misfortune in the constitution of the government of this country, that the rulers have it not in their power to attain a sufficient intimacy with the lower classes of their subjects to enable them to judge with accuracy of their condition.

19. Where the cultivator of the earth lives under a dread of becoming the prey of extortioners, he cannot be considered secure of enjoying the fruit of his labour. Nothing can be more desirable than to attain a precise view of the situation of the natives, as connected with the collection of the revenue. On this topic I could wish to enter at some length, but I am aware of the difficulty attending the investigation, and particularly of my inexperience in the detail of the collector's department. I therefore in the outset beg leave to disclaim any intention to pronounce positively on revenue matters. The sentiments expressed in the following paragraphs will be the result of such views as occur to me on a general and cursory recollection of the subject.

20. In passing the 7th Regulation, 1799, it was, I believe, the design of Government (a very reasonable and liberal design, in my opinion) to enable the zemindars to collect their just demands of rent with punctuality, and without expense; and I think it would have been just and considerate, at the same time, to have facilitated to the ryots the means of obtaining redress against extortioners.

21. But the fact is, the ruin of one zemindar being more conspicuous at the Sudder than that of 10,000 ryots, his interests naturally attract the attention of the legislature first; and as, in the proposal of any plan connected with finance, it is required to set out with the maxim that the sudder jumma can on no pretence be lowered, there remains no other resource for helping the zemindars than the restoration of part of the power they possessed of old to plunder their tenants.

22. Exaction of revenue is now, I presume, and perhaps always was, the most prevailing crime throughout the country. It is probably an evil necessarily attending the civil state of the ryots. I think it rather unfortunate than otherwise, that it should be less shocking to humanity than some Foujdarry crimes. I know not how it is that extortioners appear to us in any other light than that of the worst and most pernicious species of robbers.

23. It will be found, I believe, that the condition of husbandmen in Eastern countries is incompatible with security, and that sort of independence which enables men to maintain themselves against oppression and violence. The public revenues, which are in reality the rent of land, are throughout the East collected by a system of extortion, violence, and barbarity of every kind.

24. In these provinces we of course endeavoured to put an end to this system, and with the greatest success; but before we had completely gained the object, we concluded the settlement, since made perpetual, forming it on an estimate of the resources of the lands. The resources were probably, by the zemindars, when they acceded to the settlement, considered as permanent, and not liable to be affected materially by further limitations of the authority they possessed over their tenants.

25. But owing to the natural operation of the regulations, they soon found themselves unable to rob and plunder as before. In consequence, most of them fell heavily in arrears, and lost the whole or great part of their estates; and many more were hastening to ruin, when Regulation 7th, of 1799, was enacted for their relief. It was indeed expedient to do something extraordinary for the zemindars, since it became very probable, at least so I thought, that in proportion as equal justice was administered, many of them were deprived of means to collect from the ryots sufficient to pay their sudder jumma.

26. The effect of Regulation 7th, 1799, has been to enable them, by means of attachments and sales, to realize their rents. But the frequency of these attachments and sales in the Mofussul would alone serve to prove that the revenues are not collected without extreme misery to the ryots; and a consideration of the expense and delay of prosecution, on which subject I have before touched in reply to Interrogatory 7th, satisfies me that the Dewanny Adawlut cannot afford the sufferers effectual redress against the abuse of the powers entrusted to the zemindars by the 7th Regulation of 1799.

27. It is chiefly to be ascribed to the regulation in question, I conceive, that the public balances are moderate, and that lands at the collector's sales fetch a tolerable price; yet, as if the mode in which the rents are levied, and the condition of the ryots were matters not necessary to be noticed, it is frequently pronounced at once as a position admitting of no doubt, that these favourable sales afford a substantial proof of the lightness of the assessment, and of the flourishing state of the country.

28. Under the Mahomedan government, the revenues may surely be said to have been collected from the zemindars by a system of boundless violence and rapine. Defaulters were liable to a cruel imprisonment, to be disgraced, scourged, and tortured. But the zemindars exercised the same severities over their tenants, or they could never have collected their rents. We have realized the revenues by selling the patrimony of defaulters. The zemindars realize their rents, not by corporal severities, but by vexatious attachments and ruinous sales. I suspect that till the zemindars are deprived of the power of distraining for
arrears,

arrears, the ryots must be liable to exaction. I am not, I confess, clear that it would be possible for zemindars to collect their just rents, without some power of the kind, for their rents are now enormously high. They cannot afford to spare their ryots, for Government never spares them. It is generally known, that even the powers the zemindars possessed under Regulation 7th, 1793, were either insufficient or ill understood, and in fact they seldom exerted those powers till they were confirmed and extended by Regulation 7th, 1799.

29. I think it would be worth while to make the experiment of prohibiting distraint, unless preceded by a legal judgment; a summary inquiry might, by means of mofussul cauzies and munsifs, be made of every demand. Then the zemindars would be necessitated to adduce some evidence of their claim before they proceeded to enforce it, and would cease to be judges in their own cause.

30. The collector of this district has entered into minute and laborious enquiries on this interesting subject, which falls more immediately within his province, and will speedily submit the result to Government. I content myself with observing, that, to the best of my knowledge, the laws regarding attachments are greatly abused, and are productive of extreme oppression.

31. I have ascertained the immense population of the district, by an actual enumeration of a great part of it; it amounts to at least one million and a half. I have been enabled to compare it with one taken about 13 or 14 years ago in a few pergunnas. Two years after that enumeration a famine destroyed many thousands in this zillah; and if I have not found the present number, when compared to the old one, to be very great, there can be no doubt whatever that the cause is the famine alone. Increasing cultivation necessarily follows population, and is every where visible. To those who are tolerably acquainted with the internal state of the country, it is known that the population, unless checked by some great calamity, constantly increases very fast. It will be found that it is not the want of courts of justice, nor of a regular system of police, that prevents the prosperity of the provinces subject to the Mahrattas, where no battles are fought, where the ryots remain unmolested by military exactions, where the zemindar or his agent are seldom changed. The lands of the Mahrattas in the neighbourhood of this district are in a high state of cultivation, and the population is equal, frequently superior, to ours. I say frequently superior to ours; not that the natural increase of population is by us in the least obstructed, but because, in a well superintended Mahratta estate, there are, in addition to the natural increase, constant accessions to the numbers by emigrants from the neighbouring country.

32. It is the interest of the proprietor of an estate to take as much care of his ryots as a farmer does of his cattle, and that care is sufficient to promote their increase. The ryots of the Company's provinces enjoy that degree of security which is essential to their increase. This is not the case with the far greater part of the Mahratta country. Vast tracts of the Mahratta country are desolated, partial famines are frequent, and as population does not increase in those provinces, I conclude that the misery is extreme. Population can here be very materially affected only by war and famine.

33. Famine proceeds from drought, or inundation, and sometimes from war. From the circumstance of increasing population alone, we cannot, as many pretend, draw an inference of very high prosperity and good government. England is certainly a country enjoying a good government and great internal prosperity. But the population of the cultivated parts of Bengal surpasses that of England, and this population increases in Bengal in a far greater proportion than in England; though I imagine the government of Bengal will be admitted to be inferior to that of England. The situation of almost all orders of people here is highly favourable to the propagation of the species.

34. Every body marries. An unmarried man of 25, or an unmarried girl of 15, are hardly to be found. As soon as girls become marriageable, generally before, husbands are without difficulty provided for them. Marriage is a thing which happens of course; a necessary part of life.

35. The people live a regular, sober, domestic life, and seldom leave their houses, not being liable to be called upon for the performance of any military service or public labour or servitude, so common in most countries. Very few marriages are unproductive. The women, becoming prematurely debilitated and decrepit, do not, perhaps, bear so many children as those who marry at a riper age; but barrenness is extremely rare. Polygamy, prostitution, religious austerity, and the circumstances of young widows seldom marrying a second time, are the only obstacles I am at present able to recollect to the increase of population; and all these, though in themselves evils of considerable magnitude, being productive of individual suffering and inconvenience, I do not consider, in their general effect upon the population of the country, as very important. Among the causes of increase, are to be reckoned the extreme facility of rearing children. Here no infants perish of cold, of diseases proceeding from dirt and bad accommodation, nor, except in famines, of unwholesome food. The small-pox sometimes carries off multitudes of children. Inoculation, though it had been known for ages, is by no means universally practised. Sickness, however, is very uncommon among children. As soon as a child is weaned, it lives on rice like its parents, goes naked for two or three years, and requires no care whatever. In years of plenty, poverty scarcely ever prevents a man from rearing a family of children.

36. The political security afforded to this district from the ravages of the Mahrattas is the greatest blessing the natives could enjoy; but to imagine that the population has increased solely in consequence of our system of internal administration, appears to me most erroneous. Under the native government, the population had reached its utmost height, or very near it. Thirty years ago, nearly half the people were swept away by the greatest famine recorded in

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history. Ever since that period, except in 1790, when a partial famine happened, the numbers have been gradually increasing. I do not know that the increase has been more rapid during the last ten years than during the 20 preceding; although most of the abuses of the native governments, and many new abuses of our government, prevailed throughout the greater part of the last-mentioned period. Supposing the country to enjoy peace, I cannot easily conceive internal mismanagement so excessive as to stop the increase of population.

Int^r XVIII. I have had no opportunity of hearing discontents and murmurs, if any exist. It is evident, the natives in general have reason to be satisfied, because, compared with the old native governments, the English government is a good one, inasmuch as it secures the country from invasion, and on the whole very well preserves the lower orders, that is to say, the main body of the community, from the tyranny of the higher orders.

2. It is scarcely possible that much real attachment and loyalty to the ruling power can subsist among the higher classes. I do not however imagine, that in Midnapore there is much disaffection. There are scarcely any Moguls in the district. The total want of energy, and spirit, the poverty and ignorance of the people, compose, in my opinion, the strength of our government.

3. The natives have, I think, great personal confidence in the Company's servants. They know it can only be under the sanction of a law, that new impositions or oppression of any kind can take place. Respecting the nature of the government and of our external interests, they are all totally in the dark. In Calcutta, a degree of curiosity may sometimes be observed among a few natives, and a desire to converse on state affairs; but on such occasions, the best informed natives always betray an extreme ignorance. The most learned and intelligent have no knowledge of the law of nations. I do not believe they suppose the political measures of the supreme power to be founded in equity and moderation.

Int^r XIX. The present system of police cannot be said to be well calculated to ensure the apprehension of offenders, since of 100 decoits hardly ten are taken, and perhaps not two convicted.

2. Two years ago a considerable part of this district, almost the whole of the jungle mehals, was overrun by choars, who plundered and burnt several entire pergunnas, and committed murders daily. These choars must have amounted in number to some thousands, and I do not recollect that half a dozen of them were brought to justice. The means taken to restore tranquillity were very simple, and I am confident the only ones which could have succeeded; they are merely investing the jungle zemindars with regular authority to preserve the peace in their respective estates; and it is certain that the choars are for the most part at present in the service of the zemindars, and execute their trust of guards with fidelity and effect.

3. A short time ago I heard of an incursion of 2 or 300 choars, who committed several outrages, and then retired to a distant part of the jungle; none of them were taken, and there is little probability of a single man being ever apprehended. Nor does this happen in the jungles only. If a daroga reports a decoity having taken place within his jurisdiction, although the gangs are in general numerous, amounting from 20 to 200, the chances are perhaps against one being seized. If decoits are taken, it is either by mere chance, or by the help of gooyindas, who are themselves almost always accomplices. They are seldom or never taken in the fact, or pursued with success afterwards. Having long ago observed this, and conceiving that to prevent the crime of decoity (the greatest evil, in my opinion, existing in the country) it is highly advisable that the people should learn to defend themselves, I have frequently endeavoured to encourage the ryots to keep arms in their houses, and to learn to assemble on the slightest alarm of decoits, and assist each other.

4. In the district of Benares there is, I have heard, little or no decoity; not, I conceive, on account of the police being in the hands of amils, but because the people, or a large proportion of them, carry arms, and are able to defend themselves, there the ryots would assist each other in the event of an attack. They do not, like the helpless inhabitants of this part of the country, trust entirely to chokedars, who so very frequently join the decoits, and sometimes head them.

5. In case it should be thought that the prevalence of the crime of decoity or gang robbery, and the difficulty of apprehending and convicting the perpetrators, are here exaggerated, I shall take this opportunity of mentioning, that it is not from the convictions before the Court of Circuit, far less from the cases referred to the Nizamut Adawlut, that this point can be ascertained. Let the number and the nature of the acquittals be observed, and not only them, but the reports of every decoity received from the police officers or others, then some judgment may be formed of the truth or fallacy of my opinion, when I say, that of 100 decoits, if 10 are apprehended and two convicted, it is a larger proportion than I should expect.

6. I presume to say that those who are not aware of the enormous evil of decoity throughout Bengal, are those only who have not happened to enquire deeply into and meditate on the subject. It is literally true that the lives and property of the ryots are insecure; and, according to the common expression among the natives, that they do not sleep in tranquillity.

7. In Midnapore the Foujdarry business is, comparatively speaking, not very heavy. The convicts are few, and the calendar seldom, I believe, contains so many trials, or crimes of such enormity, as those of the other districts in this division; yet are these remarks regarding decoits, in my opinion, applicable to Midnapore, though less so than to other parts of the country of which I have happened to acquire some information.

Int^r XX.

Int^r XX.—From my answer to the last Interrogatory, it may be inferred that I am of opinion the police establishments are inefficient; but I do not mean to say that they are inferior in Midnapore to those of other districts; when I say the police throughout Bengal appears to me bad, I rather speak in comparison with civilized European countries, than with any system known to exist in India. It is my opinion too, that several of the defects, which I shall presently endeavour to point out, are inevitable from the nature of our government, which is unlike all other governments.

Int^r XXI.—Since the year 1793, crimes of all kinds are increased, and I think most crimes are still increasing. The present increase of crimes may perhaps be doubtful; but no one, I think, can deny, that immediately after 1793, during five or six years, it was most manifest and rapid, and that no considerable diminution has taken place.

2. Great population and poverty, misery and crimes, particularly in a country where there is no public and consequently no certain and regular provision for the poor, where there are, I may almost say, more poor than in any country, and where the ability and the disposition of private individuals to support them are continually diminishing; moreover, the detection and conviction of offenders grow every day more difficult.

3. I ought to note here, that my experience does not reach beyond the period alluded to, in the question put to me; but as far as I have learnt of the state of the country previous to 1793, I conceive fewer crimes were committed, and it is certain the Foujdarry business in general was much lighter than at present.

4. The large gangs of decoits were formerly, perhaps, more common, and the sirdars more daring than now, but they did not rob so often. There are still large gangs of robbers who do not, except in the jungles, maintain themselves in a body; they disperse, mix in society, and appear at large; the darogas system has, I think, contributed to break these numerous bodies, to prevent the formation of more, and to apprehend the sirdars who were frequently supported by the connivance of zemindars, or other persons who possessed authority. The darogas are seldom or never in the pay of decoits, though they take nuzzers and petty bribes, and harass the poor in a variety of modes.

5. Decoits do not now often assemble in large bodies, and set the magistrates at defiance; they lie concealed; come about the court; intrigue with the lower officer, or with the jailer; ascertain the probability of detection, conviction and punishment; what sort of evidence may be requisite to disprove facts; and so on. In short, the country is infested with robbers and villains, who know how to elude the law.

6. That crimes have not increased still more, is owing to the providential occurrence of a number of years of plenty; in any calamity of season, I have no doubt crimes would increase to a most alarming degree. The ryots are now, though more independent, much worse protected from distress than heretofore. They once looked up to their talookdars, who could assist them, and who did to the utmost of their power, for it was their interest. The ryots now have no protector but the Regulations; and the Regulations, though they may serve to defend them in some measure from violence and barbarity, will not feed them.

7. Although antecedent to the year 1793, crimes were less numerous, the abuses which then prevailed in the administration of justice, were so great and various, as to constitute an evil perhaps greater, certainly more repugnant to our feelings than the present increase of crimes. Some of the abuses I allude to, are these: rich and powerful individuals were accustomed to take justice into their own hands; innocent men are very frequently punished on suspicion; confessions were extorted by force and intimidation even by the regular officers. Trials were conducted without much regard to fairness. The record of the trial was not kept up or made up complete. The prisoner was unable to make a defence. In all these ways, and more might be pointed out, great injustice was done, but at the same time, the punishment of offenders was less uncertain than it is at present.

8. I may here take the liberty to mention a few circumstances which have fallen under my observation, as operating to obstruct the conviction of delinquents under the present system.

9. I think the delay which occurs between the apprehension and the trial is too great.

10. The accused have time and opportunity to fabricate a defence, and very little money will procure false witnesses to support it.

11. The extreme length and intricacy of trials render the full and complete investigation of every case impossible; I think the duty of a Circuit Judge in this division, especially in the hot weather, too laborious for one man to execute.

12. The objection of almost every Hindoo of credit and respectability, to swear by the Ganges water, which is insisted upon in the criminal courts, prevents their appearing as prosecutors or witnesses, and forms another impediment to the conviction of offenders.

13. Another impediment, though of a very different nature from those I have mentioned, and much more difficult to remove, is to me too palpable to be overlooked; I mean that arising from Europeans in our situation being necessarily ill qualified in many points to perform the duties required of us as judges and magistrates. Nothing is more common, even after a minute and laborious examination of evidence on both sides, for the Judge to be left in utter doubt respecting the points at issue.

14. This proceeds chiefly from our very imperfect connexion with the natives, and our scanty knowledge, after all our study, of their manners, customs, and languages. Within these few years too, the natives have attained a sort of legal knowledge, as it is called, that is to say, a skill in the arts of collusion, intrigue, perjury and subornation; which enables them to perplex and baffle us with infinite facility.

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15. Some apology may be necessary for general remarks of this nature, yet I cannot forbear offering one more observation which has often struck me forcibly.

16. It appears to me, that we are extremely apt, owing perhaps to our being aware of the prevalence of deceit and perjury, to form unfavourable opinions of the veracity of the natives while taking their evidence; we perhaps judge too much by rule. We imagine things to be incredible, because they have not before fallen within our experience; we constantly mistake extreme simplicity for cunning; and we are, to the last degree, suspicious of our omlah. We make not sufficient allowance for the loose, vague, inaccurate mode in which the natives tell a story, for their not comprehending us and our not comprehending them; we hurry, terrify and confound them, with our eagerness and impatience.

17. The Judge of Circuit, and even his omlah, are strangers, and quite unacquainted with the characters of the persons examined, and the credit due to them, and always on that account, less competent to discover truth among volumes of contradictory evidence.

18. A rich man can seldom be convicted of a crime at a gaol delivery; if committed on the strongest positive testimony before a magistrate, he without difficulty brings twenty witnesses on his trial to swear an alibi, or any thing else that may suit his case; or he can bribe the prosecutor or his material witnesses; he has besides, a very good chance of escaping by the more contradictions of the witnesses against him, particularly if what they have to depose to is long or intricate, or happened at a distant period, or was seen and heard by many witnesses of different descriptions and characters, or if many facts, names and dates, are to be recollected. No falsehood is too extravagant or audacious to be advanced before the Court of Circuit. No case, at least no rich man's case; is too desperate for a defence supported by counter evidence; and if once doubts are raised, no matter of what kind, the object of the accused is gained, and he is secure.

19. Perjury is extremely common, and though it occurs much more frequently on the part of the accused than the prosecutor, yet I have known several instances of conspiracies and false complaints supported by perjury. The Judge who has once had experience of a case of this kind, is soon plunged into doubt and perplexity, continually awake to the possibility of the witnesses against the accused being forsworn, and as he of course leans to the favourable side, the consequence must be, that the guilty frequently escape.

20. Instances have occurred of gooyindas and witnesses being murdered by decoits, for appearing against them in a court of justice, and this has inspired a very general terror, which operates to prevent prosecutors and witnesses from coming forward. Sometimes I have reason to think false evidence is brought to support a true story, lest the prisoner should escape for want of the legal number of witnesses.

21. For my further sentiments on this head, I beg leave to refer to my reply to Interrogatory 38, relative to the administration of the criminal law.

Int^r XXII.—I am not aware of any particular crime of enormity peculiar to this district, except that of plundering, committed by the inhabitants of the jungles, and of the Mahratta country. I have on former occasions, as my duty required, stated to Government the measures which appeared to me advisable to adopt for the improvement of the police in this respect. The crime does not at present prevail to very great extent.

2. The situation of Midnapore renders it liable to suffer from Mahratta robbers, who occasionally make expeditions for plunder, and immediately afterwards retire with their booty out of our territory. I last year stated to Government that several of the Mahratta zemindars on the frontier kept robbers in their pay, or were robbers themselves; I mentioned too, that if I could be authorized to pursue them into their own territory, I should probably be able to apprehend them, or put a stop to their depredations. I further informed Government, that knowing no other expedient, I had endeavoured to persuade some of the zemindars of this district, to arm and assemble their ryots in case of any attack from the Mahrattas.

3. These Mahratta depredations, as well as those of the Midnapore jungles, called Choorce, are committed for the most part by Pikes, that is to say, men whose province it is to guard the estates of different zemindars. When the pay and subsistence of these pikes become scanty and precarious, they betake themselves to robbery, and if instead of being checked, they are encouraged by their chiefs, they become extremely formidable. If the situation of the Mahratta pikes could be rendered as easy as that of the pikes of the Midnapore jungles, they would probably remain quiet.

4. But the zemindars whom they serve are under no controul, being themselves magistrates with unlimited power, and at the same time, as I have before mentioned, very frequently robbers.

Int^r XXIII.—Except in the jungles where the zemindars maintain large bodies of men, few of the natives keep arms of any description. It would, in my opinion, be fortunate if they did. The jungle pikes are armed with bows and arrows, swords, spears, and sometimes matchlocks.

Int^r XXIV.—There are several forts in Midnapore of stone and mud, but they are gone to decay. They were all, I believe, except the fort at the station, built long ago, and were well calculated to defend the inhabitants of the district from the incursions of Mahratta horse, but were otherwise useless. One contained lately about 20 pieces of artillery, of different sizes. The name of this fort is Bataw. It is situated in the jungle mehal of Bugree, formerly much infested by chears. I thought it best to remove the guns, lest they should

should fall into the hands of banditti, who, on my first arrival at Midnapore, were very numerous in Perguana Bugree. The guns are accordingly brought hither, but they appear to be unserviceable.

2. The slightest rumour of the likelihood of a Mahratta war, produces much alarm among the natives of this district. They have now no forts to retire to, capable of affording them shelter, and they justly dread the ravages of cavalry.

Int^y XXV.—The number of the inhabitants of this district I compute at 1,500,000; about one-seventh may be Mahomedans, the rest are Hindoos.

Int^y XXVI.—The names of the persons of greatest rank and opulence are as follows: Durpnarain Roy, late canoongo of Midnapore; Chundersekire Ghose, a considerable talookdar, formerly Dewan of Mr. Peirce Judge, and collector of the district; Luckechurn Sutputtee, talookdar; Conni Podar, a merchant in the town of Midnapore; Chitto Podar, a merchant in the town of Midnapore; Durpnarain Bose, a merchant residing at Baminboorn; Kishen Sing, a merchant at Baminboorn; Anund Lall, zemindar of Midnapore and Narajole; Kishenbullub, zemindar of Narain Gur; Ruggonaut Chowdry, zemindar of Amersee; Anundnerrain, zemindar of Tumlook; Rannee Jankee, zemindar of Misadul, Nurnerain, zemindar of Hidgellee; Gopaul Inder, zemindar of Soojamoota; Becpershad Chowdry, zemindar of Kurueepoor and Bulhampoor; Jugunnaut Dole, zemindar of Gutsela; Lutchimincroin, zemindar of Chutna; Bidebant Chowdry, a considerable merchant, and zemindar of Cociachoore: none of these entertain armed followers, except perhaps ten or a dozen peons for state. But some of them have pikes in considerable numbers to keep the peace in their estates. These pikes are under the magistrates orders.

Int^y XXVII.—I am not able to name any persons in the district as disaffected to the British Government, having seen no symptoms of disaffection. There are a few zemindars on the borders, connected by marriage and consanguinity with their neighbours the Mahrattas, and I think it possible these zemindars would prefer the Mahrattas as rulers. The jungle zemindars I look upon as lawless, turbulent, quarrelsome chiefs, but not as wishing for a change in the Government. The disaffected throughout the country, I imagine, consist for the most part of ruined Musselman families, residing chiefly in large towns.

2. There is here as elsewhere, a very numerous class of the lower orders ready to serve under any standard where they can get subsistence; these have no idea of loyalty or disloyalty, except to their masters who support them. They would readily enlist with a foreign power; but I do not call them disaffected, because custom and necessity lead them to hire themselves to any master who may be able to maintain them. I here allude to the description of men commonly employed as peons. They will not often enlist as sepoys, on account of the constraint attending the European discipline, and in some instances from religious scruples.

I think the natives in general do not look upon the crime of treason against the state in the light we do. In fidelity and attachment to a master or a chief, whoever he may be, they are not surpassed by any people; but those who stand in the mere relation of subjects without being in the service or pay of the supreme power, do not feel themselves bound by any very strong tie of allegiance.

Int^y XXVIII.—If Government declares itself the sole source of honour, the natives will not, I think, comprehend the declaration, and therefore it can have little effect in strengthening their attachment. An institution, or measure of Government, founded merely on European customs, must be useless and unintelligible.

2. Our Government, if I may presume to offer my opinion on the subject, appears to me very strong, and secure from serious internal commotion, although the natives can hardly be said to be attached to it, for none of them understand it. No Government ever stood more independent of public opinion. I never knew one native who had even a remote idea of the political state of the country; and can it possibly for a moment be supposed that the people of Bengal dream of subverting the Government. They are in this respect the most ignorant of all people, and the most helpless, having no power to combine or enter into a league for their own interests. I am persuaded no oppression exercised by the ruling power, supposing it the greatest possible; for instance, general arbitrary requisitions made on the property of the inhabitants, would in Midnapore produce any resistance. At all events no mob could collect sufficiently formidable to resist a company of sepoys. I have no idea that the natives here ever consult or converse on political subjects.

3. The army is powerful, and certainly to be depended upon as long as it is paid. The sepoys are like the rest of the natives, entirely uninstructed as to the form of the government, of the policy of their rulers, and of the justice of their wars. It is in this ignorance and apathy that our strength consists. Nor do any precautions appear to me necessary for our security against factions and cabals. I see no tendency whatever to improvement among the natives, except their increasing knowledge of the Regulations, which, in speaking of the progress of political philosophy, is scarcely worth mentioning.

4. With respect to the eligibility of conferring titles and honours on the natives, it might possibly, if practicable, be of use. It might serve to attach them to the Government, and to hold themselves in estimation; but how such an arrangement is to be brought about I have no conception. Between our ideas of honour and those of the natives there is no principle of assimilation. In the European world, and even in those countries of Europe where a despotism prevails, there still subsists between them, the sovereign, and those who may be distinguished with honours, a perfect uniformity of sentiment; they possess

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faults and virtues in common; their ideas run in one current, and a sort of equality is preserved in spite of the distinction of ranks; but here this is not the case. The spirit of a gentleman in our sense is unknown among the natives; they possess no feeling in common with the hakim; they move in a sphere which a thousand moral and physical causes prevent our coming in contact with.

5. On whom, I beg leave to ask, can titles be conferred, when none are placed in a situation where it is possible to render themselves eminent or conspicuous? How can their merits be known, when their rulers have no connection with them; when there is no intermediate class between the sovereign power and the common people? Surely it will be recollected, that the distance between us and the natives is infinite. The greatest zemindar in this district, though possibly a proud man, would not refuse, for the promotion of his interest, to court the friendship of the lowest dependent of an European; and how is it possible to prevent this? We find it so, and may lament, but cannot help it. There is scarcely a native in this district who thinks of sitting down in the presence of an English gentleman.

6. The men of opulence now, are the Hindoo mohageris and banyans of Calcutta, and they are all men of yesterday. What can they perform to acquire titles; and if they had them, would not Government probably make them ridiculous instead of ennobling them?

7. The greatest men formerly were the Musselmen rulers, whose places we have taken, and the Hindoo zemindars. These two classes are now ruined and destroyed. The natives most looked up to are our omlah and our domestics. These are courted and respected. They necessarily must be the channel through which every suitor and every candidate looks up for redress and preferment. It is not, I imagine, proposed to ennoble them.

8. No native can greatly distinguish himself as a soldier. For he can never rise beyond the rank of a soubadar; and, I understand, it has been rather the policy to depress than to raise them. That they are taught to humble themselves before Europeans. And, in short, that they have no opportunity of acquiring titles.

9. Men in the learned professions have, if possible, still less opportunity of recommending themselves to us; and, if they had, could not, I conceive, be rewarded with titles. To bestow a title on a learned molovy or an able vakeel, would appear strange. Moreover, according to oriental ideas of honours confirmed by the sovereign power, there must be a jageer, and generally a military command to accompany the title, which in itself is merely an appellation of course attached to the acquisition of emolument or power. No man can be made a rajah or munsudbar without being invested with the profit or power attending the office.

10. It will not, I think, be easy to impress the minds of the natives, open as they may be supposed to every vain, absurd and fantastical notion, with the value of a mere name. Their ideas are more simple and natural than ours. If an unfit person received a patent for the title of an ameer or a rajah, he would not, I imagine, be able to retain it; for when a man has nothing left of his dignity but the name, it soon wears away. On the other hand, if a Hindoo should emerge from poverty and obscurity, and come to attain great wealth or celebrity, he would, I dare say, if he wished it, without a formal investiture, be saluted Rajah. He would be considered as having acquired a claim to a title, in the same manner as other persons, by learning, acquire the appellation of Molovy and Pundit, which become inseparably attached to their names.

11. The only cases in which titles can be given are, perhaps, when zemindars or other natives of wealth or consideration embrace opportunities, in case of invasion or conspiracy, of evincing loyalty to Government. But even then pensions or jageers should accompany the titles.

12. It may be proper to add, that my remarks on the general character of the natives are the result of my own local enquiry and experience, which are confined to a small part of Bengal and Midnapore only. Of the character of the inhabitants of more distant parts of these provinces I can pretend only to that general hearsay information, which is necessarily very imperfect.

Int^r XXIX.—Respecting such roads and bridges as require repair, separate Reports have been made either by the collector or the magistrate. They have been hitherto kept in repair at the expence of Government.

Int^r XXX.—The convicts are very properly and advantageously employed in clearing the jungle in the vicinity of the station, and occasionally repairing roads, digging or cleaning tanks, and other labour of a similar kind, but chiefly in clearing jungle. The clearing of jungle I look upon as a public benefit, not much with a view to cultivation, but to improve the salubrity of the air.

2. If the convicts were as numerous here as at some other stations, I might perhaps propose a plan for attempting, by means of their labour, to extend cultivation; more than two-thirds of this very extensive zillah consists of a jungle swarming with noxious animals, and exceedingly unhealthy, though the land is for the most part rich and fertile.

Int^r XXXI.—Half the fort of Midnapore is used as a jail, and answers the purpose perfectly well. It is large and secure, but it wants repair, great part of the roof, which is not arched and built of masonry, but flat with beams, being damaged. The dewanny jail and hospital are thatched buildings at a distance from the fort. The prisoners of all descriptions may be said to be well accommodated, according to the native ideas of accommodation.

Int^r XXXII.—It is my opinion, as I once before had occasion to mention to Government, that the procuring the assistance of the men of property and influence in preserving the peace throughout the country, would lead to a system of police the most efficient, the most economical, the most suitable to the habits and opinions of the people, and in all respects the best calculated for their comfort and security.

2. My opinion has been confirmed on this head, by observing the good effect of the regulations of police, which I was empowered last year to carry into execution in the jungle mehals of this district.

3. At the same time I should remark, that this arrangement could not well be adopted universally, but only in estates of a certain extent. I by no means recommend investing men of inconsiderable rank or small estate with magisterial power. But all might perhaps, without danger, be empowered to seize offenders on their own estates.

4. The lands are now divided into a number of small portions. More estates are superintended by agents than formerly, and these agents are frequently changed, and little respected by the ryots. I do not think it at this time advisable or practicable at once to throw the whole duties of the darogas by a general regulation into the hands of the landholders.

5. It is extremely difficult, I may, I believe say, it is not possible, to arrange an effectual plan of association and co-operation among the higher orders for purposes of police, or for any other purpose. We have few large towns, no societies exercising or capable of exercising municipal authority. There are no gentlemen in whose honour and probity, in whose spirit and activity, Government can repose confidence. There exists not between the common people and the rulers a middle order who feel a common interest in the prosperity of the state, who love their countrymen, who respect their rulers, or are by them respected; who either could, or if they could, would, even in a case of the greatest exigency, exert themselves heartily and effectually, each in his own sphere, for the public good. Such a set of men in the society is here unknown. Government is unable to direct or in any way to make use of the power of the individuals composing the community. Hence our extreme ignorance of all that passes, our complete inability to detect and apprehend offenders, to explain to the public what we wish should be known, and persuade them what should be done. Hence the long continuance of enormous abuses, without its being possible for Government or for the magistrate to prevent or to discover them.

6. To apply effectual remedies to radical evils of this sort, is hardly to be hoped for. It will not, I imagine, be expected from me that I should suggest projects to this end. I do not forget that such evils are political, with which a magistrate has no concern; nor shall I be surprised if they are denied to exist altogether. I content myself with observing, that any measure which would secure to Government the services of a considerable number of the most respectable members of the community, must prove, in many points of view, beneficial.

7. The zemindars, it will be recollected, possessed, under the native governments, a degree of power nearly proportionate to their property. Although that power was, perhaps, not formally recognised, nor regularly exerted, still they did possess a considerable degree of military, civil, and fiscal power. They kept their dependants in a state of union, and were by that means enabled to protect them and maintain themselves. At present, such as have survived the almost universal destruction of zemindars, are, in conformity to our notions, reduced to the same condition, and placed at an equal distance from us with their lowest ryots. Any measure that has a tendency towards the restoration of this power (though I confess I have no distinct conception of the mode in which it can be accomplished) must, I think, advance a step towards the creation of a body of gentry, who, though they should never be actuated by the same motives as ourselves, nor possess any feeling in common with us, may yet perform great services to the public. Such a measure would, in my opinion, bring the lower orders more distinctly under the eye of the magistrate. It might enable us in some slight degree to excite awe, to impose restraint, to awaken national ardour and love for the Government. Our moral impotence to produce any effect of this nature on the minds of the people, which is at present sufficiently apparent, might be, I think, if not removed, at least gradually diminished.

8. To the propriety of any plan that would invest the higher orders with a liberal authority, that would encourage and enable them to act without fear, in concurrence with Government's officers, for the public good, I beg leave to subscribe my humble opinion.

9. Among the natives there appears to prevail a general notion, that the Regulations are calculated to restrict the powers and embarrass the operations of police officers as well as of individuals, in their exertions for the detection and apprehension of offenders. This notion, whether founded in experience or ignorance and error, can hardly fail to produce pernicious consequences.

Int^r XXIII.—It is my opinion, and I wish to express it on every opportunity, that we are not able to protect the ryots from decoits, that there is little prospect of our being able to do it, and that it is, in justice, humanity, and policy, incumbent on us to exhort them to arm and assemble when occasion requires, to the end that they may possess, as far as possible the means of defending themselves.

2. For the more effectual suppression of crimes and improvement of the police, I would recommend increasing the power, the emolument, the respectability of the police officers.

3. The darogus, I believe it is generally confessed, do not perform the duty that was expected. They are clearly either unable or unwilling. They do not appear to be often guilty of gross criminal malversation, such as harbouring or conniving at, aiding and abetting

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decoits, receiving stolen goods, or releasing prisoners. Their insufficiency consists, I think, in a general neglect of duty, in petty rogueries, in a want of respectability, in being destitute of that energy and activity and that delicate sensibility to character which ought to characterize a police officer. A man whose entire duty consists in maintaining personal authority, should be conscious of his own importance, and competent to convince others of it.

4. In the duties of his office a daroga is hardly occupied half an hour in a day, and he often becomes negligent, indolent, and in the end corrupt. His dishonesty consists in taking bribes from poor people who have petty Foujdary suits, in conniving at the absconding of persons summoned through him, in harassing ryots with threats or pretended complaints, creating vexatious delays, in settling disputes or preventing their being settled by razeenama, and chiefly in deceiving the poor and ignorant with whom he has to deal.

5. The avowed allowances of a police daroga are not sufficiently liberal to render the office worthy the acceptance of men who are fit to perform the duties. It would be easy to make every daroga a munsif within the limits of his tanna, and it strikes me that such an institution would be advantageous in many respects. Some are of opinion, that the more power the natives have the more they abuse it; that they are utterly unfit for any but the lowest employments; and that however great their salaries, moderation and disinterestedness can never be expected from them. This appears to me a mere fallacy. A few objections may suggest themselves to my proposition, of investing the darogas with authority to decide civil suits, but no solid ones occur to me. If I thought the hint likely to be approved, I might attempt to discuss it at further length.

6. After all, the grand defect is the want of that anxious solicitude which a police daroga ought to feel in the discharge of his duty; particularly as he is almost invariably a stranger, possessing no personal interest in preserving the peace of his tanna. This is one of the situations which require something more than a mere methodical attention to official routine. A police daroga should feel himself a magistrate, should be ready at all times, night and day, to go from place to place to seek information, to pursue offenders, to oppose force to force if necessary, and, in short, to exert himself in a thousand ways wherein he might do good, but without which he may obtain his object; viz. that of keeping out of scrapes, and maintaining a tolerable character.

Int^y XXXI.—No alteration as to drunkenness or sobriety has been remarked by me since the establishment of the last tax on spirituous liquors. Probably drunkenness increases, not in consequence of the tax, but from the general cause of increasing population. Besides, the lower castes, who are almost the only drinkers of spirits, are, I think, getting rather more licentious in their manners, and less scrupulous on the score of religion. Among the higher castes it is still held disgraceful; and though some are addicted to the vice, it is very rare, and always kept as secret as possible. There are many reasons for wishing, if it were practicable, which I hardly think it is, to abolish entirely the sale and manufacture of spirits. They are exceedingly injurious to the health of the lower orders of the community. They afford no comfort, as in other climates; all who drink do it to excess, and scarcely ever leave it off.

2. One objection only occurs to me, which, though it may appear somewhat overstrained, and perhaps imaginary, I will nevertheless mention, because, it well founded, I consider it of the last importance.

3. The distillation of spirits occasions a large consumption of rice: any diminution of quantity in the regular annual demand for rice, I conceive to be pernicious to the country. The more is required for any purpose, the more will be produced. The chief means of alleviating the horrors of a famine, would be to increase the quantity of rice appropriated for food. By stopping the distilleries during a season of scarcity, which might be done by an exertion of the magistrate's authority, there would be found a very considerable resource. A quantity of the first necessary of life, instead of being converted into the vilest and most unwholesome liquor, might thus with ease be brought into the market for the sustenance of the people. But if these distilleries were abolished altogether, it strikes me that the demand for rice would immediately diminish, and that, in consequence, to the manifest detriment of the country, less would be produced.

Int^y XXXV.—To attempt any material improvement or alteration in the moral character of the natives by the intervention of legislative measures, I look upon as vain.

2. They no longer consider the laws as a part of their religion. I do not even see that with us, law and morality have much connection. It is the province of the magistrate to quell disorders and preserve peace; but as to good morals, I am not aware that, either by precept or example, we are capable of producing any effect whatever. The vices and the crimes of the people proceed from their poverty and ignorance, and I do not conceive they are likely to grow much richer or wiser, while the present state of things exists.

3. This assertion, however, that the vices and crimes of the people proceed from their poverty and ignorance, I would wish to be understood with limitations. Where considerable numbers are collected and associate together, especially if there happens to be much inequality of rank and fortune, the morals of the people are worst; though, compared to the inhabitants of other parts of the same country, they may be said to be neither indigent nor uninformed; but in such situations they are liable to fall into bad company, and to acquire new habits and new wants. The same may be observed respecting such persons

persons as have occasion to attend our Cutcheries. They get into bad habits. It is not always, therefore, that the people are worst where they are poorest and most ignorant. Nevertheless the assertion is, in my opinion, generally speaking, true. It is certain that where labour is amply rewarded, where all can easily get employment, and where the poor are provided for, the people lead industrious and virtuous lives; and it will be observed, that in remote parts of the Mofussel, where debauchery and dissipation are little known, very few resort to depredations on the public, except from necessity.

4. Most but not all decoits begin their evil practices from necessity. A ryot, finding some difficulty to subsist, either from his imprudence or ill fortune; a peon or other servant, losing his place and unable to procure another; a cooly, finding no employment; such persons, of which in this populous country there are always many thousands, often take to stealing, are corrupted by vicious companions, drink spirits, and are gradually led on from impunity and habits of idleness to become decoits, and depend on robbery alone for subsistence.

5. The people are, I presume, little different from what they were one thousand years ago. The Mahomedan Government had hardly any effect on the national character; and our Government must have still less, because we do not, like the Mahomedans, coalesce with the body of the people. We cannot mix in their society: we have made no attempts to introduce European science and learning among them. They appear to me as far from adopting our customs as we are from adopting theirs.

6. The power of the Bengal Government appears to me, of all governments, the most unquestionably despotic over its subjects. The submission of the natives is perfect and unqualified; so complete as to preclude the necessity of concern or intimidation of any kind. All appearance of military interference in the police is or may be kept out of sight. It is the principle of ignorance, and not of fear, that at present preserves us; and I should imagine, it will be only when European laws, religion and literature come to be disseminated in this country, that it will be necessary to draw the reins tighter; and to shew, what we certainly at present possess, power irresistible to command obedience.

7. But this sort of power, the result of policy and force on the one hand, and utter ignorance and wretchedness on the other, does not suppose any influence whatever over the hearts of the natives. In fact, if any change has been introduced in their habits and tastes since they became subject to our dominion, such change may very well be termed accidental; but I am not myself sensible of any very material change.

8. It is in Calcutta alone that the effect of the intercourse between Europeans and natives is in any degree visible. There, and there alone, an indistinct sort of link may be discerned between the rulers and the people: but how extremely faint and imperfect this link is must be well known. The lowest and poorest Europeans, and the native born Christians and Portuguese, between whom and us, it is scarcely necessary to say, there subsists little connexion or similarity of pursuit, do, in some slight degree, mix with the natives in their ordinary concerns and their amusements, just sufficient to produce an inconsiderable change in their manners and character. The circumstance of the jurisdiction of the Supreme Court too, and the intercourse between the natives and the lowest officers of that Court, must be considered as another cause of the same nature. But I ask, whether the morals of the people are in any respect improved by these causes?—whether they have not learnt all the low arts of chicanery, imposture, and litigiousness, peculiar to an English court of justice, without a particle of plain dealing, firmness, independence of spirit, or useful knowledge of any kind?—whether they do not reap all the evil, and none of the good?—whether they do not imbibe those principles of the European character which tend only to impair the mildness and simplicity of their own? To pronounce upon these questions is, I fear, not very difficult.

9. Moreover, I would appeal to those who, from their situation or habits, are accustomed to consider these matters without attention, whether there have not, of late years, been introduced and extensively established, professions heretofore almost unknown; namely, those of informers, sharpers, intriguers, suborners, and false witnesses; whose sole occupation is that of preying on their fellow creatures, and whose long career of impunity convinces them that honesty is the worst policy.

10. And if such is the case, can we doubt to whom we ought to attribute this change of character? To me it is most manifest, that our Mofussul Courts of Justice have produced some evil as well as much good, and perhaps it may not be wholly useless to point out the circumstance.

11. Whenever I observe, in the behaviour of the natives, symptoms of insolence, illnature, brutality, litigiousness, drunkenness, (which I confess I very seldom do) knowing these qualities to form no part of the national character, I cannot help entertaining a suspicion, that they have either contracted them by their intercourse with low Europeans, which, in most situations, can hardly happen, or that our system, some how or other, has a tendency to produce and encourage them.

12. The natives are certainly, in disposition, not brutal and inexorable. They are mild, humane, and placable. But no rule is without an exception.—It must be admitted, that the criminal records of this country will furnish such instances of cruelty and ferocity in decoits, as perhaps no country in Europe can equal.

Int' XXXVI.—The punishment of marking the forehead of perjurers, which I do not recollect to have ever known inflicted, has, I suppose little effect, good or bad. Perjury has increased greatly, and is increasing. I question whether any man is deterred, by his being
aware

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aware (and few are aware) that he will be liable, in addition to the old punishments, to the new punishment of being branded in the forehead.

2. I take this opportunity of remarking, that to render generally known any penal law is extremely difficult, particularly among the lower orders of the people: till they see the effect of it, they remain ignorant of it, and this in spite of advertisements and proclamations. News, and information of all kinds are, in Bengal, very slowly and inaccurately transmitted from one to another: among us, events obtain publicity through the means of periodical prints, of epistolary correspondence, and of verbal communication. Among the natives, there is nothing of the two first, and even of the other hardly any.

Int^y XXXVII.—The punishment of transportation has, I should imagine, as good an effect as severity of punishment can have. It is not in my power to say, that the dread of it has ever operated to the prevention of a crime; but as it is much dreaded and well known, because frequently executed, there is every reason to believe that it has.

Int^y XXXVIII.—I am not, on the whole, of opinion that the Mahomedan law is administered with too much lenity, though I think the punishment of decoits is frequently too light. Many a felon is hanged in Calcutta by the Supreme Court for a crime which, on conviction in the Mofussul, would incur the penalty of only a short term of imprisonment.

2. The alterations introduced by us are, in general, obviously reasonable and proper, and such alterations may possibly have a good effect on the minds of the natives; but I must observe, that though the criminal law administered here is supposed to be the Mahomedan, either the laxity of interpretation to which that code is liable, or other causes, operate, in most cases, to prevent any thing peculiar to the Koran from appearing, either in the sentence or in the mode of conducting the trial. In effect, our Mahomedan law, as far as I can learn, bears no resemblance to that of Turkey, Arabia, Persia, or other Mahomedan countries, and very little to that which was administered here by the native governments.

3. The Mahomedan criminal law was administered by the naib Nazim before the British Government took possession of that department; yet a very great change is introduced. I do not here allude solely to the amendments enacted by special regulations, such as the abolition of the punishments of mutilation, refusing a pardon to the accused, although the heir may forbear to prosecute, and some others. The harsh laws of the Koran against drunkards, and the absurd ones against adulterers, are, in our time, never executed; they have fallen into disuse of themselves, and it seems no regulation is requisite to prevent their revival.

4. Many cases do not occur which, strictly speaking, the Mahomedan law provides for. When kissans, or retaliation, is incurred, it is generally by assuming some fiction or other, respecting the witnesses or the prosecutor, and the laws of Huddood, which, according to the received doctrine of Islam, it is not permitted to man, in any case, to remit or alter, since they constitute the essence of the criminal code, and of the practical religion of the Mahomedans. These laws are, through the necessary operation of various causes, I believe, entirely disused and virtually abrogated by us. But it is a maxim of the Mahomedan law, though not perhaps of the Mahomedan religion, that all crimes, the cognizance and punishment of which are not provided for by kissans or Huddood, shall be left to the discretion of the ruler of the country; accordingly most sentences pass or should pass by seasut or tazeer.

5. The most material change effected by us, is not in the punishments fixed for particular crimes: it is less, I think, in the laws themselves than in the mode of executing them. It is a common saying with the natives, that the gentlemen require so much evidence, that it is scarcely possible to convict a decoit. The old way was very different; the accused almost always confessed, whereas none now confess but the most simple and uninformed. I have seen several old records of trials, and I observed, that almost the whole of those convicted had confessed; they had no assistance in making a defence; witnesses seldom or never were examined for the prisoner; they confessed because they knew it would be useless to deny; when evidence appeared against them they gave themselves up in despair, and never thought of a defence; moreover, they were generally beaten till they confessed. An old Foujdár, with whom I have frequently conversed, has told me, that his rule was to inflict so many stripes for denying such a crime, after the prosecutor had sworn to it, and, if I mistake not, this was pretty general. One would think, no man would now confess, but a fool or a madman; yet at the Tanna confessions are still common, and even in Court rude and very illiterate men from the jungles sometimes confess. They do it, I imagine, only from despair; I can see no other motive; they imagine the hakim has detected them, and that to tell a falsehood would only make their case worse; they have no conception of a custom which not only tolerates falsehood in the mouth of the accused, but absolutely encourages and dictates it.

6. It will not, I trust, be supposed that I wish to recommend the extorting of confessions a ground of conviction. I merely intend to point out a circumstance in the old administration of the laws, which appears to me to have had a considerable effect in insuring the conviction of offenders. It is probable that the innocent sometimes suffered, but I have no doubt the guilty seldom escaped, except by collusion, when once put on their trial. On the ground of notoriety of bad character, it was usual to detain persons in custody for an indefinite period.

7. Without doubt the present mode of conducting trials is more regular, satisfactory, and decorous. The record is properly kept and made up, and every thing is conducted with

fairness and humanity towards the prisoner; nor could we reconcile it to ourselves, to recur in any degree to the native mode of trial. Yet I am inclined to think, that an intelligent native is better qualified to preside at a trial, than we can ever be ourselves; and a few very simple rules would perhaps suffice to correct the abuses of former times.

8. The Mussulman law officer of a Court of Circuit, though he may occasionally assist in the examination of witnesses, and though he writes the Future, is not the person who conducts and presides at the trial. The opinion and influence of the Judge must predominate, nor can the natives act as our colleagues.

9. With respect to civil suits, all to the amount of 200 rupees, that is to say, more than nine-tenths of the causes throughout the country, are decided by the Native Commissioners and Registers. The labouring class of people, whose monthly subsistence may amount to two rupees at most, can scarcely ever become suitors for a greater sum than 200 rupees. The decision of their causes is therefore, in the first instance, in the hands of the Registers and Native Commissioners. It is hardly necessary to mention, that the Native Commissioners, at least those of them who are Hindoos, have no knowledge whatever of the Mahomedan law; nor, I imagine, would the parties in a suit, though they might happen to be Mahomedans, object to the competence of the Judge on the ground of this ignorance of the Mahomedan law.

10. I have before mentioned, that the pleaders in the Civil Courts are very ignorant of the Mahomedan code. They are mostly Hindoos. Should learned men ever come to practice as pleaders, it is to me doubtful whether much advantage would be derived to the public by their labours. Whatever law knowledge the pleaders might possess, it is not very likely that the Judges should attain a large portion; and, till they do, they will probably look upon the refined and subtle distinctions of Mahomedan law doctors as ill-calculated to accelerate the administration of justice.

11. I take the liberty to introduce here a few more observations on the establishment of the Native Commissioners, for the trial of civil suits, under Regulation 40, 1793.

12. When a Native Commissioner is tolerably qualified and incorrupt, no great knowledge of the Regulations is requisite; he decides with the greatest ease a vast number of causes. He is perfectly acquainted with the language, the manners, and even the persons and characters of almost all who come before him. Hence perjury is very uncommon in his court. To us his proceedings may appear frequently tedious or frivolous, and generally irregular and informal; but we are very apt to judge from a false standard. I am fully convinced, that a native of common capacity will, after a little experience, examine witnesses and investigate the most intricate case with more temper and perseverance, with more ability and effect, than almost any European. The Native Commissioners decide only petty cases, and their emoluments are but scanty. They occasionally find difficulty in maintaining their authority; but they should always be supported against the contumacious. Their procedure, as far as I have had occasion to observe, is, with few exceptions, just what it ought to be. They hear and write down almost whatever the parties may choose to say; and it is not a small advantage, that they are able to sit the whole of the day without being incommoded by heat or crowds, that they listen to and understand every one; and that they are seldom provoked either by their omlak or by the parties to lose their temper. They sit from morning till night on a mat under a shed or hut, or in the porch of a house, and attend to every petty dispute of the ryots, with a degree of patience of which we have no idea, till they develop the merits and decide the suit. I cannot help wishing, that their situations were more respectable in a pecuniary view, and that they were employed to decide causes to almost any amount. At present, in this zillah, few of the Native Commissioners can earn more than a bare subsistence; and therefore it cannot be expected that the best qualified and most respectable men should undertake the office.

13. When a suit is filed in a Munsifo Serishda, it is taken up immediately; there is no time or opportunity for the fabrication of a defence or subornation of perjury. The Munsif is, as it were, in the society of the parties, and they cannot easily deceive him. But if that cause comes before the zilla Judge, besides the inevitable delay and expense at the outset, the case is probably entirely changed; intrigues and counter complaints occur, the most impudent falsehoods are advanced with impunity; and in the end, perhaps, an erroneous decision is passed.

14. Should it here occur, that very few, if any, natives are qualified from habit and education to pronounce a decision, or to comprehend a complicated judicial case; that the range of their ideas is too narrow, that their minds are cramped, and that they possess not that vigour and perseverance and those enlarged views which would enable them to perform the duty of judges; if there is any one of this opinion, I would take the liberty to ask, how it is possible the natives in general should, in the miserably subordinate and servile employments to which they are confined, have qualified themselves better? I would observe, how very easily they all acquire the requisite qualifications for the duties which we are pleased to entrust to them; I would ask, who can doubt that they would very shortly, if not depressed and dispirited, become at least equal to the functions they performed before we came among them?

15. In considering the mental qualifications of such of the natives as are not wholly illiterate; though their education must be admitted to be deplorably imperfect, though they are the victims of gross prejudice, superstition, and ignorance; yet I by no means look upon them as incompetent to perform the duty of Judges.

16. They very frequently pay implicit credit to events in themselves improbable. When they read or hear a story, they seem to believe it as a matter of course; and the more

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extraordinary the facts, perhaps, the less inclination do they feel to doubt or disbelieve them. But this excessive credulity, and this apparent incapacity to judge of truth and falsehood, does not, I think, prevent their distinguishing with considerable sagacity between the probable and improbable in the common affairs of life, where prodigies and miracles have no place.

17. I confess it is my wish, though probably I may be blamed for expressing it, not only to have the authority of the natives, as Judges, extended, but to see them if possible enjoy important and confidential situations in other departments of the state.

18. Though my reply to this Interrogatory, like several of my other replies, has swelled to an immoderate length, I am well aware of its being by no means complete and satisfactory. A thorough discussion of the subject would require more leisure and consideration than I have been able to bestow, and a great deal of Mahomedan law learning, a branch of knowledge in which I can pretend to no proficiency.

Int^r XXXIX.—There are no Europeans out of the service constantly residing in this district. A few indigo manufacturers and cloth merchants have or rather had considerable dealings in Midnapore, and occasionally come to look after their concerns. The cloth and indigo trade have very much fallen off within these few years.

The condition of the weavers commercially connected with the Company, or with European traders, is here, as every where, I should imagine greatly ameliorated.

2. The system with regard to them has by degrees almost totally changed. They are now treated with fairness and liberality, and oppression, which prevailed formerly to a great extent, is no more. I know not one instance in which the advantages of the present system are more conspicuous than this, of the stop which has been put to the abuses which used to prevail in the commercial department.

3. It does not appear to me that the officers of Government, or even individual Europeans, have any reason to complain. I have indeed frequently heard complaints, but I always thought them groundless.

4. Europeans have still advantages, and ever must have. When a native fails to perform his engagements, I think it will generally be found to proceed from inability. Individual Europeans have no regular means of compelling him without resorting to a court of justice. But the commercial and salt agents possess some effectual means of coercion; and such powers, being in themselves rather unfair and hardly compatible with that equality which ought to subsist in commercial concerns, must necessarily sometimes produce discontent.

5. No European can be sued by a native for a greater sum than 500 R^s in the Dewanny Adawlut; whereas a native is liable to be sued to any amount by the European.

6. I know not any good reason for this; and there ought, I conceive, to be a very good reason to justify such an inequality. No instance, however, of inconvenience or hardship resulting from this inequitable law, has fallen within my knowledge in this district.

I here close my replies. Some of the interrogatories appear to involve discussions of a general and political nature, not immediately connected with my duty as Judge and Magistrate of this district. On all such I could for several reasons have wished to be silent. Finding myself called upon, however, on this occasion, to deliver opinions and to furnish such information as I might possess on a variety of subjects, which it cannot be supposed I should be master of, I have attempted it accordingly, and have in some instances been induced to enter upon certain topics more amply than is perhaps expected.

I beg leave to offer an apology for trespassing on the patience of Government with discussions so much more prolix than the subjects may be thought to demand.

Having been led to advance certain opinions on the state of the country, and the condition of the natives, which opinions I became fearful might appear extravagant and sometimes unintelligible, I have endeavoured to explain and illustrate them, without very strictly applying my answers to the terms of the Interrogatories.

If in my eyes these matters have chanced to bear a different aspect from those of many other people, it should not excite surprise. Infinite diversity of opinions on these subjects is to be expected, because we are all liable to false impressions; because the circumstances to be taken into consideration are too numerous and complicated for any one mind to perceive or comprehend them all; because we necessarily infer, and in fact guess, a hundred things for one thing which we see or come to the actual knowledge of.

A conviction of the uncertainty to which discussions of this nature are for ever liable, while it serves as a caution against too readily lending an ear to plausible speculations, may teach us to consider with attention and willingness every new attempt at investigation; to listen without scorn and prejudice to what at first may strike us as singular or improbable, and never to reject opinions solely on account of their novelty.

I have not been deterred by the apprehension of falling into error, which I know to be inevitable, nor of having my principles and intentions mistaken, from delivering with freedom such opinions as my understanding teaches me to be just, after the best attention I am able to bestow; and this even on political subjects, which are to me purely speculative. In so doing, I trust I have not deviated from the wishes of Government.

I have now only to express my hope that nothing I have said will give offence, and that as my sentiments are offered with diffidence, they will obtain a candid and indulgent reception.

H. Struchey, Judge & Mag^{te}.

To G. DOWDESWEL, Esq.
Secretary to Government in the Judicial and Revenue Departments.

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Calcutta Division.

Zillah Beerbhoom,
25 March 1802.

SIR,
I WAS favoured with the receipt of your Letter of the 29th October, and have now the honour to transmit to you herewith my Reply to the several Interrogatories which accompanied it, to be laid before the Honourable the Vice President in Council.

Zillah Beerbhoom,
the 25th March 1802,

I am, Sir,
Your most obedient humble servant,
D. Campbell, Judge & Mag^{rs}.

REPLY to the several points noticed in the Interrogatories which accompanied the Letter from the Secretary to the Government in the Judicial Department, underdate the 29th October 1801, by the Judge and Magistrate of Zillah Beerbhoom.

1.—WHAT is the number of causes now depending before me, before my Register, and before the Native Commissioners?

The number of causes depending before me on the 1st of January 1802, amounted to 42; before the Register to 367; and before the Native Commissioners to 300.

2.—What proportion doth the number of causes now depending before the three Tribunals of the Judge, the Register, and the Native Commissioners, bear to the usual number of causes usually depending during the several years, commencing from the year 1793, to the present period?

The number of causes now depending before the three Tribunals is much on a par with the number generally depending since the promulgation of 1795, prescribing the payment of fees on the institution and trial of suits. Previous to that period the number of causes depending before the Court more than doubled the number since depending at any one time.

3.—What number of causes was decided in the past year by the Judge, by the Register, and by the Native Commissioners?

The number of causes decided by the Judge in the past year, amount to 168, by the Register to 751, and by the Native Commissioners to 1,139.

4.—What number of causes do I suppose must necessarily be depending before my Court, and that of my Register, and before the Native Commissioners? and what is the reason that the number of causes depending before those Tribunals respectively, is not reduced as low as I think it might be reduced?

I am of opinion that the number of causes depending before the Tribunals of the Judge and Commissioners, can seldom be less than the number specified to have been depending on the 1st January 1802; and that the number can scarcely be reduced to a lower proportion. The number of causes depending before the Tribunal of the Register on the above date, is considerably greater than he generally has upon his file, the usual number being from 60 to 100 causes, including appeals from the Commissioners decision.

5.—Am I prepared to suggest the establishment of any rules, which (consistently with the due administration of the laws) would expedite the decision of suits? Am I of opinion that this object would be in any degree promoted by leaving it optional in the different Tribunals to commit the depositions of witnesses in causes not appealable to a higher Tribunal, to writing or not, as the Judges might think proper?

I am of opinion that the noting down of all questions put to witnesses contribute greatly in retarding the decision of suits; and that the purposes of justice might be equally well answered by leaving out the questions entirely, and merely committing the answers of the witnesses to writing. I likewise think that decisions would be greatly expedited by leaving it optional in the Tribunals to commit the depositions of witnesses to writing, in causes not appealable, and that no inconvenience could arise from the adoption of such a measure, provided the substance of such depositions were included in the body of the proceedings held.

6.—Am I of opinion that it would be advisable to extend the jurisdiction of the Native Commissioners to suits for sums exceeding 50 rupees, to sums exceeding 200 rupees? What is the amount to which I would recommend the jurisdiction of the Courts of the Commissioners and of the Registers to be extended? and to what degree would the general administration of justice, in the district subject to my jurisdiction, be expedited by the adoption of this arrangement?

The number of suits depending at any time before the different Tribunals in this district, do not appear to me more than can be decided within a reasonable course of time by the Judge, Register, and Commissioners. I see no necessity, therefore, of extending the jurisdiction of the Register and Commissioners beyond their present amount in this district, not being so general here as in many other districts.

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7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do I consider these several charges attending the institution of law suits too considerable, or otherwise?

Litigation has undoubtedly been checked in a considerable degree by the establishment of the fees here noticed, and of the stamp duties; the fees paid on exhibits in general fall extremely heavy on the lower description of people, as they are often found greatly to exceed the value of the matter in dispute. If, therefore, a reduction were made in the amount paid on exhibits filed in civil suits under 50 rupees in value; and if the sum paid on the summoning of witnesses in such suits were likewise reduced, the measure would tend in some respect to relieve the description of inhabitants I have mentioned, from a tax which they often find exceedingly oppressive. I have reason to believe that many men are deterred from applying for the recovery of a just right, from a dread of the expenses attending a suit in which they might be unsuccessful.

8.—Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake these situations? Are the persons attached to any Court persons of the above-mentioned description? and are they in general well acquainted with the printed regulations?

The fees paid to the licensed vakeels appear to me very liberal, and to be a very sufficient inducement to men of proper character and qualification to undertake these situations. The vakeels attached to this Court are, as far as I have been able to discover, men of respectability; and they appear in general as well acquainted with the printed regulations of Government as people of the same description in other districts, of whose qualifications I have had the same opportunities of judging.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of licensed vakeels has certainly contributed very considerably to expedite the decision of suits. Formerly vakeels were entertained at a fixed monthly salary whilst the causes they were to plead were pending, consequently, it was their interest to protract, by every effort in their power, the decision of suits, inasmuch as it becomes now their interest to expedite them.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

As far as my experience has given me an opportunity of judging, I think the vakeels in general discharge their duty to their clients with honour and fidelity, and that every confidence is placed in their exertions by people who employ them.

11.—Are the principal inhabitants of my jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The principal inhabitants of this district appear to be as well informed, with regard to the laws of the country, as individuals of the same description, and at an equal distance from the seat of Government, are supposed to be.

12.—Am I prepared to state any alteration in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am not aware of any alteration in the trial of civil suits, that would contribute to expedite decisions without endangering the due administration of the laws, except that noticed with regard to depositions in my answer to the Fifth Interrogatory.

13.—Have I in my Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend my Court, and what forms or ceremonies do I observe in opening my Court or sitting in it?

In my Court-room, places are allotted for all the purposes mentioned in this Interrogatory. I have no particular form or ceremony in opening my Court, except that of ordering the Nazir to proclaim the commencement of business, and impose silence throughout the Court.

14.—Are there any private schools or seminaries in the district under my jurisdiction, in which the Mahomedan or Hindoo law is taught, and how are those jurisdictions maintained?

There are no private schools or seminaries under this jurisdiction, for the express purpose of teaching the Mahomedan or Hindoo law, although there are some schools where youth is taught to read and write the Bengalese, Persian and Arabic languages. The Mahomedans, no doubt, acquire in these schools some knowledge of their laws, as the Alkoran, the book generally perused, is the basis of their religious and civil institutions. These schools are maintained by the private contributions made by the parents or relations of the young students.

15.—What is my opinion regarding the general moral character of the inhabitants of my district? Has their moral character been improved or otherwise, by the system established

established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

I entertain a very low opinion of the general moral character of the inhabitants of this district, and am of opinion, that the mild system established by the British Government, does not make an impression sufficiently forcible on depraved minds, which, like theirs, are principally restrained by fear, entertaining, at the same time, an inferior degree of dread, with regard to some of the punishments inflicted at present on malpractices.

16.—Am I of opinion that the inhabitants of the district under my jurisdiction consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

It appears to me, that the inhabitants in general of this district consider their private rights and property to be fully secured by the present constitution against infringement, either by the executive officers of Government, or even by the supreme executive authority itself; but they, of course, do not consider their property secured sufficiently against the open violence and depredations of gangs of dacoits that frequently enter the district, nor against the clandestine connivance of zemindars or other powerful men, who, I am sorry to observe, have sometimes a collusive participation in the plunder of those dacoits, and consequently encourage their depredations. I had occasion to address Government in the month of May last, in regard to a very considerable body of plunderers, with whom the late Rajah of Beerbhoom was proved to have had frequent communication, through three of his own brothers, two of whom were apprehended and stood their trial on this account before the Court of Circuit at their last sessions at this station. No punishment can, in my opinion, be too severe for such conduct; and I should hope, that a few proper examples of severity would deter men of power from persevering in such wicked practices.

17.—Am I of opinion that the district under my jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings, or other works, for religious, domestic, and other purposes; and on what grounds do I form my opinion?

I am of opinion, that the conviction of their landed property being perfectly secure, has a favourable operation on the minds of the inhabitants in general, and that it induces them to use every possible means towards the improvement of their cultivation; admitting this to be the case, it establishes a natural cause for augmented population in the district. The want of navigable rivers in this district is a very considerable obstacle to the extension of its commerce. The decay of the old and once opulent family of the Mahomedan Rajahs of Beerbhoom, now reduced to poverty by their own folly and extravagance, has been the means of discouraging merchants from resorting to this district, who formerly found a ready sale for many valuable articles. To the decay of that splendor may in some degree be attributed the ruinous state of buildings and works for religious and other purposes. The houses of the inhabitants in general, however, appear to be comfortable, the district affording abundance of the rude materials with which they are constructed.

18.—Am I of opinion that the inhabitants of the district subject to my jurisdiction, are in general satisfied with the British Government?

I am of opinion that the inhabitants of this district are in general perfectly satisfied with the British Government, from its affording a greater protection to private right and property than was experienced under their former government.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

I shall take the liberty of observing, in reply to this question, that the present system of police would be more effective towards the apprehension of offenders, if the magistrate were vested with the power of removing the police darogahs from their offices, on finding them guilty of neglect, or disobedience of orders issued to them for the discharge of their duty, or of misconduct in other respects; as the independency of their present situations must render them less alert than I think they would be under the sole and immediate controul of the magistrate. The salary of the darogahs should be increased, and the reward of 10 rupees, which they are now entitled to on the conviction of dacoits, struck off. I think the prospect of the reward of 10 rupees may sometimes tempt illdisposed men to criminate innocent people. It would therefore, I think, be better to reward merit in the police officers, or other people active in apprehending dacoits, when proved to the satisfaction of the magistrates or Courts of Circuit, allowing the sum to be proportioned according to the nature of the service performed. All such proposed rewards to be submitted for the approbation of Government. By this means, much money would be saved to Government, and merit in every case justly rewarded.

20.—Are the police establishments, in the district subject to my jurisdiction, adequate to the duties required of them?

In my opinion the police establishments are not, in some of the tannahs, adequate to the duties required of them; I think they should, be increased to prevent their being so frequently overawed by the large bodies of dacoits who infest that part of the district bordering on the hills and jungles.

No. 1.

Answers by the
JUDGES.

Calcutta Division.

Zillah Beerbhoom,
25 March 1802.

No. 1.

Answers by the
JUDGES.

Calcutta Division.

Zillah Beerbhoom,
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21.—Am I of opinion that the number of crimes committed annually, in the district under my jurisdiction, has increased or diminished since the year 1793; and to what cause do I ascribe the increase or diminution?

The number of crimes have, in my opinion, diminished, and I ascribe the diminution to the establishment of the present system of police, and to some of the punishments inflicted on criminals, especially transportation, which the inhabitants appear to hold in a considerable degree of dread.

22.—What crimes of enormity are most prevalent in the district under my authority, and what is the cause of the prevalence of such crimes, and what means would I recommend for their suppression?

Murders, decoiting, thefts, and highway robberies, are the prevalent crimes of enormity; I ascribe their prevalence to the mildness of the sentences frequently passed upon criminals, and to the security which decoits find in the thick and very extensive jungles of this district from all pursuit.

23.—Do the inhabitants of the district subject to my authority keep arms in their houses? What description of arms do they retain, and for what purposes?

The inhabitants of this district do not, in general, keep arms in their houses, although some of them have tulwars and matchlocks for their own immediate defence, and others for the purpose of arming with when hired as burkandauzes to protect private property of native merchants. The use of offensive weapons is most common in the chuckla of Pachite, and the talook of Pauniaw. The weapons with which the decoits generally arm themselves, are tulwars, matchlocks, bows and arrows, spears and battle-axes.

24.—Are there any brick or mud forts in the district? In what state are they, and what is the nature of their construction?

There are no brick or mud forts now in this district, though the ruins of places of defence of the latter description are visible in many parts of the country.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to my authority, and what do I suppose to be the number of inhabitants in the district, of all descriptions?

I imagine that the proportion is about twenty to one in favour of Hindoos in this district, and that the number of inhabitants, of all descriptions, may be computed at six hundred thousands.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to my jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in this service, and do they appear about with such people armed?

Except the families of the Rajahs of Beerbhoom and Pacheat, there are no persons within this jurisdiction entitled to high rank. The family of the Beerbhoom Rajah is in a state of great poverty, and that of the Rajah of Pacheat was equally so, until Government ordered the zemindarry of Pacheat (which he appeared to have been deprived of by unfair means) to be restored to him. The family of the Rajah of Beerbhoom entertain no armed establishment. The Rajah of Pacheat supports a considerable establishment, in consequence of the management of the police having been vested in him by the orders of Government, and to defray the expenses of which he has an allowance paid to him of S.R^s 200 per month. None of the other zemindars maintain armed establishments, or appear abroad with armed followers, sufficient at least to create any sort of alarm, or give offence.

27.—Are there any persons in the district supposed to be disaffected to the British Government?

I do not believe there is any person residing within this district disaffected to the British Government in any respect.

28.—Do I suppose that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself the sole source of honour within its territories, and to confer titles, and other marks of distinction, on its native subjects?

My opinion is clearly in the affirmative of this Interrogatory. I think the measure would tend to excite a very laudable degree of emulation in the minds of the principal men in the district, productive in time of much benefit to the community at large.

29.—What is the state of the roads, bridges, and other public works, in this district, and at whose expense are they kept in repair?

The convicts have made an excellent road of 25 feet wide from this station to Soorool, a distance of 22 miles, and have begun another road towards Moonhedabad, in which they have made some progress, and which, when finished, as far as the district extends in that direction, will be found of very considerable advantage to the inhabitants, merchandize being transported by land during the greatest part of the season, on account of there being no navigable rivers. The only bridges in this district are constructed of palmira trees; they are found to last tolerably well, and cost but a mere trifle to Government, as they are cut down and brought to the roads by the convicts. The only expense attending the roads lately begun by the convicts in this district, is in the necessary implements for working, and the pay of ten burkandauzes occasionally hired to assist in guarding the convicts when they work at any distance from the station.

30.—How are the convicts usually employed?

The convicts are generally employed in repairing the roads, deepening tanks in the neighbourhood of this station, for the benefit of the people residing in and near the town of Soory; likewise in repairing the walls of the jail, which, being constructed of mud, suffer much injury every year by the rain beating against them. I am not at present aware of any plan of employing the convicts to greater advantage than in the manner above mentioned.

31.—What is the state of the jail in this zillah?

I have every reason to believe that the jail of this zillah, constructed of mud walls and with grass roots, is by far the worst and least secure of any within the province of Bengal. Government have more than once expressed an intention of erecting a brick jail at this station. The annual expense of repairing the present jail has amounted, on an average, for some years back, to near six hundred rupees. I at one time suggested the expediency of putting brick roofs on the seven apartments of the jail, which met with the approbation of Government, the expense having been estimated at 2,200 rupees; but as the mason who made the estimate, and who offered to undertake the work on contract, made several objections afterwards, and wished me to enter into stipulations which I could not possibly agree to without incurring an almost certain expenditure of double the sum first estimated, I was under the necessity of giving up the work; and I had the less reluctance in doing so, as I hoped Government would again take into consideration the original plan of erecting a proper brick jail, as has been done at almost every other station. The jail being close to the town of Soory, is constantly liable to conflagration, especially in the months of March, April, and May, when the winds blow with great violence here. Some years since, when a fire broke out in the town of Soory, the people of the jail had full two hours to prepare against the apprehended mischief, yet, in spite of every effort used, the fire, owing to the force of the wind, speedily communicated to the jail, and entirely destroyed it in the course of a very few minutes. The repairs of the jail, on this occasion, cost Government the sum of eighteen hundred rupees. Had the fire happened at night, I question whether one half of the prisoners might not have effected their escape. The Judges of circuit here, I believe lately represented to Government the very bad state of the jail of this station.

32.—What is my opinion of the expediency of granting to the zemindars, farmers, and other persons of character, in the district, commissions empowering them to act as justices of the peace?

In my opinion it would not be safe to entrust the zemindars or other description of landholders with the powers of justice of the peace, especially at the police; darogahs in general are found to perform that part of their duty with activity, which directs them to seize all persons found guilty of crimes and misdemeanors; neither do I conceive, that investing the zemindars with the power in question, would contribute in any degree to the suppression of crimes, or that it would facilitate the apprehension of offenders. The power, if granted, would I think, be liable to continual and dangerous abuse.

33.—Are there any new rules or regulations which I would recommend to be adopted for the suppression of crimes in general?

The most effectual mode of suppressing crimes, is by increasing the severity of punishments; I think the sentence of transportation should be enforced in more cases than at present.

34.—What has been the operation of the last regulation, respecting the tax on spirituous liquors?

If I may be allowed to form an opinion on this subject, from the abecarry collections having considerably decreased since the regulation alluded to took effect, I conceive that the operation has been favourable, in as far as it has rendered the sale of spirituous liquors less common, and the vice of drunkenness consequently less frequent. A vast number of people have of late been taken up for selling liquors without licences in this district, and punished in the mode prescribed by the regulations. These examples of severity will, I trust, have the effect of deterring such irregular practices, and render the procuring of spirituous liquors less easy; for I imagine, the unlicensed dealers dispose of their liquors at a much cheaper rate than the licensed dealers can afford to do.

35.—Do any measures occur to me, the adoption of which would, in my opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

I conceive the measures suggested in my reply to the 19th Interrogatory, would, if adopted, tend greatly to prevent thieving, robbery, or connivance at these crimes, and would act as a check against those murders which but too frequently attend robberies. If that effect is produced, the measure will of course progressively tend to the improvement of the moral character of the inhabitants.

36.—In my opinion, what has been the effect of the regulation which declares persons convicted of perjury liable to be marked in the forehead?

I am afraid that the effect has been not so good as might have been expected, the crime of perjury being still prevalent both in civil and criminal cases, though perhaps not in so great a degree as it was previous to the regulation alluded to.

37.—What has been the operation of the punishment of transportation introduced by the British Government?

I feel confident that this punishment, more than any other, deters the commission

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of heinous offences; and I have reason to know that the natives themselves consider it by far the severest punishment that can be inflicted upon crimes.

38.—Am I of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do I suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in my opinion, administered?

I am of opinion that it is in general administered with too much lenity; and I conceive that an increase of crimes, and reversion to an old course of malpractices, are the consequences produced by the operation of the mild spirit in which the criminal law appears to me to be administered.

39.—What is the nature of the general conduct of the Europeans, not in the service of the Company, within this jurisdiction?

There is at present but one European of this description in the district, and his conduct, to the best of my knowledge, has been in every respect uniformly correct and proper ever since he settled in this part of the country, now upwards of ten years.

40.—What is the general condition of the weavers and other manufacturers in this district; are the existing regulations well calculated for insuring to them justice in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company and the individual European merchant, to obtain from the weavers and manufacturers the punctual performance of their engagements to the provision of goods?

The weavers, as far as I have been able to learn, are in general very poor and much in debt, and, in consequence of the latter circumstance, often induced to accede to settlements of accounts with private merchants extremely detrimental to them. It would also seem that there is not that regular mode observed in the transaction of private merchant's business, as is adopted in the Company's investment. The existing regulations appear to be well calculated to insure to the weavers justice in their dealings with the officers of the Company, and also for enabling the officers of the Company to obtain the punctual performance of engagements for the provision of goods. The regulations insure an equal share of justice in transactions between private merchants, and weavers and manufacturers; but their engagements are seldom committed to writing, which generally occasions much trouble and difficulty in the settlement of accounts. If they could be brought to enter into regular engagements, many serious inconveniences would be obviated, and justice insured to both parties.

Zillah Beerbhoom,
the 25th March 1802.

D. Campbell,
Judge and Mag^o.

To GEORGE DOWDESWELL, Esq.

Secretary to Government in the Revenue and Judicial Department, Fort William.

SIR,

I HAVE the honour to transmit my Answers to the several Interrogatories of Government; and I trust the ill health I have experienced, for some months past, will plead in excuse for the delay which has ensued.

Zillah Ad^t Hooghly,
the 3d May 1802.

I have the honour to be, Sir,
Your most obedient servant,

T. Brooke.

Interrogatories.—1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

Answers.—The number of undecided causes before the Judge, on the 31st December 1801, amounted to 416; before the Register to 1,824; and before the native Commissioners to 7,991.

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793 to the present period.

The Zillah Court of Hooghly not having been established till the year 1795, and the Zillah of the 24 Pergunnahs (with its arrear of causes) having been annexed to its jurisdiction in 1800, it is impossible to draw out a satisfactory statement of the proportion which the causes now depending bear to the causes which were depending during the several years commencing from 1793. From the annual abstract reports, it appears the balance of causes depending before the Judge's Court, in December 1801, (including the causes from the 24 pergunnahs) is less than the causes which were depending in the Hooghly Court, in the years 1795, 1796, 1797, and 1798, but that it exceeds the arrear of 1799 and 1800. Before the Register, the arrear of causes in December 1801 is less than

than in the years 1795, 1796, 1797, and 1800, but exceeds the arrear 1798 and 1799. Before the Native Commissioners the causes depending in December 1801, exceeds the number that were depending in any preceding year.

3.—What number of causes was decided in the past year by you, by your Register, and by your Native Commissioners?

The past year the number of causes decided by the Judge, amounted to 412, by the Register, 2,699, by the Native Commissioners, 51,651.

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the Native Commissioners, and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

The heavy miscellaneous duties of the court, since the annexation of the zillah 24 pergunnahs, necessarily engages so considerable a portion of the Judge's time, that it is scarcely possible to reduce the number of causes depending before the Judge's tribunal lower than it at present stands; the number of causes depending before the Register, and the Native Commissioners, is also, in the Judge's opinion, fewer than could have been expected, when the very great extent of the district, its population, trade and wealth, are taken into consideration.

5.—Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits; are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

I confess I am not prepared to submit for consideration any rules to expedite the decision of causes; the suggestion of leaving it optional with the Judges to commit or not to writing the deposition of witnesses, in causes not appealable, would not, in my opinion, promote the object desired, as all actions exceeding in value a personal property of 25 R^s. whether coming before the Judge or the Register, is appealable to an higher tribunal. I beg to suggest the advantage that would result in referring all revenue causes, in which neither the collector or the Government may be parties, for the decision of the collector.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the Native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding S.R. 200. What is the amount to which you would Recommend the jurisdiction of the Courts of the Commissioners and of the registers should be extended, and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

The various opportunities afforded to the Native Commissioners of making exactions beyond the fees to which they are intitled by Regulation 40, 1793, are insurmountable objections to my wishing to see extended their jurisdiction. The observations I have presumed to make on Regulation 40, I beg leave to submit in a separate enclosure for the consideration of Government. To accelerate the administration of justice, and to afford more leisure to the Judge to attend to the miscellaneous and Fhousdarry duties of his zillah, I beg to suggest the appointment of a subordinate court at the zillah station, to be composed of three members, of whom the Moolavee and the Pundit of the court should be two, and the third selected from some respectable native, with an adequate salary annexed to his office. To this court the Judge should be empowered to refer for trial all causes for personal property, or money not exceeding one hundred rupees; this would of course very considerably reduce the present duty of the Register, whose jurisdiction might in consequence be extended to suits as high as 300 rupees, and all appeals from the decrees of Native Commissioners should be made to him, and his decision thereon should be declared final; and all appeals from the decrees of the proposed constituted native court should likewise be made to him, and his decision thereon should be declared final, provided he confirmed the decision made by the subordinate tribunal; but in case he reversed the decision, an appeal to lay to the Judge's Court. In adopting this arrangement, I am of opinion the general administration of justice would be accelerated in a proportion of one-third; that is, causes which cannot at present be decided within the year would be decided within eight months.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law suits to be too considerable, or otherwise?

The establishment of the fees on the institution of suits on exhibits, and the stamp duty, have undoubtedly tended to check litigation, without throwing impediments to the easy resort to the courts for a redress of grievances; but the fees allowed to pleaders are, I think, too high, and in cases of appeal fall peculiarly hard on the parties, more particularly where the party suing or appealing is a pauper, and it is deserving the attention of Government to check the grievances to which the innocent are exposed, in paupers being allowed a too ready access to the courts of justice.

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8.—Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the vakeels attached to your court persons of the above-mentioned description, and are they in general well acquainted with the printed Regulations?

The fees paid to the licensed pleaders are of sufficient magnitude to induce men of character and properly qualified to accept of the situations; but on the first institution of the courts, men of this class, ignorant of the respectability and advantages of the situation, offered not their services, and now they hold back, not only from the number of pleaders who have engrossed the business, but from their repugnance to associate with the men who, on the first institution, were admitted into the courts. Amongst the vakeels of this court, a few may be considered men of character, fewer qualified for the station, and the whole of them in general very deficient in a proper knowledge of the Regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the court the merits of the suits instituted?

The establishment of licensed pleaders has certainly been attended with advantage.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

As far as my knowledge and belief goes, I am of opinion the conduct of the vakeels (with a very few exceptions) has been regulated by honest intentions towards their clients.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The inhabitants of the 24 pergunnahs, and the inhabitants of the greater part of Hooghly, in consequence of their vicinity to the Presidency, are better acquainted with the laws of the country than the individuals in any other of the districts.

12. Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I would not recommend any alterations in the forms at present established in the Courts, because they are now generally understood by the natives. In the adoption of some of the suggestions offered in the Answers to the Fifth and Sixth Interrogatories, the decisions of suits would be expedited, without endangering the due administration of the laws.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

The bench of the Judge is elevated, railed, and overlooks the whole Court-room.

The bench appropriated to the officers is immediately under the bench of the Judge. The vakeels and parties are seated on benches placed on two sides of the same table at which the officers of the Court are seated. Witnesses, and other persons who attend the Court, have not seats, unless there happens to be a vacancy in the bench appropriated for the vakeels. In opening the Court, or whilst sitting in it, there is little ceremony observed, except strictly enforcing silence, that business may not be interrupted. I must do justice to the people in general in saying, that the voluntary respect paid by them to the Court has hitherto rendered it unnecessary for the Judge to prescribe any particular forms.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

Within the limits of the jurisdiction of the Magistrate of this district, there are no seminaries of any repute.

At Seetapore, in pergunnah Baleah, thirty students are instructed in the Persian and Arabic by Moalavee Umsaiddion; and the institution is maintained from the produce of Aymah lands, held under a grant confirmed by Governor Hastings.

A few students are also instructed in Persian and Arabic by individuals, at their own charge, at Pundua and Baleah.

The principles of Hindoo law are taught by Pundets, in about 150 private seminaries, in which seldom fewer than five, or a greater number than twenty students are admitted. The students are maintained by the preceptors, who have the means to afford it; the others are supported by contributions from the more wealthy inhabitants. Almost every village has likewise its schoolmaster, by whom reading, writing, and accounts are taught.

15.—What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

The system established by the British Government, by introducing a strict and impartial administration of the laws, has, in my opinion, tended to improve the moral character of the inhabitants. The justice, good faith, and integrity of the Government of the country, and of its executive officers, has diffused its influence over the great body of the people; the active virtues are not lessened, and vicious propensities are diminishing.

16.—Are

- 16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

There is not a doubt that the inhabitants consider their private rights and property secure from every infringement. Under the slightest grievance, they hesitate not in preferring the petitions against the officers of Government, or against the supreme executive authority itself; and in the ample redress they have ever met with, their confidence in our impartial administration of the laws daily increases.

- 17.—Are you of opinion that the district under your jurisdiction, is in a state of improvement, or otherwise, with respect to its population, cultivation, and commerce, and its buildings or other works, for religious, domestic or other purposes; and on what grounds do you form your opinion?

Although commerce has experienced a temporary check, the increase of the cultivation and population of the district is so self-evident, that it needs not a detail of proof. Religious buildings and other public works are not erected so frequently as in former times; for the wealth which used to be amassed only by the few, is now widely diffused; and the great body of the people enjoy comforts to which they were formerly strangers; and buildings for domestic purposes, erected of substantial materials, appear now in every town, and almost in every village. Some religious buildings, however, have of late been erected on the banks of the Ganges, with costly magnificence.

- 18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

It is my most firm belief, that the inhabitants are not only satisfied with the British administration, but warmly attached to its government, the Hindoos in particular; for, independent of the protection of their persons, and the security of their property, the exact scale of equality in which they are placed with the Mahomedans in the distribution of justice, is a gratification and an advantage of which they were deprived under the Mogul administration: nor are they insensible to the advantage, or ungrateful to the power which secures them from the incursions of the Mahrattahs, from the depredations of the Sinnasseer, and from that general system of plunder which pervaded every department of their ancient government.

- 19.—Is the present system of police well calculated to insure the apprehension of offenders?

My observations on the subjects of the Interrogatories 19, 20, 21, and 22, are so fully detailed in my Letter to the Committee of Police, under date the 15th November 1799, that it would be superfluous to repeat them in this place.

- 20.—Are the police establishments, in the district subject to your jurisdiction, adequate to the duties required of them?

- 21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

- 22.—What crimes of enormity are most prevalent in the district under your authority, what is the cause of the prevalence of such crimes, and what are the means you would recommend to be adopted for their suppression?

- 23.—Do the inhabitants in general of the district subject to your jurisdiction, keep arms in their houses; what descriptions of arms do they retain, and for what purposes are the arms retained?

Very few of the inhabitants retain arms in their houses, scarcely in the proportion of three in the hundred, and these arms consist chiefly of spears and swords.

- 24.—Are there any brick or mud forts in your district, in what state are the forts, and what is the nature of their construction?

There is at Hooghly an old brick fort nearly in ruins, built by the ancient Government for the residence of the Foujdar. There is also a small mud fort at Chanderkoonah, erected by Rajah Chitter Sing zemindar of Burdwan, to prevent the incursions of the Mahrattahs. In purgunnah Burdah, there is a small mud fort built by Rajah Sobah Sing, and at Jehanabad, Puudua and Bhursoot, there have in former times been small mud forts, now gone entirely to decay.

- 25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district of all descriptions?

From different sources of information and various calculations that have been made, I think the district of Hooghly contains about a million of inhabitants, and the proportion which the Hindoos bear to the Mahomedans, may, I suppose, be taken at three of the former to one of the latter.

- 26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction; what number of followers armed or otherwise are they supposed to maintain in their service, and do they appear abroad with such followers armed?

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In the separation of the Phousdarry jurisdiction from Hooghly, the inhabitants of the greatest wealth and opulence became subject to the magistrates of the 24 pergunnahs: the persons of rank that remain subject to the power of the magistrate of Hooghly, are the Nawab Khan Jehan Khan, who retains 60 servants armed and unarmed; Munnoo Jan Begum likewise retains about 60 or 70 servants; Jaggessur Mustophy, residing at Sookrea, about 20; Davypersaud Sein, at Soomra, 30 or 35; Lolla Gourhurry Sing, at Buswa, 15; Cauzey Lol Mahomed Hooghly, 10; Debnaut Sing Chowdree, at Bhansterra, 10. It is needless to swell the list with the names of many other inhabitants who are supposed to possess wealth, none of them however go abroad with any number of armed followers.

27.—Are there any persons in the district subject to your authority supposed to be disaffected to the British Government, what are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

There are no persons known to the magistrate, suspected of being disaffected to the Government, and the magistrate has the firmest belief there are no persons of that description in this district.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

To all the respectable classes of landholders, to opulent merchants, to the many who acquire or inherit wealth, it would be a gratification to be elevated to a dignity which wealth alone cannot confer, I have no hesitation in giving it as my opinion, that if Government were to declare itself the sole source of honour, and to confer titles and other marks of distinction, it would contribute to strengthen the bond of union between Government and its subjects. The pride and exultation with which the sepoy displays the medal of distinction conferred upon him, and the respect with which those who possess it are treated, may be adduced in proof of the gratification which the inhabitants at large would feel in having titles of honour and marks of distinction conferred on them by the British Government.

29.—What is the state of the roads, bridges and other public works, in the district under your authority, and at whose expense are they kept in repair?

The repairs of the roads in this district are wholly done by the convicts; the high road to Burdwan is in excellent order, but it would be of considerable advantage if three or four small brick bridges were built; the road to Ghyratty Ghaut has been so incroached on by the river, that it will be expedient for Government to depute an engineer officer to mark out a new road, otherwise the land communication between Hooghly and Calcutta is likely to be put a stop to; brick drains instead of the wood ones, now on the different roads around Hooghly, would be a measure of great utility.

30.—How are the convicts in the district usually employed, and is there any manner of employing them which appears to you preferable to the manner in which they are present employed?

The convicts work on the roads, nor am I aware of a preferable or a more useful manner of employing them.

31.—What is the state of the jail in your zillah?

The jails for criminals as well as for debtors, are buildings well suited for the purpose, they are open, airy and very healthy, but the former is not quite so secure as could be wished; the jail for debtors is a new building very capacious and very commodious.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as Justices of the Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders. By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

The measure of granting commissions, empowering zemindars, farmers and others, to act as Justices of the Peace, does not strike me as one likely to have the tendency of suppressing crimes, or which would facilitate the apprehension of offenders, and is a measure I should be sorry to see carried into execution.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated in your opinion for the suppression of crimes in general.

My Letter to the Committee of Police, of the 15th November 1799, comprises my opinions on the rules it would be expedient to adopt for the suppression of crimes, and the more speedy apprehension of offenders; to those suggestions I have only to add, the expediency of extending the power of the magistrates, by authorizing them to punish offenders as far as a year's imprisonment, and of condemning the prisoners to work on the road for the time they may be sentenced to imprisonment; I beg also to suggest the appointment of an European serjeant with a proper establishment, whose duty it should principally

principally be to act as a patrol in moving to the different stations of the police darogahs, watching over their conduct, and reporting misbehaviour and neglect.

34.—What has been the operation of the last regulation respecting the tax on spirituous liquors with regard to the vice of drunkenness; are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

The operation of the last regulation regarding spirituous liquors has not tended to check the prevalence of intoxication; to the lower orders liquor is become equivalent to a necessary of life, and where the wages of their labour will not furnish them with a supply, they have recourse to other means to gratify their propensity. It is however to be doubted whether the vice of drunkenness is more prevalent than in former times.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

I confess myself totally unable to point out means to effect this very desirable object.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead?

No instance has occurred in the districts where I have presided, for the punishment of perjury by marking on the forehead; it is therefore to be presumed, the regulation has tended to check the evil it was framed to punish.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

The sentence of transportation is held in such terror, that it is to be lamented it has not been extended in its operation.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

The lenity introduced in the administration of the criminal law of the Mahomedans has, in my opinion, been attended with pernicious consequences; the people think too lightly of the punishment, to be deterred by it from the perpetration of decoity, or any crimes not aggravated by bloodshed.

39.—What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

With the conduct of Europeans residing in this district, not in the service of the Company, there is no reason whatever to find fault.

40.—What is the nature of the general condition of the weavers, and other manufacturers, in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers, in their dealings with the officers of the Company and with private European merchants, and also for enabling the officers of the Company and the individual European merchant, to obtain from the weavers and manufacturers the punctual performance of their engagements, for the provision of goods?

The great stagnation in trade, for these last few years past, has reduced the large body of weavers and manufacturers to some distress. The regulations respecting them are well calculated for their protection, and equally favourable for enabling the Company's officers enforcing the punctual performance of their engagements; but private merchants must have resort to the Courts of Justice for redress, and are not on a footing with the agents of Government.

Zillah Hooghly.

J. Brooke,
Ju. & Magr.

OBSERVATIONS on Regulation XL. 1793. Referred to in the Answer to the 6th Interrogatory from the Zillah Court of Hooghly.

GOVERNMENT, to relieve the Courts from a pressure of business, and with a view to alleviate the distress to which parties for the recovery of small debts would be subjected, in proceeding from remote parts of a district to the Zillah Court for redress, authorized by Regulation 40 of 1793, the appointment of a certain description of natives as Commissioners for the decision of actions for personal property or for money, the value or amount of which should not exceed 50 rupees.

These Commissioners have three distinct capacities; namely, referees, arbitrators, and munsiffs, and which, under circumstances, may be granted separately or collectively in the same commission.

The Description of Persons to be selected for Commissioners, is stated as follows:

OBSERVATIONS.

Referees and arbitrators are to be selected, first, from proprietors of estates; 2d, Farmers, holding farms from Government;

Should the most able and trust-worthy character not fall within the description pointed out, the community must be deprived

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ment; 3d, Tehsildars and sezwauls, collecting from lands held khasser, let in farm; 4thly, Managers of estates; 5thly, Revenue and officers of credit and responsibility; 6thly, Creditable merchants, traders, and shopkeepers, or persons of property and character residing in towns, &c.; 7thly, Altumgahdars and jaghexedars, or persons who may be appointed by them to manage their lands; 8thly, The cauzees of the town where the Zillah Court is established, in virtue of his office; 9thly, Mofussil cauzees.

The extent of the jurisdiction is to be particularized in their sunnuds, and their powers are to continue so long as they retain the station which entitled them to be selected for the office.

Their power, as referees, enables them to try and decide in all cases referred by the Zillah Court; and as arbitrators, they may be chosen by parties to decide on their suits, the parties previously executing bonds of arbitration, agreeing to abide by their decisions, and making them decrees of the Court.

of the advantages that would result from his being employed. With respect to the selection of under farmers of revenues to be Commissioners, it is presumed, that under farmers meant to be acfined, are those having leases from the farmers who hold their farms from Government, and not the under farmers having their leases from the farmers who hold their farms from the zemindars, or other proprietors of large estates. The Regulation, in fact, warrants only this construction, as farmers who hold their farms from zemindars are not included amongst the description of persons who may be appointed Commissioners; but if this latter class are the persons intended to be designated by the appellation of under farmers, it remains for explanation. It requires likewise to be explained, whether by the officers of credit and responsibility eligible to be Commissioners, is meant the officers employed by Government, or the servants in the employ of the zemindars.

The capacity of arbitrators, with which the Commissioners are invested, may be considered wholly nugatory, as not ten decisions out of an hundred thousand causes have been settled by arbitration. By the 6th article of section 4, sixth article of section 5, and second article of section 10, it might be inferred, that parties are at liberty to submit their disputes to the arbitration of a Commissioner, without being exposed to the inconvenience of previously filing a petition in the Zillah Court; but, from the 7th article of section 4, Reg. 6, 1797, it is evident this is not the case, and that the cause must be transmitted by the Zillah Court to the Commissioner; for as there is no regulation authorizing the Commissioners to collect and receive the deposit fee, on suits that might be submitted to them as arbitrators, they of course do reject all voluntary references of the parties, as it tends to deprive them of the advantages, they are otherwise entitled to receive.

On the appointment of Munsiffs, under the Regulation.

The description of persons from whom may be selected Munsiffs, and whose duties are united to those of referees and arbitrators, are, 1st. Proprietors of landed estates. 2d. Farmers of land holding farms immediately of Government. 3d. Tehsildars and sezwauls. 4th. Managers of estates. 5th. Under farmers and officers of credit and responsibility. 6th. Altumgahdars and jaghexedars.

The power of the Munsiffs enables them to receive and decide on petitions (without reference to the Court) which may be preferred to them against under renters and ryots (the actual cultivators of the soil) who have the residence within the limits of their respective jurisdictions.

The Sudder Dewanny Adawlut are likewise invested with the power of nominating the Cauzees at the zillah stations, and the Mofussil Cauzees, and all the Commissioners appointed referees and arbitrators in towns, bazars, hauts, gunges, and aurungs, to be also Munsiffs, should they deem it advisable, specifying in their commissions the limits

The observations already made on the exclusion of men of character and abilities from being referees and arbitrators, unless they fall within the description of persons pointed out by the Regulation, equally applies to the Munsiffs. Amongst the class of persons deemed eligible, are stated under farmers, and amongst the class of people subjected to their authority, are under renters; but who are the under farmers eligible, or the under renters subjected to their authority, requires definition, particularly as the Persian and Bengal translation is at variance, and in English the meaning of under farmer and under renter are so nearly synonymous as scarcely to admit a distinction.

In the appointment of Munsiffs, it is presumed the principal object Government had in view was relief from the hardships (from loss of time and expense) to which persons having claims for sums under 50 R^a stood subjected, in being compelled to proceed with their petitions from remote parts of a district to present them to the Judge of the Zillah Court; this object has however been defeated by the restricted authority of the Munsiffs; for it is stated in the Regulation that he shall

of their jurisdiction, and the description of persons over whom their authority is to extend.

shall only receive and decide on complaints preferred against under renters and ryots, the actual cultivators of the soil, but that merchants, traders and shopkeepers, paying revenue for their tenements, or for the land or garden about their houses, shall not on that account be held subject to his jurisdiction. Hence every class of inhabitants can obtain redress in the Munsiff's Court against the under renters and ryots, whilst, on the other hand, the under renters and ryots are exposed to the inconvenience of recording their petitions in the Zillah Court, unless their claims are against inhabitants of the same class with themselves.

The Sudder Dewanny Adawlut have, it is true, the authority of investing the Cauzees and other Commissioners, in towns, bazars, gunges, hauts and aurungs, with the power of Munsiffs, and to declare the description of persons over whom their authority is to extend. In the exercise of this power much advantage would undoubtedly result, in enabling traders to have recourse to the Munsiff for the recovery of debts amongst themselves; but the benefit would be limited, as it could not operate to relieve the under renters and ryots in the recovery of their claims against merchants, traders and shopkeepers, who reside beyond those boundaries.

It is also with deference I presume to start a doubt, whether the undefined description of persons over whom the Sudder Dewanny Adawlut may extend, the authority of a Munsiff is not to be construed to extend.

ALTERATIONS in the present System suggested.

To derive the greatest advantages from the assistance of persons to whom causes might be referred for investigation, it would be advisable not to confine the selection of referees to any particular class; to dispense with the present oath (an oath known to have so slender an hold on their conscience as only to render perjuries more general) and in lieu of the forms proscribed by the existing Regulation, it is proposed, that the Judges make it their endeavour to obtain a list of the persons of the fairest repute for ability, character, and responsibility, in the towns and villages throughout his jurisdiction, who shall hereafter act as referees.

That the Judge shall transmit petitions, which, from their amount, may by the Regulation be declared referable to any one of those persons whose residence may be nearest to the residence of the parties; or if the plaintiff and defendant reside in different villages, the petition shall be referred to the person who has his residence nearest to the plaintiff, provided it does not exceed the distance of four coss from the defendant's residence. That the reference shall be made by a precept issuing from the Court directed to the person who is to try the action, and by which precept he shall be invested with the same powers as are now granted to the referees; that a period shall be specified in the precept when a return is to be made, and in which return it is to be attested that the cause has been decided without favour, partiality or reward, and to the best of the referee's ability, and accompanied by all the original proceedings; that on its receipt the Judge shall make over the deposit fee paid on filing the cause in the same manner as is done at present. The appeal against these decisions, and the penalties to which the referees are to be subjected for corruption, &c. to remain without alteration.

In substituting this arrangement, the business of the Court would not be increased; as every reference to a Commissioner is at present accompanied by a precept. To the inhabitants of every description, I am warranted in saying the alteration must be grateful, as the benefit resulting would be considerable. The petitioners would obtain immediate redress without being subjected to inconvenience in attendance on the referee; whereas, under the existing system, the petitioner, to avoid being harassed by a vexatious detention, frequently at a distance from his family, is compelled to entrust the prosecution of his claim to some one of the worthless vakeels who abound in the cutcheries, established by the present referees. Nor is this the only evil petitioners have to complain of, for from the suits upon which decrees are given by the referees and munsiffs, not exceeding nine out of an hundred petitions, there is but too much reason to suspect some sort of connivance between the referees and the vakeels, in search of pretexts to multiply nonsuits, from which they mutually derive a benefit. There is likewise no doubt that agents are employed to promote litigious suits, and that numerous exactions are made under one pretence or

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another, from parties that come before them; evils which would cease the instant the office of an established referee was abolished; nor is it less certain, that by increasing the number of persons to whom the investigation of causes might be referred, no arrear of undecided causes could accumulate in the Mofussil, as they now do.

In respect to arbitrators, as the plan under the 40th Regulation has, from an experience of years, been found wholly nugatory, its abrogation is proposed, leaving the parties free to nominate arbitration in conformity to the principles laid down in Regulation 16, 1793. It would likewise be an advantage to have it ordered, that whenever parties, without any regular suit being filed, should voluntarily nominate arbitrators to settle their disputes, and should afterwards avoid an acquiescence in the award, that the party having obtained the award, on filing his petition in the Court, should obtain a decree on the merits of the award, without entering again into the merits of the claim on which the award had been founded.

On the Appointment of Munsiffs.

The necessity of an authority to receive and decide on petitions for personal property, or for money to a specific amount, without subjecting the petitioners to the inconvenience of proceeding for redress to a remote distance from their habitations, suggests the expediency of subordinate Courts being established in the Mofussil. To render the benefit general, it is equally necessary that all the inhabitants residing within the limits prescribed for the jurisdiction of these Courts, should be equally subject to its authority.

With respect to the persons it may be proper to invest with authority in these Mofussil Courts, I am of opinion, that to confine the selection would be to exclude men whose merits and abilities are deserving the confidence of Government. The principle therefore, of seeking them amongst particular classes ought to be abandoned; and it is proposed, that wherever the individual is found to combine character, ability and independence, he should be selected for the office of Munsiff.

If persons possessing these qualifications can be found, detached from other occupations, the preference should certainly be given to them, over the persons described in the Regulation; for they would not only be less likely to be interested in the issue of suits, but would have it in their power to devote a greater portion of their time and attention to the fulfilment of the trust with which they had been invested, than the present Munsiffs, who must also attend to their own occupations.

The Judges, in proposing the nomination of Munsiffs to the Sudder Dewanny Adawlut, should invariably report on the character, abilities, qualification, former and actual situation in life of the person proposed; and in order to enable the person to act in the capacity of a Munsiff, he should not only be required to be confirmed by the Sudder Dewanny Adawlut, but receive a sunnud of office, and take the oath prescribed by the Regulation, as at present.

The period for which a Munsiff may hold his office ought not, I think, to depend on adventitious circumstances; nor should it require any specific charge of malversation to remove him, and for which purpose his sunnud of office should be renewable annually.

All the other clauses, regarding processes and appeals, would remain as they now stand.

With respect to the number of Munsiffs it may be expedient to appoint in a zillah, I would recommend that in all the principal towns one Munsiff should be appointed, whose jurisdiction should extend to a distance around of four coss; forming, as nearly as circumstances would admit, a jurisdiction equal to a square of eight coss.

Experience having evinced that the advantages authorized by Government will yield to the Munsiffs a handsome income, not less, perhaps, on an average than eighty rupees per mensem, it is of course to be expected that men of respectable characters, of the first abilities, and every way qualified, will be solicitous to tender their services; and should the Courts be fortunate in a judicious selection of these officers, there can be no doubt of the advantages that will result to the community from the institution.

Zillah Hooghley.

T. Brooke, Justice.

To His Excellency the Most Noble Richard Marquis WELLESLEY, K. B.
Governor General, &c. &c. &c.

MY LORD,

IN conformity to orders received from the Honourable Vice President in Council, of the 3d ultimo, I have the honour to submit to you, enclosed, a duplicate of my Answer to the Interrogations of Government, upon the internal state of the country.

I have the honour to be, with the utmost respect,

My Lord,

Your Lordship's most obedient humble Servant,

Zillah Nuddea,
Judicial Department,
16th January 1802.

C. Oldfield,
Judge & Mag^{te}.

(Duplicate.)

To the Honourable G. H. BARLOW,
Vice President in Council, Fort William.

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Zillah Nuddea,
16 January 1802.

HONOURABLE SIR,
IN compliance with the orders of Government, communicated in Mr. Secretary Dowdeswell's Letter of the 29th October last, I have the honour to submit my Answers to the Interrogatories accompanying the Letter abovementioned.

Queries.—1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

Answers.—The number of causes depending in the Dewanny Adawlut, of this district on the 1st January 1801, were as follows:

Before the Judge	-	-	-	-	87
Register	-	-	-	-	245
Commissioners	-	-	-	-	6,293
					6,625

and in Appeal as follows:

From decision of the Register	-	-	-	-	85
Commissioners	-	-	-	-	163
					248

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending during the several years, commencing from the year 1793 to the present period?

The proportion that the number of causes depending on the 1st January 1801, bore to the average of former years, commencing with 1795, was as follows:

Before the Judge, in the proportion of	-	-	-	-	1	to	3
Register	-	-	-	-	1	to	4
Commissioners	-	-	-	-	1½	to	1

and in Appeal, the proportions are as follows:

From the decisions of the Register	-	-	-	-	3	to	1
Commissioners	-	-	-	-	1	to	1½

The average of causes depending at the close of every year, is taken from 1795 instead of 1793, on account of Registers and Commissioners not being appointed before that period.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

The number of causes decided in this district in 1800, was as follows:

	In the first Instance.	In Appeal.	Total.
Decided by the Judge	- - - 261	- - - 316	- - - 577
Register	- - - 974	- - - —	- - - 974
Commissioners	- - - 27,280	- - - —	- - - 27,280
		316	28,831
		28,515	

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners, and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

The number of causes depending on the 1st January 1802 was, before the Judge, 48, and in Appeal, 221, and before the Register, 217, which is, in my opinion, as low as they can well be reduced, for, excepting two or three causes, in which measurements of land are necessary prior to decision, there are not any causes undecided before the Judge of longer standing than three months, and the causes before the Register also are equally brought up. I have it not in my power to state the number of causes at present depending before the Commissioners, on account of their half-yearly reports to the first instant not being yet received, but judging from the first half-yearly reports of 1801, I have every reason to believe that the number is rather increased, than otherwise, and I am afraid that it never can be reduced considerably until the same fees are levied upon the institution of suits and pleadings, &c. as in the causes cognizable by the Judges and Registers; for by a reference to the enclosed Statement No. 1. which also shews in one point of view the number of causes filed, decided, and remaining upon the file, from 1793 to 1st January 1801, it will clearly appear, that the number has progressively increased every year from the first establishment of Commissioners.

5.—Are you prepared to suggest the establishment of any rules (which consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion, that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

In regard to expediting the decision of suits, I beg leave to propose, that there shall be a separate

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separate establishment of vakeels for the Judges and Registers Courts; and that the assistant to the Register shall be authorized to act as Examiner, in taking the depositions of the witnesses of the parties, whenever the number may be such as to require his assistance, and that he shall sit for that purpose in a separate court or room of the Court-house, if it will admit of it, on those days the Judge and Register are respectively employed in the Foujdarry or Criminal Court. By the adoption of this rule, much time will undoubtedly be saved, as, owing to the stupidity of the natives in general and their total ignorance of legal form, it is with difficulty they can be brought to give evidence on the point at issue, unless leading questions be put to them, and one half of the Judge's time is in consequence unavoidably diverted from business of greater moment. In respect to causes not appealable to a higher tribunal, I do not see any great advantage to be derived from the depositions of witnesses not being committed to writing, and particularly if the above suggestion be adopted, as in such causes the enquiry is very summary, and does not take up much time; besides, the depositions being taken in writing acts as a check upon witnesses, and makes them attend to the evidence they give, which I am afraid would not be the case, unless such a check did exist.

6.—Are you of opinion, that it would be advisable to extend the jurisdiction of the native Commissioners, to suits for sums exceeding 50 rupees, and that of the Registers, to sums exceeding S.R^o. 200? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended, and to what degree would the general administration of justice in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

In this district, no extension of the jurisdiction of the Register or of the native Commissioners, is in my opinion necessary, and particularly of the native Commissioners; for Enclosure No. 1. clearly shews, that even under the present limitation, as many suits are filed before them, as they can decide upon, and that the number, when compared with the number of suits regularly filed in the Dewanny Adawlut, is in the proportion of about 30 to 1. This is occasioned by the small causes cognizable by the Commissioners being exempted from the stamp duty, institution fee and fees on pleadings, exhibits, &c. which rendering the expense of prosecutions very trifling, acts as a stimulus to litigation, and too often is the cause of vexatious and unjust claims being preferred by those to whom costs of suit is no object. On the contrary, I am of opinion, that the jurisdiction of Commissioners as Munsiffs, should rather be curtailed, and that revenue causes should not be cognizable by them, as causes of that nature are generally, almost without an exception, attended with circumstances, such as the defendants surreptitiously holding lands beyond the quantity specified in their pottahs, disputes respecting rates of assessment, quality of land, &c. which cannot be properly investigated, without a person being deputed to ascertain the facts upon the spot; and this is an authority, I presume, Government never intended to vest in the Commissioners, therefore their decisions must always be defective and liable to appeal, by which much time is lost, and the realization of the revenues is materially affected by it, to the great detriment of Government.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits, to be too considerable, or otherwise?

Litigation has not in any respect been checked by the fees established by Government, as will clearly appear by a reference to Enclosure No. 1.; nor do I deem them in the least too considerable, when considered as the means of putting a stop to litigation, which I do not believe would be effected, even supposing the charges attending lawsuits were double their present amount.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court, persons of the abovementioned description; and are they in general well acquainted with the printed Regulations?

There are at present 31 vakeels attached to this Court, of whom three never attend, and 13 have scarce any practice as vakeels, but gain a poor livelihood by drawing out petitions; of the remaining 15, also five gain little more than suffices for their maintenance; so that in fact, the whole business of the Court nearly rests with ten vakeels, whose receipts are in consequence great. The latter 10 are likewise as well qualified for their situations as natives can be expected to be, and they are tolerably well acquainted also with the principal parts of the Regulations which more immediately relate to civil causes, though from their being so very voluminous, they certainly cannot be said to be well acquainted with the whole of them.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

Generally speaking, I am of opinion, that the establishment of licensed vakeels has materially contributed to expediting the decision of suits, and also to bringing the merits of the suits more speedily before the Court.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

I have

I have every reason to suppose this to be the case, as during three years that I have presided over this Court, not a single charge of this nature has ever been brought before me

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

In my opinion they are.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

No other alterations in the forms at present established occur to me, as likely to contribute towards expediting the decision of civil suits, than those suggested in my answer to the Fifth Query.

13.—Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court, and what forms or ceremonies do you observe in opening your Court or sitting in it?

The place in the Court-room allotted for the bench of the Judge, is a wooden platform, raised about three feet, with a railing in front of it, upon which the Mussulmen and Hindoo law officers or Moolovee and Pundit likewise sit to the right and left of the Judge. Under the bench there is a table for the public officers of the Court, at each end of which are places for the plaintiffs and defendants or their vakeels, and in the centre is a place for witnesses to stand in whilst giving their evidence, and the space beyond the table, and within a railing that incloses the center of the Court-room, is appropriated for those vakeels whose causes are most immediately before the Court. The remaining part of the Court-room is occupied by those persons whom curiosity or business may induce to attend. I know of no particular forms or ceremonies observed in opening the Court or sitting in it, further than, upon the Judge taking his seat upon the bench, the public officers and vakeels make their obeisance; after which, on the opening of the Court after a vacation, the head public officer of the Court proclaims the Court to be opened for the transaction of business, and then the Causes in the course of hearing are brought forward in rotation numerically, and the parties are called upon by name by the nazer of the Court. After hearing such Causes as are in readiness, about an hour, before the breaking up of the Court, is appropriated to the hearing of Appeals from the Register and Commissioners, and such motions as the vakeels may have occasion to make on the part of their respective clients.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

I know not of any seminaries in this district in which either the Mahomedan or Indian law is particularly taught.

15.—What is your opinion regarding the general moral character of the inhabitants of your district; has the moral character of the inhabitants in general been improved or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

The general moral character of the inhabitants of this district, I am sorry to say, is in my opinion very indifferent, nor do I think that their morals have been in any manner improved by the system established by the British Government, but on the contrary, if any thing they have become worse, as the existing system is much too mild for the management of men, who from childhood have been in the habits of indulging their passions, and when education has in general been totally neglected.

16.—Are you of opinion, that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured, by the present constitution of the country, against infringement, either by the executive officers of Government or even by the supreme executive authority itself, or by individuals.

The natives undoubtedly consider their private rights and property infinitely more sacred now than they ever were under any former Government, and I have reason to suppose that they deem them also fully secured from all infringements whatever.

17.—Are you of opinion, that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings or other works, for religious, domestic or other purposes, and on what ground do you form your opinion?

The population and cultivation of this district, I am clearly of opinion is much increased of late years, both from ocular demonstration and the reports of others; as in every part of the district I have been in the traces of waste land brought into cultivation are very apparent, which could not take place without a proportionate increase of population, and in some places large tracts covered with long grass, and which were an harbour for wild beasts, are now in a complete state of cultivation: of the commerce of this district, as being in a state of improvement or otherwise, I do not possess sufficient documents or means to authorize my giving an opinion upon, and I therefore hope I may be excused it. The only religious building of any magnitude I know of, that has been lately erected in this district,

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Zillah Nuddea,
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is one near Nuddea, endowed by the late Gungagovind Sing, nor has any particular improvement in buildings of any kind fallen under my observation.

18.—Are you of opinion, that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

I am fully of opinion that they are in general satisfied with the British Government.

19.—Is the present system of Police well calculated to insure the apprehension of offenders?

I do not think it is by any means.

20.—Are the Police Establishments in the district subject to your jurisdiction, adequate to the duties required of them?

They are not.

21.—Are you of opinion, that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793, and to what cause do you ascribe the increase or diminution?

By the enclosed Statement No. 2. it will clearly appear, that the number of crimes committed annually in this district, has progressively increased since 1791, particularly of late years. This I principally attribute to the mildness of the criminal laws as they are at present administered, and particularly to the commutation of the punishment of mutilation, to temporary imprisonment not being sufficiently severe; and also to the proof required by the Mahomedan law to ensure conviction being greater than is always obtainable. The Statement No. 2. commences with 1791 instead of 1793, on account of the circuits being first established in that year.

22.—What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

The crimes most prevalent are, dekoities or gang robberies, and murders, which may be attributed to the following causes:

1st. The great want of co-operation on the part of the gomastahs or heads of villages in bringing notorious offenders to justice. 2dly. The dread of prosecuting, on account of taking an oath, and the probable fatal consequences to the prosecutors and their families (at least on the part of the Hindoos.) 3dly. The dastardly conduct of the natives in general, in not assisting each other, but immediately quitting their houses and concealing themselves in the jungles or elsewhere, the moment a village or an individual's house is attacked. 4thly. The rascality of the class of people employed as chokeydars or watchmen; and 5thly. The impossibility of the present establishment of police officers to protect so large a tract of country as is comprised within their respective jurisdictions. The above are, in my opinion, the principal causes of the existing evils, but to point out the means of totally suppressing them, I am afraid, is beyond my power; however, as I am called upon, I shall proceed with all deference to submit such suggestions as occur to me, for the superior consideration of Government.

In the first place, I propose, in addition to the existing regulations, that landholders shall be required, upon appointing gomastahs, to take security from them to appear and answer in the criminal courts for any omission in reporting persons residing in their respective villages, who are receivers of stolen property, or who have no ostensible means of livelihood, or live beyond such ostensible means, and are hereafter proved to be connected with gangs of robbers.

2dly. That upon such proofs being adduced, they shall be deemed abettors, and punished as such.

3dly. That whenever the house of an individual in a large town is attacked by a few robbers, and upon being called on for assistance, the villagers abscond instead of granting it, or at least taking steps to ascertain and ensure the apprehending of the perpetrators of the robbing, the inhabitants of such village shall either reimburse the party plundered, in the value of the articles stolen, or be subject to a fine to Government. In proof of its being in their power to protect themselves, I need only mention the village of Oolah in this district, where the inhabitants rose, and surrounding a gang of dekoitys that were plundering the house of a Brahmin there, they secured 18 of them. For this, as an honorary mark of distinction, and to create emulation, Government changed the name of the village from Oolah to Beernagur; but I am sorry to add, no instance of a similar exertion on the part of the natives has since occurred, though it has been attended with this good effect, that the above village itself has never been once attacked since.

4thly. The chokeydars or watchmen of villages, as already reported by me, under date 31st July 1799, are in general either dekoitys themselves or in league with them; the consequence of which is, that they scarce ever exert themselves to prevent robberies, or to bring the perpetrators of them to justice, but connive at all their depredations, partly to ensure themselves from detection when engaged in similar practices, and partly from a knowledge that they can do it with impunity, under the plea of the requisite assistance not being given to them by the inhabitants, and from the impossibility of making them answerable for the amount of the property stolen; for although that forms a part of their engagements, it is in fact merely nominal, as their wages are seldom more than four or five rupees per mensem, and they at the same time are of the lowest class of people, without property of any kind; so that whenever they are summoned, or an attempt is made to apprehend them in consequence of information lodged against them, they immediately quit

quit that part of the country for a time, and by changing their names, too often render all the endeavours of the magistrates to secure them abortive. I therefore beg leave to propose, that whenever chokeydars are employed by the inhabitants of villages, to oblige them to be attentive to the characters of the persons they so employ; and the security they take for their good conduct, they the villagers, shall, be bound to produce them when called upon.

5thly. That the jurisdictions of the different tannahs or police divisions be rendered more compact, and in no instance more than 10 or 12 miles square, so that the different darogahs may obtain speedy information of all robberies, and may take the necessary steps to apprehend the delinquents, with the stolen property, before they have time to conceal it; which, in case the foregoing propositions be adopted, there can be little doubt of their succeeding in.

23.—Do the inhabitants in general, of the district subject to your jurisdiction, keep arms in their houses? What description of arms do they retain, and for what purposes are the arms retained?

Excepting the chokeydars of villages, or dekoys, very few of the inhabitants of this district ever keep arms in their houses. The arms usually used by chokeydars, are bows and arrows, spears, and different kinds of swords; and by dekoys, the same, with the addition sometimes of old musquets, matchlocks, and country made pistols or short matchlocks.

24.—Are there any brick or mud forts in your district? In what state are the forts, and what is the nature of their construction?

There are not either brick or mud forts in this district.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

The number of inhabitants of all descriptions in this district I estimate at above 800,000, as before reported by me, under date the 26th July 1800, and the proportion of Hindoos to Mahomedans to be about 5 to 1.

26.—What are the names of the persons possessing the highest and the greatest opulence in the district subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers armed?

The persons of highest rank in this district are Rajah Ishorchund, zemindar of Okra, but commonly called zemindar of Nuddea, and his relations; and the only persons of great opulence are two brothers, by name Sumboochund Paul and Kischenchund Paul, who are salt merchants, and latterly have purchased, at the public sales of Government, revenue lands to a large amount. The number of their followers, or servants, may be about 50 each, about half of whom, when their masters go out to pay visits of ceremony, or in religious processions, attend upon them with matchlocks covered with cloth, according to the custom of the country, but never at any other time, nor do I believe that they are on such occasions loaded.

27.—Are there any persons in the district, subject to your authority, supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

I never heard of any one in this district being disaffected to the British Government, nor do I believe there are any.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles, and other marks of distinction, on its native subjects?

I consider the natives, and particularly the Hindoos, to be as much attached to the existing Government as they are capable of being to any one. At the same time, I am also of opinion, that Government declaring itself to be the sole source of honour, and conferring titles upon the natives, would tend very much towards making them respect it rather more than at present.

29.—What is the state of the roads, bridges, and other public works, in the district under your authority; and at whose expense are they kept in repair?

The only roads, bridges, or other public works, in this district, are, a road 24 feet wide, now making from hence to Calcutta, on which three small bridges have been built, and another road leading to Jessore, of the same breadth. Of the first road, 14 miles were made last year; but during the late rains, owing to the unheard of rise of the rivers, and consequent general inundation, which rose two feet, and in some places three feet above parts of the road (although it was originally raised one foot above the usual level of the water in the rains), I have been under the necessity of repairing a number of breaches, and of raising nearly the whole of the road again; but I am happy to be able to add, that notwithstanding the great pressure of water upon the bridges, they have all stood very well, and the repairs to the roads also are completed to within two miles of the extent of it. Of the road to Jessore, which I commenced upon in November last, four miles are likewise completed. These roads are making at the expense of Government, and with the convicts.

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Zillah Nuddea,
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30.—How are the convicts in the district usually employed, and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

The convicts are at present employed as above specified, in making roads; nor does any better mode of employing them occur to me.

31.—What is the state of the jail in your zillah?

The jail at this station is a brick one, containing 12 cells, and an upper room at each end for hospitals; it is in perfect repair, and there are at present 31 dewanny or civil prisoners confined in it.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character, in your zillah, commissions, empowering them to act as justices of the peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

I am not aware of any good being likely to result from the adoption of this measure, so far as relates to the suppression of crimes, or apprehension of offenders; for, provided the inclination exists, the zemindars and farmers have it as much in their power to assist the police, as they possibly could with commissions of justices of the peace, excepting perhaps in a few instances of robberies, &c. committed immediately in the neighbourhood of their own habitations. Besides, such is the natural indolence of the natives in general, that I much doubt if a sufficient number of zemindars, and men of real good character, could be prevailed upon to act as such; and supposing they did consent, I much fear, that, upon finding they received nothing for their trouble, they would soon relinquish their offices, or (which would be worse) would not exert themselves; but, transferring the detail of business to their dependants, they would continually involve themselves in difficulties, and likewise open a wide field for oppression and extortion of every kind, and particularly farmers; who, from having only a temporary interest in their farms, would be too apt to apply the authority vested in them to their own private advantage, without considering the consequences.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

The only rules or regulations I would recommend, in addition to those before specified, are, either that the Mahomedan law be enforced, without any mitigation of the sentence, in all cases of gang robbery and strong suspicion of murder, so far as relates to mutilation; or else that the period of imprisonment, in commutation of that punishment, be for the amputation of a limb double what it is at present, with the addition of transportation; for those who are convicted of crimes deserving of such severity, are men of such depraved habits, that no good is to be expected from simple confinement, attended with hard labour; as they almost all, without an exception, upon being released, resort to their former practices for a livelihood; whereas transportation they certainly are in dread of.

34.—What has been the operation of the last regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion, that the establishment of the taxes, now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

I do not believe that the vice of drunkenness has been in any manner checked by the last regulation respecting the tax on spirituous liquors; nor do I suppose even double the present tax would materially lessen it, (of which the great increase gained under this head of revenue, whilst I was collector of Moorshedabad, is a proof,) as spirituous liquors in use with the natives are manufactured so very easily, and at so cheap a rate, that those who are so inclined will always be able to afford to purchase a sufficient quantity for intoxication; and even supposing the tax to be so much raised, as to render it impossible for the lower class of people to purchase it of the licensed venders, they would still find means to evade the regulations of Government, by privately preparing the most pernicious sort (which can be done in any jungle) for their own consumption.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

No measures occur to me so likely to improve the moral character of the inhabitants, as the establishment of schools all over the country, for the education of the children of the lower class of Hindoos and Mahomedans, and instructing them in the moral duties they owe to each other; as at present they are in a most deplorable state of ignorance, and very often, I fear, many at first commit crimes from not knowing them to be such, or being aware of the heinousness of them. For Hindoos there are at present a few schools in different parts of the country, for teaching children to read and write, and parts of the Shaster, which are in general supported by grants of rent, free land, or pensions from the zemindars to the brahmins who preside over them; and in general the Hindoos are certainly not so bad in point of morals as the Mahomedans; though I much doubt whether that is not more

owing

owing to their being naturally of a milder disposition, than to any advantage they derive from those schools, from their number being so few.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury to be marked in the forehead?

I am of opinion that the crime of perjury, being declared liable to be marked on the forehead, promises to be attended with a very salutary effect; though from no one having hitherto been marked in this district, it is out of my power to speak positively on the subject from experience.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

I am of opinion that it has been of great service.

38.—Are you of opinion, that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity? And what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

My opinion upon this head will clearly appear from the answers preceding, to which I beg permission to add, that to the lenity with which the Mahomedan law is administered, do I principally ascribe the great increase of crimes of late years.

39.—What is the nature of the general conduct of the Europeans, not in the service of the Company, who preside within your jurisdiction?

It is peaceable, and generally correct.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers in their dealings with the officers of the Company and with private European merchants; and also for enabling the officers of the Company and the individual European merchants to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

At present, from the stagnation of trade, from nearly a total stop being put to the provision of the Company's usual investments, the condition of the weavers is rather distressful. The existing regulations appear to me to be perfectly qualified to answer the general purposes intended, so far as relates to the Government and the weavers; though I am doubtful whether they are quite so much so in regard to European merchants; who, I much fear, often meet with difficulties in enforcing a punctual attention from the weavers to their engagements; but on this subject, of course Government will be able to obtain much superior information from their commercial residents, than any I can give.

I have the honour to be,

Honourable Sir,

Your most obedient humble servant,

C. Oldfield,
Judge & Mag^r.

Zillah Nuddea,
Judicial Department,
16th January 1802.

No. 1.

Answers by the
JUDGLS.

Calcutta Division.

Zillah Nuddea,
16 January 1802.

PAPERS RELATING TO

STATEMENT, shewing the Commitments, Convictions, Acquittals for

NUMBER OF COMMITMENTS, AND FOR WHAT CRIMES.																										
YEARS.	Dekoyty, or Gang Robberies, attended with Murder.		Dekoyties.		Murders.		Rape.		Theft and Burglary		Wounding, and Assault and Battery.		Notoriety.		Breach of Reg ^s , Guard-wary, apprehending people without authority.		Perjury.		Forgery.		Arson.		Resistance of Process.		TOTAL.	
	Trials.	Prisoners.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	Trials.	Prisoners.
1791 - -	1	9	20	77	13	33	-	7	49	64	-	-	-	-	1	1	-	-	1	1	-	-	-	-	85	185
1792 - -	1	1	19	115	7	12	2	10	18	27	-	-	-	-	1	1	-	-	1	2	-	-	-	-	49	168
1793 - -	3	5	9	38	6	11	-	-	24	43	2	5	-	-	2	11	-	-	2	4	1	1	-	-	49	118
1794 - -	1	1	13	102	7	16	1	6	17	36	3	17	2	3	-	-	2	2	-	-	1	3	-	-	47	186
1795 - -	5	26	10	42	4	11	1	4	23	58	8	35	1	8	2	2	-	-	2	4	-	-	-	-	56	190
1796 - -	1	8	12	53	7	21	3	9	28	72	2	7	4	11	3	19	1	1	-	-	-	-	-	-	61	201
1797 - -	8	24	14	60	11	38	1	1	17	57	4	12	-	-	8	18	1	3	-	-	-	-	-	-	64	213
1798 - -	7	37	15	59	16	46	2	3	24	42	3	18	5	26	10	19	3	3	1	1	2	5	-	-	88	259
1799 - -	6	25	53	214	16	35	3	4	23	43	5	11	22	87	11	17	4	8	1	1	5	6	4	28	153	479
1800 - -	11	51	39	185	19	42	2	5	33	68	5	22	7	20	24	46	18	28	1	1	4	7	-	-	163	467
	44	187	204	945	106	265	15	42	256	502	32	127	41	155	62	134	29	45	9	14	13	22	4	28	815	2,466

Zillah Nuddea, Fourth Dep^t,
16 January 1802.

Crimes in the District of Nuddea, from 1791 to 1800 inclusive.

CONVICTIONS AND ACQUITTALS.

Deceit, or Gang Robberies, attended with Murders.	Deceits.		Murders.		Rape.		Theft and Burglary.		Woundings and Assault and Battery.		Notoriety.		Breach of Reg ^d , Gird-wary, apprehending people without authority, &c. &c.		Perjury.		Forgery.		Arson.		Escapes and Deaths previous to Trials or Sentences.	Referred to the Magistrate for decision.	TOTAL.		Referred to Trial in the ensuing Sessions.	
	Convict ⁿ .	Acquit ⁿ .	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.			Convict ⁿ .	Acquit ⁿ .		
-	9	38	39	3	29	-	-	53	11	-	-	-	-	1	-	-	1	-	-	-	1	-	95	90	1	
1	-	73	41	3	8	10	-	20	7	-	-	-	1	-	-	2	-	-	-	2	-	110	58	1		
3	9	26	10	4	7	-	-	24	19	3	2	-	2	-	-	1	3	1	-	11	-	64	54	1		
1	-	53	49	5	11	3	3	16	20	5	12	-	3	-	2	-	-	2	1	-	-	85	101	1		
21	4	23	18	1	10	-	4	33	23	11	24	4	3	1	1	-	1	3	-	3	-	97	93	1		
5	3	25	27	3	17	9	-	40	30	-	7	8	1	14	5	1	-	-	-	6	-	104	97	1		
15	9	41	18	18	19	1	-	32	24	3	9	-	-	6	11	3	-	-	-	4	-	119	94	1		
18	18	39	16	21	24	2	-	29	12	10	8	22	4	16	2	1	2	-	1	3	2	9	-	161	98	1
9	14	100	112	13	22	-	4	23	18	9	2	42	41	13	4	4	3	-	1	1	5	11	28	214	265	1
17	34	129	55	30	12	5	-	39	20	20	2	17	3	28	16	2	10	1	-	5	2	3	1	309	158	4
90	93	547	385	101	159	30	11	311	184	61	66	93	55	81	40	26	18	6	8	12	10	47	29	1,358	1,108	4

G. Oldfield,
Mag^e.

No. 1.

Answers by the
JUDGES.

Calcutta Division.

Zillah Nuddea,
16 January 1802.

STATEMENT of CAUSES Filed, Decided, and remaining on the File,

YEARS.	NUMBER OF CAUSES FILED.				NUMBER OF CAUSES DECIDED.			
	Judge.	Register.	Commiss- sioners.	TOTAL.	Judge.	Register.	Commis- sioners.	TOTAL.
Number of Causes on the File at the close of 1792 -	396	- -	- -	396	- -	- -	- -	- -
1793 - -	2,108	- -	- -	2,108	334	- -	- -	334
1794 - -	1,413	- -	- -	1,413	390	- -	- -	390
1795 - -	1,853	1,188	1,716	4,757	4,555	250	- -	4,805
1796 - -	220	1,426	13,371	15,017	215	170	11,673	12,058
1797 - -	71	511	8,958	9,567	471	1,772	8,030	10,273
1798 - -	421	539	20,441	21,401	306	1,126	18,683	20,115
1799 - -	233	683	29,936	30,852	362	558	29,732	30,652
1800 - -	266	748	27,242	28,256	261	974	27,280	28,515

Zillah Nuddea Dewy Adawt, }
16th January 1802. }

STATEMENT of APPEAL CAUSES Filed, Decided, and remaining on

YEARS.	NUMBER OF CAUSES FILED.			NUMBER OF CAUSES DECIDED.		
	In Appeal from the Decisions of the Register.	In Appeal from the Decisions of the Com- missioners.	TOTAL.	In Appeal from the Decisions of the Register.	In Appeal from the Decisions of the Com- missioners.	TOTAL.
Number of Causes } filed at the close of						
1792 - -	—	—	—	—	—	—
1793 - -	—	—	—	—	—	—
1794 - -	—	—	—	—	—	—
1795 - -	10	- -	10	—	—	- -
1796 - -	9	163	172	7	- -	7
1797 - -	6	261	267	6	45	51
1798 - -	32	245	277	7	278	285
1799 - -	58	195	253	31	367	398
1800 - -	93	233	326	72	244	316

Zillah Nuddea Dewanny Adawlut, }
16th January 1802. }

in the Dewanny Adawlut of ZILLAH NUDDEA, from 1793 to 1800 inclusive.

No. 1.
Answers by the
JUDGES.
Calcutta Division.
Zillah Nuddea,
16 January 1802.

REMAINING ON THE FILE.				EXCESS OF CAUSES DECIDED, beyond the number Filed.			
Judge.	Register.	Commissioners.	TOTAL.	Judge.	Register.	Commissioners.	TOTAL.
396	- -	- -	396	—	—	—	—
1,774	- -	- -	1,774	—	—	—	—
2,170	- -	- -	2,170	—	—	—	—
1,023	- -	- -	1,023	—	—	—	—
3,193	- -	- -	3,193	2,702	- -	- -	2,702
- -	938	1,716	2,654	—	—	—	—
491	938	1,716	3,145	—	—	—	—
5	1,256	1,698	2,959	—	—	—	—
496	2,194	3,414	6,104	400	1,261	- -	1,661
- -	- -	955	955	- -	587	- -	587
96	933	4,369	5,398	- -	- -	- -	- -
115	- -	1,758	1,873	129	- -	- -	129
211	346	6,127	6,684	- -	226	38	264
- -	125	204	329	- -	- -	- -	- -
82	471	6,331	6,884	- -	- -	- -	- -
5	- -	- -	5	- -	- -	- -	- -
87	245	6,923	6,625	- -	- -	- -	- -

C. Oldfield,
Judge.

the File, in the Dewanny Adawlut of ZILLAH NUDDEA, from 1793 to 1800 inclusive.

REMAINING ON THE FILE.			EXCESS OF CAUSES DECIDED, beyond the number Filed.		
In Appeal from the Decisions of the Register.	In Appeal from the Decisions of the Commissioners.	TOTAL.	In Appeal from the Decisions of the Register.	In Appeal from the Decisions of the Commissioners.	TOTAL.
—	—	—	—	—	—
—	—	—	—	—	—
—	—	—	—	—	—
10	- - -	10	—	—	—
2	163	165	—	—	—
12	163	175	- - -	33	33
- - -	216	216	- - -	172	172
12	379	391	- - -	11	11
25	—	25	- - -	- - -	- - -
37	346	383	- - -	- - -	- - -
27	—	27	- - -	- - -	- - -
64	174	238	- - -	- - -	- - -
21	—	21	- - -	- - -	- - -
85	163	248	- - -	- - -	- - -

C. Oldfield,
Judge.

No. 1.

Answers by the
JUDGES.

Calcutta Division.

Zillah Burdwan,
9 March 1802.

MAGISTRATE OF BURDWAN; dated 9th March 1802.

Interrogatories.—1.—WHAT is the number of causes now depending before you, before your Register, and before the native Commissioners?

Answers.—The causes now depending before each of these tribunals, stand in number as follows:

Before the Judge	-	-	-	-	191
- - the Register	-	-	-	-	1,363
- - the native Commissioners	-	-	-	-	7,005
Total					- 9,099

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793 to the present period?

Previous to the year 1797, the causes depending before the tribunal in this zillah appear to have been so numerous, that it was found impracticable to keep any regular register of them, but since that period they have annually decreased in the two first; the number now depending in the Judge's Court bearing a proportion of one in six of the average number depending in the four preceding years; and in the Register's, the number has been reduced in the proportion of one-half, on the same average calculation. In the courts of the native Commissioners, there appears an increase, but this is merely temporary, arising from the numerous revenue suits recently instituted in the present season of the heavy collections, nor can the number now depending before them be deemed great, when the number of these courts (thirty-two), the description of the suits, and the average number decided in them monthly, is taken into consideration.

3.—What number of causes was decided in the past year, by you, by your Register, and by your native Commissioners?

As follows: by the Judge, 588; Register, 2,686; native Commissioners, 10,351.

4.—What number of causes do you suppose must necessarily be depending before your court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced.

From the answer given to the 2d interrogatory, it is seen, that the number of causes depending, compared with preceding years, has been reduced in a very considerable proportion, both in the Judge's and the Register's court; and I have no doubt, that a further considerable reduction will be made, and that in the course of a very short time they will not exceed, if they now do, the number depending before the same tribunals in other zillahs, though I believe it will be admitted that, in extent and population, this exceeds the generality of them.

It is less, however, to the extent and population, that any excess is to be ascribed, than to local evils, which, by prolonging investigation, retard decision; and these I shall beg leave to explain.

The generality of the suits brought before these tribunals in this zillah, may be comprized under two classes:

1st. Suits instituted for the resumption of lands alleged to have been fraudulently alienated subsequent to the decennial settlement, and held under antedated grants, and those of the same description instituted by holders of grants for illegal resumptions, under section the 10th of Regulation XIX. of 1793.

2dly. Suits instituted by farmers for the recovery of arrears of rent, and those against them for alleged exactions.

The suits of the first class are numerous, and it is not to be doubted, that the fraud has been committed to a very considerable extent, and that it continues to prevail, every farmer making himself a rent free landholder, during the period of his farm; but the fraud is not easily detected where there is no record either in the zemindary, or in the offices of Government, whereby it can be ascertained what grants did exist prior to the period stated. The zemindary accounts, produced by the succeeding farmer to prove the alienation posterior, are not to be depended upon; as little are those produced by his predecessor, or the defendant, to prove the anterior alienation, for each has fabricated them to answer his own purpose; and thus is the court left without any other guide for its decision, than the evidence of numerous witnesses, brought on both sides, to prove opposite and contradictory assertions; and this, I am sorry to say, in many instances is as doubtful and unsatisfactory, as the documents and vouchers being procured with the same ease, as the latter are fabricated for the purpose.

The above observations are equally applicable to the suits included in the same class for illegal resumptions, and those of the 2d class are not less numerous, nor less intricate.

The interchange of engagements between the parties, with few exceptions, extends no farther than to the zemindar's farmer, who is here termed the Sudder farmer, and to those amongst whom he subdivides his farm in portions; an engagement between the latter and the cultivator, or heads of a village, is scarcely known, except the general one mutually understood to receive and pay, agreeably to past and preceding years, and for ascertaining this the accounts of the farm are no guide.

The

The zemindar himself, seeing that no confidence is to be placed in the accounts rendered him of the rent roll of the farm, from the practice which has so long prevailed, of fabrications and rendering false accounts, never attempts to call for them at the expiration of the lease; and instead of applying a correction to the evil, increases it by farming out the lands literally by auction, and the same mode is adopted in almost every subdivision of the farm. The consequences of such a system must be obvious; needy, rapacious farmers, and fraudulent tenants, become friends, and collusively agree, at the expiration of the lease, to defraud the succeeding farmer. A trifling douceur from the ryot, or the ryots of a whole village, is sufficient to procure a fabrication of the accounts, and a receipt to correspond with them, for a sum much below that actually paid, or the revenue demand for the year; and these are the valid and incontrovertible vouchers held out to the successors in the farm for his guide.

The practice is, however, too universal and too well known to deceive him; but he is without an alternative, and acts his predecessor's part in the repetition of it; for if honestly disposed, which is rarely the case, he has not time to have recourse to a measurement for ascertaining the quantity and quality of lands in the occupancy of the cultivator, with a view to a fair equitable assessment; and the ryots, finding their benefit in the confusion, and despairing, of honest dealing towards them whilst the present system exists, would oppose it, so as to make him a sufferer for the attempt.

These are local evils, originating in the great extent of the zemindarry, and the bad management of the proprietor; and are less worthy of notice, as they affect the speedy decision of suits, than in their effects upon the public revenue, which cannot fail ultimately to suffer from the abuses I have mentioned.

It will, however, be evident that they must occasion considerable delay in passing decisions. But notwithstanding those difficulties which the Courts of this zilla labour under, and the great portion of time necessarily given, both by myself and the Register, to the Foujdarry department, I trust it will not be found that the number of causes depending greatly exceeds the number depending before the same tribunals in other zillahs; and I can pledge our exertions to reduce them as low as may be found practicable.

In the Courts of the native Commissioners, the number will ever be great; and I have always been averse to the institution of these Courts on the present system, from a real belief that they are hurtful to the country; and sure I am that the purposes of their institution would be better answered in this zillah, I will add, in all Bengal, by the establishment of a few Courts at the Sudder station, immediately under the eye of the Judge, for the cognizance of the suits now cognizable by these native Commissioners. It is now universally admitted that the natives of Bengal are litigious, and the number of these Courts, dispersed throughout the country, opens a wide field to them to indulge this disposition; nor is it to be doubted that the Commissioners themselves, with their train of vakeels and peons, encourage it for their own interest. The majority of the suits instituted in them are vexatious; and I am persuaded, that the administration of justice would not be affected by their abolition, and the establishment of those above suggested in lieu.

The jurisdiction of the new Courts suggested, might also be extended to all suits not exceeding in amount one hundred rupees, whereby a relief would be afforded to the Registers, that it much requires; and all should be assessed with a charge, at least equivalent to defray the expense of the establishment, which should be fixed and payable from the treasury of Government.

5.—Are you prepared to suggest the establishment of any rules which (consistently with the due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted, by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

An accurate record of the rent, free grants, and of the revenue lands, and the execution of regular engagements by the farmers and under reuters, would do much towards the object proposed in this Interrogatory; and little more would be found requisite. I am not of opinion that it would be promoted in any great degree, or that any expedition would be obtained by the omission suggested; nor do I think it advisable, as it would be productive of complaints to the superior Courts; and the intention of it would, in my opinion, better be answered by the attachment of a few officers to the Court, whose duty it should be to take the evidence of the witnesses, in the presence of the parties or their vakeels, to the points contained in their pleadings. These officers might also be usefully employed to inspect them, when filed, to see that they are conformable to the Regulations, and that there is no delay in the delivery of them, an assistance the Courts of this zillah stand much in need of: and I see not why the pleadings may not be limited to plaint and answer; for the others, if conformable to the Regulations, are of little use, but they are now generally, if not the principal, made the longest. The vouchers referred to, as also lists of witnesses, might be filed with them, and the whole be prepared, so as to enable the Court to pass judgment on the suit at one sitting. At present, frequent adjournments are unavoidable, for the filing of these necessary vouchers; in the delivery of which there is always considerable delay, and the Court is in doubt, whether the vakeels or their clients are blameable for it. There is certainly a mutual want of confidence, or an indifference on the part of the vakeels, with respect to the issue of the suit, that proves a great interruption to the dispatch of business, for neither will trust the other: the client his vakeel with the vouchers, and the fees payable on the filing of them; nor the latter the former with making any advance for him; and from this want of confidence between the employer and the employed, together

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Zillah Burdwan,
9 March 1802.

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Zillah Birdwan,
9 March 1802.

with the doubt which the Court entertains, whether the latter has done his duty towards the former, in giving the necessary information, repeated adjournments of the suit are made.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Register to sums exceeding S.R^o 200? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended, and to what degree would the general administration of justice in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

The abolition of the numerous Courts is recommended in my answer to the fourth Interrogatory; and if my objections to them had not been so strong, I should have been against any extension of their jurisdiction in respect to the amount of the suits cognizable by them. And with regard to the Register's Court, it rather requires relief; and I have proposed the relief advisable to be afforded to it, in the establishment and extension of the jurisdiction of the new Courts suggested in lieu of those of the present native Commissioners, recommended to be abolished.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits to be too considerable, or otherwise?

It certainly has been considerably checked by the establishment of these charges; and I am less against the aggregate amount of the expense to which lawsuits are now subject, than to the number and variety of heads under which it is made payable: these occasion delay, as before observed; and from not being intelligible, or known to the generality of suitors, may partly produce that want of confidence noticed in their vakeels.

The simplification of them by consolidation, and the establishment of a per-centage, would be advisable; and I think the amount might be lessened on the smaller suits, for, in addition to these charges, it should be considered that the generality of suitors are subject to the further expense of a private agent to attend on the vakeel.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the vakeels attached to your Court persons of the above-mentioned description; and are they, in general, well acquainted with the printed Regulations?

I am of opinion that the fees are fully ample for the purpose, but the situation seems not yet to be sufficiently known; and hitherto few have offered, or been found willing, to undertake it, excepting those who before acted in the capacity under the former system; and this description affords a few of character, and of proper qualifications, for the office. Hence few men of character and ability are to be found amongst the number at present holding the situations; at least it is the case in this Court; for, of the number (48) at present attached to it, there are not more than 10 or 12 who I think favourably of, or who appear to me to possess an adequate knowledge of the Regulations to qualify them for discharging the duties of their situations.

The limitation to the number of 20, which I think fully sufficient for the business of the Court, would, I am of opinion, have a good effect in increasing their emoluments, and making the situations more desirable. This would induce good conduct, and attention to improve themselves; and men of character and of proper qualifications would soon be found soliciting the succession to the stations, as vacancies occurred.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

I was partial to the establishment at first, from a real belief that this good effect would have been produced by it; but it may be inferred, from what I have above said, that my expectations, in this respect, have been disappointed; and I am sorry to say that it has not been produced in any sensible degree. The failure, however, is not wholly to be attributed to the vakeels, but partly to their employers, who withhold the necessary information from them.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

I have had no complaints made against them by their clients, but have before observed, that in many instances, an indifference is shewn by them in regard to the issue of the suits upon which they are employed; and I am afraid that they do not always discharge their duty with honour and fidelity.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

I have found some zemindars and principal farmers and merchants tolerably well acquainted with those laws which chiefly concern them, but few seek the information; and from this cause I am afraid that the knowledge of the Regulations is much confined to the Sudder station.

12.—Are

- 12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am not aware that any alteration in the forms established for the trial of civil suits is necessary for the object proposed in this Interrogatory, or that any thing further for it is necessary than what I have suggested in my answer to the 5th. With that assistance, I can venture to promise that there will be few suits in arrear in the Courts of this zillah.

- 13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

The Court-room at this station has the accommodations mentioned in the Interrogatory: no further form or ceremony is observed than the proclamation of the opening and sitting; and, after going through the causes notified for the day, all petitions, and applications by motion are received and heard, and orders passed upon them.

- 14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

There are few villages of any note in which there is not a school, but the instruction in them is confined to the teaching of children to read and write; and I know not, nor have heard of any within this jurisdiction, in which the law, either the Mahomedan or Hindoo, is taught. The most learned in the latter are found in the neighbouring district of Nuddea, from whence and Benares the other stations are supplied; and the Mahomedans bear but an inconsiderable proportion to the inhabitants of this zillah, receiving their education in the common branches from the village schoolmasters above mentioned, or from their friends.

- 15.—What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

I am sorry that I cannot report favourably of it, or give it as my opinion, that the lenity and humanity introduced by the British system has tended to improve either the Mahomedan or Hindoo moral character. Certain it is, that much profligacy, vice, and depravity, are to be found amongst the higher class; and crimes committed by the lower, will, I think, be found more prevailing, and in greater number, than under the Mahomedan jurisprudence; at least as far as a comparison of the records of the two periods can be made the criterion of judgment, this is found to be the case in this district; but it may be proper to observe, that all crimes and offences are now reported to the magistrate, and that few of the offenders escape. The increase may therefore, in a great measure, be only apparent; but I am of opinion, that the number actually committed has increased; and having observed that few of the offenders escape, I cannot assign any other reasons for the increase, than that the punishment on conviction is inadequate to deter, and that the police establishments are inadequate to prevent the commission of crimes. The increase may be ascribed to the inadequacy of both, for their purposes.

- 16.—Are you of opinion, that the inhabitants in general, of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

They certainly do consider their rights and property fully secure by the present constitution of the country against infringement; and sure I am, that none have reason to entertain a contrary opinion, or that where the infringement may be made, either by the executive officers of Government or by individuals, the fullest redress will not be afforded them. They have the most perfect confidence, that the Government itself will not infringe the laws which it has enacted for their security, and that it will protect them from the infringement by others.

- 17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population and commerce, and its buildings or other works, for religious, domestic, or other purposes, and on what grounds do you form your opinion?

Notwithstanding what I have noticed in my answer to the 4th Interrogatory, of the disadvantage which this district labours under from the farming system, I have no hesitation in saying, that it is in a state of very considerable improvement; and that this is shewn in an evident increase of cultivation, in a number of new raised villages, whereby an increase of population may be inferred, an increased and daily increasing number of brick buildings, both for religious and domestic purposes. The commerce has also been both facilitated and extended, by the opening of the three grand roads leading to Hougly, Culna, and Cutwa, which have lately been put into a good state of repair by the labour of the convicts; and nothing can more forward the commerce of this district, which has not the advantage of inland navigation, or more conduce to the general convenience of the inhabitants, than good roads.

No. 1.

Answers by the
JUDGES.

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18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction are, in general, satisfied with the British Government?

They certainly are satisfied with it; and living happily, and prospering under its mild and equitable laws, and the protection afforded them, I am sure are well affected to it.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

In the answer to the 14th Interrogatory, I have noticed, that few escape, and it is well calculated for the purpose in this district.

20.—Are the police establishments in the district subject to your jurisdiction adequate to the duties required of them?

They are certainly not adequate; the paunalis are too few, and the establishments will not admit of the necessary detachments for the performance of those duties in the numerous populous villages under them; and little assistance can be expected from the zemindary pykes and village watchmen, as these are generally found to be offenders.

21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

I cannot assert that they have increased since the year 1793; but a reference to the calendars, and the result of the trials, will evince that they have been lamentably numerous in each subsequent year. There is however every prospect that they will be less frequent henceforward, from the number of offenders who have been punished on conviction by transportation, amounting in the two last years to upwards of two hundred; and I may fairly hope a good effect, from having brought many of the most notorious serdars, or heads of gangs, to justice.

22.—What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

The crime the most prevalent in this district, is decoity, or gang robbery, and the calendars exhibit few other crimes. This, however, is frequently accompanied with murder; and if I had not experienced it to be equally prevalent in other districts far less populous, and indeed where the population did not afford hands sufficient for the purposes of tillage and agriculture, I should have ascribed it frequently, in this jurisdiction, to the excess of population in the lower order; but I am persuaded that it is a calling, and hereditary with them, the same as any other trade followed by the lower classes of Hindoos. It is the most certain mode of robbery, from their going in large gangs, for the acquisition of booty, and the most difficult of conviction, and therefore is preferred. An increased number of tannahs would certainly prove serviceable for checking the frequency of this crime; and I am of opinion, that the transportation of all convicted of it, whether principals or accessaries, would have a good effect.

23.—Do the inhabitants in general, of the district subject to your jurisdiction, keep arms in their houses; what description of arms do they retain; and for what purposes are the arms retained?

They do, in general, and I may say without exception, for scarcely a person is to be seen without a julwar and shield. The higher and middling order have these and matchlocks, some as appendages of state, others for their own defence and protection; and the arms retained by the lower order, either for their own protection or the purposes of robbery, are of every description; matchlocks, tulwars, spears, long swords, hatchets, axes, bows and arrows, &c.

24.—Are there any brick or mud forts, and what is the nature of their construction?

There are no brick forts, that I am informed of, in this district, but the remains of several of mud are still visible. These were originally constructed for the security and protection of the inhabitants against the Mahrattas, who frequently harassed it with incursions of horse; and when the internal government of the country experienced frequent convulsions from changes. Since the accession of the Company, and the protection afforded by the establishment of the military station at Midnapore, they have been neglected as useless, and nothing now remains of them but the ditches, and the bastions, covered with jungle.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

I have no data to guide me in this answer to the Interrogatory, but the number of villages, and the number of houses in each village; and supposing each house, on an average, to contain four persons, which I consider a low average, the number of inhabitants would amount to one million seven hundred and eighty thousand, and I think the number may be computed at two millions; of this number I suppose 1-16th to be the proportion of the Mahomedans.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

The only persons possessing rank in this district are the Rājahs of Burdwan and Bis-sou-pore,

souper, the name of the former Taije Chund, and of the latter Chyton Sing, but neither of these maintain any followers in their service, hiring a retinue for the purpose of state when they appear abroad, either on visits of ceremony or other occasions. The former is not supposed to possess much wealth, nor do I believe that he has any, exclusive of his zemindarry; and the latter has the title only left, the greater part of the lands which composed his zemindarry having been sold for arrears of rent, and the rest are now under attachment preparatory to the sale.

The other zemindars are of no considerable rank, and many of the most principal have their concerns managed by an agent, having their own residence in Calcutta, or in that part of the district comprehended in the Houghly jurisdiction. There are several very considerable merchants who carry on an extensive trade in salt, tobacco, grain, and cloth; such are the following:—Takore Doss, Nundee Gocul Chund, Koond Preym Chund, Govey Sartuck Syne, with several others; and most of the principal Shroffs and banking houses in the country, have their agents conducting their concerns in the district.

27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government, and what are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the districts, and to what extent?

I know not of any in the least dissaffected to the British Government; and am very certain there are none possessing any influence to disturb it.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

The natives of Bengal and of the provinces, generally, I believe, are not famed for possessing gratitude in any eminent degree; but it cannot be supposed that the adoption of the measure suggested in this interrogatory will make them less grateful; and I am of opinion that it will contribute to strengthen their attachment to the British Government, and prove serviceable, as encouragement to acts of good conduct to merit the mark of distinction proposed to be conferred.

29.—What is the state of the roads, bridges, and other public works, in the district under your authority; and at whose expense are they kept in repair?

In as far as the information required by this interrogatory respects the roads, I have great satisfaction in stating, that the authority given me by his Excellency the Most Noble the Governor General in Council, to employ the convicts upon them, has enabled me to put them into a state of repair in which they were never before known; and that this has been done without any other expense than that necessarily incurred, and paid by Government for the implements of the work. The three grand and most useful roads leading to Houghly, Culna, and Cutwa, which may properly be termed the ports of the district, have been completely re-made; a fourth, leading to Beerbhoom, is in a considerable state of forwardness; and I propose, in the course of a few days, to commence another to join the military road leading to Midnapore. Besides these mentioned, and which include an extent of more than fifty coss; a variety of others, equally useful to the inhabitants, have been made in the town and its vicinity; and I beg leave, in further answer to this part of the interrogatory, to subjoin the flattering testimony given by the acting third Judge of the Court of Circuit, in a paragraph of his letter to me at the close of the last sessions held at this station; observing, that Mr. Bruce was formerly a resident at it for many years, and consequently the improvements were more visible to him:—

“The Roads in this district are peculiarly deserving the attention of Government; and the manner in which you have employed the convicts have been attended with the best success. I need only instance the Cutwa, Culna, and Houghly roads, independent of others which you have made, to prove to the Nizamut Adawlut the benefit the public has derived from your judicious application of the labour of the felons.”

Some improvement has also been made in bridges. The new one constructed by his Lordship's orders across the Banka Nulla, from its extent, and the superior manner in which it has been executed, is really a magnificent work, the admiration of the inhabitants, and of every person who sees it; and its usefulness, I trust, is satisfactorily proved in the Report which accompanied my letter to Mr. Secretary Dowdeswell, under date the 13th November last; shewing that the number of persons who crossed it in one month amounted to 180,000.

The expense incurred in the construction of the above bridge, amounting to about 20,000 rupees, with the exception of a small part, has been defrayed, at my recommendation, from the fine and forfeiture levied from the Rajah and his vakeels; the rest by Government. And a few others have been built, but these are inconsiderable works; and the expense of them been defrayed partly by Government and partly by the voluntary contributions of private individuals. The roads, however, in this district are still very defective in bridges, many more new ones being requisite, and the old requiring repair; and I regret exceedingly, that I have not the means of improving and making them more useful and beneficial to the country. But without the aid of Government, or a tax being levied for the purpose, the intercourse must continue subject to much difficulty from this

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Answers by the
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Calcutta Division.

Zillah Burdwan.
9 March 1802.

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defect in the roads; and it is the more to be regretted, from the district, as I have before observed, being destitute of the convenience and advantage of an inland navigation.

30.—How are the convicts in the district usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

In reply to the preceding interrogatory, I have mentioned the convicts to be employed in the repairs of the public roads through the district, in the town and its vicinity; and I hope it will be admitted, that they cannot be more usefully or beneficially employed; and that the public has already derived considerable advantage from this application of their labour. The security of the employment also, in as far as apprehension of escapes might have been an objection to it, is proved from my not having lost a man from the time they have been upon the duty, now two years; and that the labour and exercise have been conducive to their health, is clearly shewn from the few deaths that have occurred among them.

31.—What is the state of the jail in your zillah?

The jail in this zillah is a very extensive brick building; and, with the others of mud, constructed for the accommodation of the increased number of persons, very secure, and in very good condition. The former requiring merely white washing annually, and the latter new thatching.

The number of prisoners confined in them is 1,327; of which 115 are dewannee or debtors, who are in a large spacious house, affording them every accommodation, separate from the building allotted for the convicts, and the others confined in the Foujdarry department.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as Justices of the Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

From what I have mentioned in the course of my replies to the preceding interrogatories of the zemindars and of their farmers in this district, it must be seen, that the adoption of the measure suggested in this interrogatory, if it is not impracticable, is not advisable in this zillah; and I am persuaded, that to vest them with the powers proposed, would not only prove nugatory for the objects intended, but be highly detrimental to the country, and destructive of the peace of the inhabitants. Few of the zemindars and farmers of any respectability reside on their estates and farms to exercise it with effect for the purposes; and to allow them to delegate the power, or to vest their agents or under farmers with it, the worst and most mischievous consequences are to be apprehended from their abuse of it. In other zillahs the same objections to the adoption of the measure may not exist; and, where it can be adopted, it certainly would materially contribute to the suppression of crimes, and to facilitate the apprehension of offenders. But in any I should deem it advisable, to confine the extent of the jurisdictions to the estates or farms of the persons to whom the commissions were granted.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

I am not aware that any rules or regulations are necessary for the purpose; but an increased number of tannahs, as suggested in my answer to the 22d Interrogatory, would be useful.

34.—What has been the operation of the last regulation, respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion, that the establishment of the taxes, now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

I am sorry to say, that the regulation has not operated to lessen the vice in any sensible degree; but that it has not had this effect, in this district, is much to be ascribed to the great extent of the police tannah jurisdictions, and to the insufficiency of the establishments to perform the duties required from them by the regulation, in addition to the other duties which they have to perform. Whether from this, or whatever other cause, it is certain, that both the regulation and the taxes have proved inadequate to check the vice; and I am doubtful whether it is not more prevalent than it was before the establishment of those taxes.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

The institution of schools for the instruction of the young rising generation, Mahomedans and Hindoos, with Examiners appointed to see that attention is paid to their education, and books printed and distributed at the public expense, among the young children attending the schools, would undoubtedly have a good effect upon the character of both. The establishment of some English schools would also, I am of opinion, prove useful, and be attended with good effects in time, but the education in these should be gratis, and the progress of the children be inspected by the magistrate of the district; and I am persuaded, that the most beneficial consequences will result from the late institution at the Presidency by the present administration, and that it will be found to contribute more to the improvement of the moral character of the natives, than any thing done for the purpose, by any former administration.

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It is also much to be wished, that Government could employ the poor in any kind of labour, that their own industry could procure a subsistence, as this would lessen the number of thefts, whose frequency makes them be considered in a less odious light than they would, if they seldom occurred; and vice being progressive, the institution of some courts in the interior of the country, for the cognizance of all petty offences against morality and good order, would prove useful for checking its progress.

The establishment I have suggested, will doubtless be attended with expense; but where the objects in view are of so much real importance, the expense should not be considered; and surely something more than protection is due from Government.

36.—In your opinion, what has been the effect of the regulation, which declares persons convicted of the crime of perjury, liable to be marked in the forehead?

I have not known an instance where the punishment has been inflicted, and therefore cannot speak to its effect. The persons generally suspected of the crime, are the low and illiterate, and to prove it wilful against them is difficult, nor is it my opinion, that this punishment for the crime can be attended with any good effect.

37.—What has been the operation of the punishment of transportation introduced by the British Government?

I am sorry to say, that although the most sensibly felt of any, yet it has not operated in any perceptible degree to deter from the commission of the crimes, exposing the offenders to it; but from the effect it has upon the individuals who suffer it, extending to their families and connexions, I can entertain but little doubt, that this very desirable object of the punishment, will be answered in the course of time; and I am happy to add, that some instances have recently occurred in this zillah, wherein I have experienced it to have a very good effect, by inducing those who have been sentenced to it, with a view to procure its mitigation, to impeach their accomplices, whereby I have been enabled to bring a number of offenders to justice; nor has the benefit been confined to this, for it has bred distrust amongst them, and this in its consequences, I may fairly hope, will do much towards destroying the gangs.

38.—Are you of opinion, that the Mahomedan criminal law, with the alterations of that law made by the British government, is administered with too much lenity, or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

The punishment of mutilation formerly inflicted, certainly operated with more effect to deter from crimes, than that substituted by the British Government in lieu of it, has hitherto been found to have done; but I am far from being an advocate for the re-introduction of that cruel punishment, nor is it in my opinion necessary.

The law, with the alterations made in it by the British Government, does not appear to me to be administered either with too much severity, or with too much lenity, but in a proper mean; though I could wish the punishment of transportation to be inflicted more frequently, from a persuasion of its efficacy, and where it cannot take place, I would suggest the removal of offenders from the scene of their depredations, and from their connections, to the jail of some remote zillah, as likely to be attended with good effects.

39.—What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction?

I am happy to have it in my power to say, that it has been such as to meet with my approbation, correct, regular and moral; and it is a justice I owe them, to observe, that I have not known an instance of complaint against any of them since I have been at the station, now three years.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants, and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

I am really incompetent to speak to the general condition of the weavers and other manufacturers in this zillah, having little or no intercourse with them; but from every information I can obtain from the merchants, both European and Native, I understand it to be good, and I believe, it is equal to what it will be found in any other district; and with respect to the laws and regulations, I can only observe, that I have had no complaints, nor am I aware that they are defective for the purposes mentioned in the Interrogatory.

Zilla Burdwan,
9th March 1802.

E. Thompson, Judge & Mag^{tr}.

No. 1.

To GEORGE DOWDESWELL, Esq. Secretary to the Government.

Answers by the
JUDGES.

Calcutta Division.

Zillah Twenty-four
Pergunnahs,
1 July 1802.

SIR,

ACCOMPANYING, we have the honour to transmit our replies to the Interrogatories forwarded with your Letter of the 29th of October last.

Zillah, 24 Pergunnahs,
Fouzdarry Adawlut,
the 1st July 1802.

We are, Sir,

Your most obedient humble Servants,

*Cha. F. Martyn, W. C. Blaquiere, A. Macklar,
E. Thoroton,*
Mag^r.

ANSWERS to Interrogatories received by the Magistrates of the 24 Pergunnahs and Districts adjacent to *Calcutta*, from the Secretary to Government, under date the 29th October 1801.

Par. 1. The thirteen first Interrogatories applying expressly to the administration of the Civil Law, and the Dewanny Adawlut with all its records, having been removed to Hooghly previous to our taking charge of the Foujdarry duties of the 24 pergunnahs and districts adjacent to Calcutta, we are unable to furnish the information required by Government on the several points noticed therein. We commence therefore with the 14th Interrogatory, as the first in the paper that does not immediately apply to the Dewanny department.

Interrogatory XIV.—Par. 2. There are 100 seminaries in which the Hindoo law, grammar and metaphysics, are taught in the districts subject to our jurisdiction. These institutions are maintained from the produce of certain Birmoster or charity lands, and by the voluntary contributions of opulent Hindoos residing in their respective neighbourhoods. The annual expense of these seminaries is estimated at 19,500 rupees.

Par. 3. We find only one madrissah or seminary in which the Mahomedan law is taught in the 24 pergunnahs and districts adjacent to Calcutta. It is supported from the produce of certain lackrauje lands, and superintended by a moulvie named Ainsahul Dien.

Interrogatory XV.—Par. 4. We are sorry that we cannot make any favourable report respecting the moral character of the inhabitants of the districts subject to our jurisdiction. The lower classes are in general profligate and depraved. The moral duties are little attended to by the higher ones. All are litigious in the extreme; and the crime of perjury was never, we believe, more frequently practised amongst all ranks than at present.

Par. 5. The system introduced by the British Government for the administration of the law, and for the conduct of the internal administration of the country, does not therefore appear to have improved the moral character of its inhabitants. The mildness and lenity which pervades that system, is not, we think, by any means adapted to the general character of the people, whose vices and crimes can only be controuled by vigilant superintendance and severe example.

Par. 6. The depravity of the native character may also, we think, be in great measure attributed to the total want of attention shewn to the maxims and discipline inculcated by the Hindoo religion. These maxims were either made the source of emoluments or were wholly neglected under the Mahomedan Government; and under the British one, they do not appear to have been considered as a requisite part of the system introduced by that Government for the administration of the laws, and for the internal regulation of the country.

Par. 7. Outward forms of religion are the only ones at present observed; and the use of spirituous liquors, debauchery, and numberless other vices, which formerly met with the severest checks and punishment, are now practised with impunity amongst all classes.

Par. 8. Under the ancient Hindoo Government, the conduct of individuals was carefully watched by the perramanicks and heads of classes, and, when reprehensible, met with severe public censure and excommunication from the class to which the offender belonged, and to which he could not be restored without the Rajah's permission.

Par. 9. The persons thus excommunicated became entire outcasts; no person could associate with them under pain of excommunication; no washerman or barber could officiate for them under pain of fine and imprisonment; nor were they allowed to return to society till they were supposed to have made due atonement for the offences they had committed.

Par. 10. We are of opinion that the renewal of this system, with some modifications under the controul of the magistrates, would tend to improve very considerably the moral character of the inhabitants throughout the country.

Interrogatory XVI.—Par. 11. The inhabitants of the 24 pergunnahs, and the adjacent districts do, we believe, consider their private rights and property as secure from infringement, either by the executive officer of Government, or by the supreme executive authority itself, under the present constitution of the country, as they could possibly be under any form of government whatsoever.

Interrogatory XVII.—Par. 12. We have reason to believe, that the 24 pergunnahs and adjacent districts subject to our jurisdiction, are in a state of improvement with respect to population, cultivation, commerce, &c. Our opinion is founded (and we have no doubt but

but it will be confirmed by the report of the collector, and the records of his office) on the quantity of waste ground and jungle that appears to have been brought into cultivation, and the number of ghats, religious temples, and other buildings that have lately been constructed by the inhabitants.

Interrogatory XVIII.—Par. 13. We are of opinion, that the inhabitants of the districts subject to our jurisdiction are, in general, satisfied with the British Government, and with the protection and security they enjoy under its influence.

Interrogatories XIX. and XX.—Par. 14.—The present system of police is not, in our opinion, well calculated to secure the apprehension of offenders, or to answer the chief and principal object of all police institutions; that of preventing the commission of crimes by a constant and vigilant watch over the conduct of such of the inhabitants as, from their general habits and character, may be supposed most likely to engage in them. Nor are the police establishments in the 24 pergunnahs and adjacent districts adequate, in our opinion, to the duties required of them.

Par. 15. The increase of these establishments would, in some measure, remedy the evil noticed in the first part of the preceding paragraph, and enable the darogahs to keep a more effectual watch over the conduct of the inhabitants of their respective jurisdictions, than they can possibly be expected to do with the present establishment.

Par. 16. The burkundazes, now employed under the darogahs, are neither sufficient in number, or calculated, from their character and occupation, to be useful officers of police, any further than relates to the seizure of such offenders as may be pointed out to them, and of conducting them, when apprehended, to the magistrate's cutcherry. To the more important business of police, that of preventing the commission of crimes, and tracing out the perpetrators, they are wholly inadequate.

Par. 17. We would therefore recommend, that instead of increasing the establishment of burkundazes, a certain number of choukeydars be employed under each of the darogahs. The duties of these choukeydars should be to ascertain the character, connections, and occupations of the inhabitants of those parts of the district in which they are respectively stationed, and to report the same to the darogah. The tracing out of offenders should be left chiefly to the choukeydars; and the burkundazes, whose numbers are sufficient for the purpose, might be employed in securing and conducting them to the magistrate's cutcherry.

Par. 18. We would also recommend, with a view to secure the immediate attention of the darogahs to the more important business of the police under their respective jurisdictions, and to stop what, we have reason to believe, is at present made the source of very improper emolument, that the authority vested in them by Section 12, Regulation 22, of 1793, of receiving razeenamahs, and discharging the parties executing the same, be withdrawn; and that in all cases where the darogah is now authorized to receive razeenamahs, he do in future take security for the appearance of the parties before the magistrate; or, in the event of their refusing or being unable to give such security, that he forward them forthwith to the magistrate's cutcherry. The subject of complaint in which the darogahs have the power of receiving razeenamahs, are in all instances so trifling, and, in general, so groundless, that were the plaintiff assured, when instituting his charge, that he must substantiate the same before the magistrate, he would, we conceive, in very few instances, proceed; and probably the ends of justice, and the purposes of police, would be more effectually answered, by discouraging, as far as possible, complaints of so frivolous a nature as those which the darogahs are authorized to settle.

Interrogatory XXI.—Par. 19. The records of our office do not enable us to report with any degree of accuracy, the number of crimes committed annually in the 24 pergunnahs and adjacent districts, from the year 1793 to the period of our taking charge. We have reason to believe, that the police darogahs were by no means regular in reporting the crimes committed within their respective jurisdictions; and that numbers were perpetrated which never came to the knowledge of the magistrate. We are happy, however, in observing, that capital crimes of all descriptions, and that of dakoity in particular, have decreased considerably during the last two years, in the districts under our charge.

Par. 20. The following are the causes to which the frequent commission of crimes in general, and that of dakoity in particular, may, we think, be in great measure attributed:

First:—The removal of all responsibility, in matters of police, from the zemindars.

Second:—The want of power in the magistrates to try all criminal cases, and to punish all offenders convicted of crimes that are not of a capital nature.

Third:—The delay attending the administration of criminal justice, and the length of time that elapses before criminal prosecutions are brought to a conclusion.

Fourth:—The want of a house of correction for the commitment of vagabonds, and idle and disorderly persons of all descriptions, the good effects of which are very evident in the town of Calcutta.

Fifth:—The want of additional regulations, to prevent the sale and purchase of stolen property.

No. 1.

Answers by the
JUDGES.

Calcutta Decr 1801.

Zillah Twenty-four
pergunnahs,
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Sixth :—The inadequate punishment inflicted on offenders, when convicted of the crime laid to their charge.

Seventh :—The difficulty with which prosecutors and witnesses can be prevailed upon to come forward.

Interrogatory XXII.—Par. 21. The crime of dakoity appears to have been more frequent than any other in the 24 pergunnahs and adjacent districts, since the year 1793. Its prevalence may, we think, be attributed, in addition to the causes set forth in our reply to the 19th and 20th Interrogatories, to the number (if we may be allowed the expression) of hereditary dakoits, by whom, when we took charge of our office, we found these districts infested. Dakoity was their profession; the one which their ancestors had probably for generations followed, and which profligacy, united with indolence, prevented them from relinquishing.

Interrogatory XXIII.—Par. 22. are not in general kept by the inhabitants of the districts subject to our jurisdiction. (Birjebausies) armed with fulwars, are however retained, though not in any great numbers, by some of the zemindars and talookdars residing within our jurisdiction, for the purpose of guarding their property against the deprivations of dacoits; and in some instances, we believe, to assist in collecting their rents, and to overawe the adjoining zemindars, with whom they are frequently at variance. They are also occasionally used as hircarrahs to run before their masters palanquins in Calcutta, as well as in the Mofussil.

Par. 23. The number of attendants of this description ought, we think, to be limited, at the discretion of the magistrate. Their names should be registered at the cutcherry, and the zemindars, talookdars, and others, should be obliged to give notice to the darogah, or at the magistrate's cutcherry, whenever they change or discharge any of their armed attendants.

Interrogatory XXIV.—Par. 24. There are no brick or mud forts belonging to individuals in the districts subject to our jurisdiction, but such as are extremely old and entirely in ruins, so much so as to render it impossible for us to give any accurate account respecting them.

Interrogatory XXV.—Par. 25. We reckon the Hindoo inhabitants of the 24 pergunnahs, and the adjacent districts, subject to our jurisdiction, to be in the proportion of 12 to 4 to the Mahomedan; and the number of inhabitants of all descriptions taken on the actual enumeration of a number of the taulooks in the 24 pergunnahs, may be estimated at one million six hundred and twenty-five thousand; to these, if we add the inhabitants of Calcutta, estimated at six hundred thousand; the population of the 24 pergunnahs; the town of Calcutta, and the adjacent districts within twenty miles, will amount to two millions two hundred and twenty-five thousand.

Interrogatory XXVI.—Par. 26. The Nawab Dilawur Jung and Rajah Cullian Sing, are the only persons of real rank residing in the districts subject to our jurisdiction.

Par. 27. The number of their followers armed and otherwise are as follows:

The Nawab Delawur Jung	-	-	-	-	32.
Raja Cullean Sing	-	-	-	-	136.

Par. 28. Both these persons appear abroad with a considerable number of their armed attendants.

Par. 29. None of the zemindars in the 24 pergunnahs and districts adjacent to Calcutta, possess any real rank, and few of them are opulent.

Par. 30. The number of their armed attendants seldom exceeds four or five, one or two of whom are generally employed to run with their master's palanquins.

Interrogatory XXVII.—Par. 31. We have reason to believe, that the inhabitants of the districts subject to our jurisdiction, are well affected towards the British Government; and we in consequence, have not thought it requisite to adopt any extraordinary measures for superintending their conduct.

Interrogatory XXVIII.—Par. 32. We are of opinion that the conferring of titles and other marks of distinction by the British Government in India, would tend considerably to increase the attachment of its native subjects.

Interrogatory XXIX.—Par. 33. There are 124 roads in the 24 pergunnahs and districts adjacent to Calcutta. The principal ones are repaired at the expense of Government, and in the dry season are kept in tolerable good order. During the rains, however, with the exception of the Barrackpore, Balliagaut and Allipore roads, they are in many parts almost impassable. The inferior roads are repaired by the zemindars and other inhabitants.

Par. 34. Most of the bridges are greatly out of repair, and a number of new ones are requisite. The bunds also appear to require considerable repairs.

Interrogatory

Interrogatory XXX.—Par. 35. A number of the convicts at this station are employed in repairing some of the public roads in the vicinity of Calcutta, in digging a tank near the jail at Rassahpuglah, and in making bricks for the roads.

Par. 36. The number of guards requisite to superintend and watch the convicts thus employed, prevents our keeping so many of them to work as we could wish, and as the preservation of their health seems to require.

Par. 37. The construction of a house of correction in the vicinity of the jail, where all the convicts who are capable of work might be kept to constant labour, with a very small addition to the present establishment of guards, would remedy the evil noticed in the preceding paragraph, and appears to us to be a preferable mode of employing them.

Interrogatory XXXI.—Par. 38. In reply to this Interrogatory, we beg leave to submit the following Extract from the Judge of Circuit's letter to the Magistrates, under date the 9th of March 1802; "Your jail is in excellent order, and your prisoners well employed and are in good health."

Interrogatory XXXII.—Par. 39. From the general character of the zemindars, farmers, and other inhabitants of these districts, we do not think that it would be advisable to vest any of them with the powers of justices of the peace; on the contrary, we are of opinion, that such a measure, so far from being in any way beneficial to the police of the district, would be a source of great oppression to the lower class of the inhabitants, and of innumerable complaints to the magistrate.

Interrogatory XXXIII.—Par. 40. We submit with deference, to the consideration of Government, the following rules and regulations, as calculated, in our opinion, to amend the present system of police, and to check the commission of crimes in general.

Par. 41. First, to hold the zemindars in some degree as responsible for the conduct of persons in their employ, and others residing on their respective estates.

Par. 42. At present I have reason to believe, though it is difficult to establish proof against them, that the zemindars not only in many instances encourage and harbour dekoits, but frequently partake of the property plundered by them.

Par. 43. The choukeydars, and pykes employed by them, are concerned in almost every decoity committed in the districts subject to our jurisdiction; and we have no doubt, were the zemindars held in some degree responsible for the conduct of their choukeydars, and for that of others residing under their protection, that robberies and thefts would be much less frequent than at present.

Par. 44. With this view, therefore, we beg leave to recommend, that the zemindars be called upon to enter into muchalkas, and forfeit a certain sum of money in every instance where it shall be proved that they have entertained any person of a notorious bad character in their service, or allowed any such to reside on their respective estates.

Par. 45. Second, to authorize the magistrates, assisted by law officers, to try all criminal causes, and to punish all offenders convicted of crimes that are not of a capital nature.

Par. 46. To ensure the speedy administration of justice, and to render the magistrates more efficient in their respective jurisdictions, it appears to us particularly advisable, that they should have the power of trying offenders of all descriptions, and inflicting punishment, subject in capital cases only, or when the criminals are sentenced to be transported, to the confirmation of the Nizamut Adawlut.

Par. 47. The trouble, loss of time, and expense that attends a criminal prosecution on the present system is, in our opinion, a serious evil, and not only induces many who have been robbed to put up with the loss they sustain, rather than apply to the police officers for redress, but prevents numbers from coming forward with informations that would be highly beneficial to the community, and which we have no doubt would, in numberless instances, be preferred, were the administration of justice more prompt and speedy than at present.

Par. 48. We have now had charge of the Fouzdarry duties of the 24 pergunnahs and adjacent districts, for upwards of two years, and during that period only three jail deliveries have taken place; the consequence of this delay has been, that numbers of criminals of the most daring description, against whom when committed for trial there was the most full and complete evidence, have escaped, and been again let loose on society, owing to the death or illness of some of the principal witnesses, to their being kept collusively out of the way at the trial, or not being so correct in their evidence before the Court of Circuit as when the case was fresh in their memory before the magistrate.

Par. 49. The depredations of dekoits within this jurisdiction have been, during the last two years, in general confined to houses of the lower classes of natives, from whence they could expect little or no opposition, and the value of the property stolen has, in few instances, exceeded 30 or 40 rupees. A man, therefore, who has been robbed of property to that amount, and who resides probably at the distance of 20 or 30 miles from the magistrate's catcherry, must in the first instance, after making his application to the police

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darogah, attend with his witness before the magistrate; further evidence may be requisite, and it is probably twelve or fourteen days before the investigation can be brought to a conclusion. The magistrate then, with the fullest conviction of the guilt of the prisoners, commits them for trial before the Court of Circuit, and at the expiration of six, or as it may be, two or three months, the prosecutor and his witnesses must again attend, and are probably again detained for some weeks before the trial comes on; after this long attendance, loss of time, and notwithstanding the allowance made to poor and indigent witnesses, and some expense to themselves, they have too often the mortification to see the prisoner, whose guilt was fully established before the magistrate, escape with impunity.

Par. 50. The prosecutor is also, in many instances, more indifferent as to the event of the trial when it comes forward than he was at the time of his appearance before the magistrate; threats have probably been conveyed, in a circuitous mode, both to himself and his witnesses; and they in consequence think it more politic, on their appearance before the Court of Circuit, to soften than to urge what they have stated before the magistrate. Persons who have families and property deem it extremely rash and dangerous to prosecute or appear as witnesses, against men of such desperate character as the dekoits of this country. Indeed, it is with the utmost difficulty that they can be prevailed upon to come forward, even in cases when they have received personal injury, and when they have not, to speak to the persons of the prisoners, but merely to identify the property found in their possession.

Par. 51. The evils which we have here noticed would, we conceive, be in great measure done away, the prosecutors and witnesses be induced to come forward with more alacrity, the ends of justice be more effectually answered, and a considerable saving arise to Government, if the magistrates were nominated Judges in the Fouzdarry, as well as in the Dewanny Department.

Par. 52. To enable the Judges thus nominated to act with energy and effect, they should, we conceive, be invested with the same powers as are now exercised by the Courts of Circuit. They should be assisted by law officers, and a monthly statement of their proceedings should be transmitted to the Nizamut Adawlut.

Par. 53. If so material an alteration as the one which we have now ventured to suggest in the judicial system, should not be deemed expedient or advisable, we submit, with deference to the consideration of Government, the necessity of increasing the powers which the magistrates are at present allowed to exercise, and of authorizing them, in addition to the corporal punishment which they are now allowed to inflict, to imprison offenders, according to the circumstances of the case, for a period not exceeding one year.

Par. 54. We further beg leave to submit to the consideration of Government, the expediency of placing the subordinate officers of police entirely under the controul of the magistrate; at present the police darogahs, aware that they cannot be dismissed from office without a representation to Government, consider themselves in some degree independent of their immediate superior, and many instances must occur where, though the magistrate has not what he conceives to be a charge of sufficient magnitude to prefer to Government, he still finds the darogah wholly incompetent to the duties committed to his charge. We beg leave, therefore, to recommend, that Clause 6, Reg. II, of 1793, be rescinded; and that the removal of the police darogahs be left to the discretion of the magistrate.

Par. 55. The reward of ten rupees for the apprehension of every dekoit, authorized by Section 18, Regulation XXII. of 1793, does not appear to us a sufficient recompence, for the hazard that must be run, and the expense that must frequently be incurred, in tracing out, apprehending, and prosecuting to conviction, offenders of so daring and dangerous a description.

Par. 56. We would therefore recommend, that instead of the reward authorized by the section above noticed, the magistrates be allowed, in all instances when any notorious robber or thief shall be apprehended and prosecuted to conviction, to confer a reward not exceeding one hundred rupees; that they be also authorized to confer rewards for the apprehension of offenders of an inferior description, suited to the circumstances of the case, and to the hazard that may have been run in apprehending them.

Par. 57. Third, To establish certain regulations for preventing the sale and purchase of stolen property.

Par. 58. The facility with which stolen articles of all descriptions are at present disposed of, encourages robbery and theft, and renders detection extremely difficult.

Par. 59. Itinerant purchasers of gold and silver ornaments, and brass and copper utensils, which generally form the greater part of the booty in a dekoity, are allowed to perambulate every district, and to purchase every article offered for sale, at half its value, without asking a single question, and without giving any notice whatsoever to the police officers.

Par. 60. These purchasers are in general in the employ of principal monied men at the metropolis, or the foreign settlements, and brass-beaters, who have considerable manufactories at Cutwa, and other places.

Par. 61. The gold and silver articles are either melted on the spot, or sent for that purpose to Calcutta, where the metal is refined, brought to the Government standard, and sold to the mint.

Par. 62. We have reason to believe, that several natives, apparently of great respectability, both in the Mofussil and in Calcutta, have made considerable sums of money by this nefarious traffic.

Par. 63. Brass and copper utensils are purchased in the same manner, taken to the manufactories, and melted down.

Par. 64. Besides the itinerant purchasers, numbers of sonars and brass-beaters are established in most parts of the different districts. These sonars and brass-beaters purchase indiscriminately from all descriptions of persons whatsoever, articles they offer for sale, and melt them down or deface them in such a manner as to render it impossible for the owners to recognize their property.

Par. 65. We are of opinion, that itinerant dealers should be prohibited from going about the country, that established sonars and brass-beaters should be put under certain restrictions, and that all persons purchasing for less than their real value, any articles that may afterwards prove to have been stolen, shall be prosecuted, not merely as receivers of stolen goods, but as accessories to the robbery or theft, and punished accordingly.

Par. 66. Brass and copper utensils should be marked with the initials of the proprietor's name, or the name at full length, together with that of the village in which they reside.

Par. 67. This might be easily done at the time of purchase, by the brass-beaters, who should be subject to penalty if they sell any utensils, without marking them with the initials or name of the purchaser.

Par. 68. The established sonars and brass-beaters should be registered, and caused to make an entry of all articles brought to them to work up or melt down, with the head man of the village in which they reside, who should forward the same every week to the magistrate.

Par. 69. Persons in the habit of lending money on pledges, should also be obliged to make an entry of them, with the principal man of the village.

Par. 70. Fourth, to punish the commission of crimes in general, and those of dacoity and perjury in particular, with more severity.

Par. 71. The punishment by mutilation has been humanely abolished by the British Government, and that of imprisonment or transportation, substituted in its place. The former, unless attended with extreme hard labour, is considered by the natives of this country, as little or no punishment; the latter is, however, dreaded, and would be still more so, were it passed for a longer period, and more frequently than at present. It seems also expedient, that the convicts ordered for transportation, should be embarked immediately, or as soon as possible, after the confirmation of the sentence, for the place of their destination.

Par. 72. At present they are allowed to remain for years in the jail of the 24 pergunnahs, and some instances have occurred, where the periods for which they were transported, have expired during their confinement in the jail.

Par. 73. The sentences passed at the jail deliveries which have taken place in these districts, since they were entrusted to our charge, have seldom, even in instances of dacoity, exceeded seven years, and very few, considering the numbers tried, have been recommended for transportation. In several instances, where the facts have been so fully established before the magistrates, as to make them conclude that the punishment could not be less than that of transportation for life, so different have those facts appeared before the Court of Circuit, or in so different a light have the Court considered them, that the offenders have seldom been sentenced to more than five or six years imprisonment.

Par. 74. Punishments so inadequate to the crime of which the offenders are convicted, must, we conceive, and indeed it has in several instances come under our observation, considerably lessen that degree of awe with which persons brought before the Courts of Circuit ought to look up to their decisions. Several notorious dacoits now in the jail at Rassahpugulah, under sentences of four and seven years imprisonment, have ridiculed their punishment, and told the prosecutors to beware when they should be released.

Par. 75. Convinced, that unless some severe examples are made, no effectual check can be given to the commission of dacoities, we submit with deference to the consideration of Government, the expediency of sentencing to death the perpetrators of every dacoity, in which murder, wounding, or any cruel treatment whatsoever, shall have been inflicted on the persons whose houses may have been attacked, or others; and that in all instances when dacoity shall not have been attended with any of these circumstances, the perpetrators be transported for life.

Par. 76. The crime of perjury, with exception to the town of Calcutta, appears to have risen to an alarming height throughout the Company's territories, and to call most loudly for a much severer degree of punishment than the existing regulations direct.

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Par. 77. In addition therefore to the corporal punishment, public exposure, and godēna inscription prescribed by Regulation 17, of 1797, we beg leave to recommend, that all offenders convicted of the crime of perjury, be transported for a period of not less than seven years.

Par. 78. Since the arrival of the Judges now presiding in the Supreme Court of Judicature, the crime of perjury, which was formerly as prevalent at the Presidency as it now is in the Mofussil, has, by the deservedly severe sentences passed by the Court on all offenders of this description, been almost effectually checked, and scarce an instance of perjury appears for some time past to have occurred in the Supreme Court.

Int^y XXXIV.—Par. 79. The operation of the last regulation respecting the tax on spirituous liquors, has, we think, been beneficial in the districts subject to our jurisdiction. We have reason to believe, that the vice of drunkenness is not so prevalent as formerly; and we are of opinion, that it would be less so, if the tax were levied in its fullest extent throughout the twenty-four pergunnahs and districts adjacent to Calcutta.

Int^y XXXV.—Par. 80. We are not at present aware of any measures beyond those which we have already suggested, that would particularly conduce towards the improvement of the moral character of the inhabitants of our jurisdiction.

Int^y XXXVI.—Par. 81. We are unable to speak as to the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead, no instances having yet come under our observation in which the mark has been inscribed.

Int^y XXXVII.—Par. 82. We are of opinion, that the punishment of transportation has been attended with good effect, and that it would be still more beneficial to the police of the country, if the sentence was passed more frequently, and the convicts embarked immediately, or soon as possible after its confirmation, for their place of destination.

Int^y XXXVIII.—Par. 83. We have stated our opinion on the subjects noticed in this Interrogatory, in the 5th, 71st, and 73d, preceding paragraphs.

Int^y XXXIX.—Par. 84. The general conduct of the Europeans, not in the service of the Company, who reside within our jurisdiction, is correct; and very few instances have occurred of any complaint whatsoever having been preferred against them.

Int^y XL.—Par. 85. We believe the weavers, and other manufacturers in our jurisdiction, to be well satisfied with their condition, and that the existing laws and regulations are well calculated both for ensuring justice to them, and for obtaining the punctual performance of their engagements with the officers of the Company, and the individual European merchants.

Cha. F. Martyn, W. C. Blaquiere, A. Macklew, Ed. Thornton,
Magistrates.

Zillah, 24 Pergunnahs, &c.
Fouzdary Adawlut, the 1st July 1802.

Dacca Division.

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Answers by the
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ANSWERS to the Interrogatories respecting the State of the Country, &c.;—
received from the Magistrates of the Division;—viz.

Court of Appeal and Circuit	-	-	-	9 June	- -	1802.
City of Dacca	-	-	-	9 & 21 Dec.	-	1801.
Zillah Backergunge	-	-	-	7 January	-	1802.
D° - Tipperah	-	-	-	23 April	- -	D°
D° - Sylhet	-	-	-	1 May	- -	D°
D° - Momensing	-	-	-	29 January	-	D°
D° - Chittagong	-	-	-	27 March	-	D°
D° - Dacca Jelalporc	-	-	-	28 July	- -	D°

To His Excellency the Most Noble MARQUIS WELLESLEY, K. P. Governor General,
&c. &c. &c.

My Lord,

CONFORMABLY to the orders of the Honourable the Vice President in Council, of the
3d December last, we beg leave to transmit to your Excellency, a copy of our Answers
to certain Interrogatories, regarding the internal state of the country; the original of
which we have this day forwarded to the Secretary to the Government in the Judicial
Department.

We have the honour to be, with the highest respect, My Lord,
Your Excellency's most obedient and most humble servants,

Shearman Bird, senior judge.
B. Crisp, - - 2d judge.
John Fendall, - 3d judge.
James Graham, - 4th judge.

Dacca,
9th June 1802.

INTERROGATORIES:—1. What is the number of Appeals depending before
your Court?

ANSWERS:—1. The number of causes depending on the 1st of January 1802, was
five hundred and sixty-eight.

2. What proportion does the number of Appeals now depending before your Court,
bear to the number usually depending during the several years commencing from
the year 1793 to the present period?

2. The following statement will show the proportion of causes depending each year, from
June 1794, when the first Petitions of Appeal were filed:—On the 1st January 1795, there were
depending 68 causes;—on the 1st January 1796, 238;—1st January 1797, 358;—1st
January 1798, 460;—1st January 1799, 512; 1st January 1800, 601;—1st January 1801,
625;—1st January 1802, 568.

3. What number of causes was decided in the past year by your Court?

3. One hundred and fifty-five causes were decided by our Court in the past year.

4. What number of causes do you suppose must necessarily be depending before
your Court; and what is the reason that the number of causes depending before
your tribunal, is not reduced as low as you think it might be reduced?

4. The Court now consisting of four members, we see no reason why our arrear of causes
should not be so reduced in time as to leave none depending, but such as are instituted
within the current year; the average of which, we imagine, will not exceed fifty. The
reason that the number of causes depending before our tribunal is not reduced as low as it
might have been, are the length of the circuits, the troublesome nature of the trials at some
of the stations, and the indisposition of Judges; all which circumstances have concurred to
prevent the Court of Appeals from sitting so frequently as it otherwise might have done.

5. Are you prepared to suggest the establishment of any rules which (consistently
with the due administration of the laws) would expedite the decision of suits?
Are you of opinion that the object would be in any degree promoted by leaving it
optional to the different tribunals to commit the depositions of witnesses, in causes
not appealable to a higher tribunal, to writing or not, as the Judges might think
proper?

5. We shall suggest such rules as appear to us advisable on this subject, in our answer to
Interrogatory the 12th; with regard however to the proposition of leaving it optional with
the different tribunals to commit the depositions of witnesses to writing or not, in causes
not appealable to a higher Court, it may be observed that causes of this description bear a
very small proportion indeed to the number of those that are appealable, and that therefore
the relief in expediting decisions would hardly be felt by the Courts, were the measure to be

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adopted. Even if this were not the case, we should hesitate to recommend the practice, as the present mode of taking down the depositions of witnesses in writing, must operate, as we conceive, as some check to perjury; the record of the evidence furnishes a means of detecting persons guilty of this offence, and if witnesses knew that their declarations were not to be committed to writing, they would be less deterred from perjury themselves than they now are.

6. Are you of opinion that it would be advisable to extend the jurisdiction of the Native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding 200 rupees? What is the amount to which you would recommend the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice, in the division subject to your jurisdiction, be expedited, by the adoption of this arrangement?

6. We should by no means recommend the general extension of the jurisdiction of the Native Commissioners; yet as there are no doubt among them some men of ability and integrity, it may be left to the discretion of the Zilla Judges to point out such persons; and we think that their jurisdictions in the capacity of Referees only, might be extended to suits for 200 rupees, for money and personal property; the Zilla Judge might in the first instance recommend such persons as he should deem fit for the trust, for the approval of the provincial Court of Appeal, stating the general character, the qualifications, and situation in life of each person so recommended; and that Court, after due enquiry, if satisfied with the nomination of the Zilla Judge, might send it up to the Sudder Dewanny Adawlut. If the Provincial Court should see any cause to disapprove of the nomination of the Zilla Judge, they might state these objections to him, leaving it at his option either to withdraw the nomination, or to send it up through the Court of Appeal, with their remarks, for the decision of the Sudder Dewanny Adawlut.

Supposing that by the adoption of the measure above proposed, a considerable portion of the causes now pending before the Registers may be transferred for the decision of the Referees, the jurisdiction of the Registers may be extended to suits of 500 rupees, with a probability of the general administration of justice being greatly expedited by it. We also think that all decisions of Zilla Judges in matters of personal property up to 500 rupees, should be final, whether tried by them in the first instance, or in appeal from the decisions of the Registers. As the Regulations on this subject stand at present, it appears to us that the final jurisdiction of the Judge, in matters tried originally by him, is in no degree greater than that of the Register. Indeed if the Register decrees 200 rupees in favour of A, and the Judge reverses the decree, this last decision, though there is one judgment against another, is final. But if the Judge had passed the decision against A, in the first instance, though his judgment stands unopposed by any other, it is not final. But the following statement of the causes for money and personal property depending before the Judges and Registers of this division, on the 30th of June last, will enable the most noble the Governor General in Council to form an accurate judgment of the expediency of approving or rejecting what we have here proposed; on a calculation made from the half-yearly reports transmitted to us, it appears that on the 30th of June 1801, there were depending before the Judges, causes for above 500 rupees, 448;—for 500 rupees and under, 1,208;—before the Registers, for 200 rupees and under, 3,603.

7. Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law-suits to be too considerable, or otherwise?

7. We think it has; at the same time we are far from being of opinion that the charges attending the institution of suits, are by any means too high.

8. Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the vakeels attached to your Court persons of the above description; and are they in general well acquainted with the printed Regulations?

8. The fees of the licensed vakeels appear to us to hold out an ample inducement for men of character and ability, (without which, of course their gains must be very trifling) to seek for the situation. Most of the vakeels attached to our Court, are men of this description, and are well acquainted with such of the printed Regulations as relate to their immediate duties, or contain information necessary for them to possess as pleaders. There are, however, some few persons among them of whom we have not a good opinion, though nothing has as yet been proved against their characters to sanction their removal. The conduct of these persons is of course rigidly watched by us.

9. Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Courts, the merits of the suits instituted?

9. We are of opinion it has in some degree, but not to the extent that might have been expected, owing to the want of confidence on the part of the principals in the suits entrusted to them, who, with some few exceptions, have their pleadings drawn by private agents or attorneys employed by them, and merely make the licensed vakeels the channel for delivering them.

10. Do the vakeels in general discharge their duty to their clients with honour and fidelity?

10. Having seldom heard of any complaint to the contrary, we conclude they do.

11. Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

11. We believe they are; generally speaking, however, their knowledge of the Regulations of Government is very confined; nor do we think that sufficient means are taken for enabling the natives to inform themselves of those Regulations. The numbers of the printed copies that are circulated to the several Courts and Public Offices, are distributed amongst a very small portion of individuals; neither are even those that are thus circulated, (we think, particularly of the Persian and Bengal counterparts,) always preserved with the care they ought to be, so as to form complete sets. It has also sometimes happened, that due and timely publicity has not been given to the Regulations materially affecting the interests of individuals, by their being enforced, immediately on their being published in English, before translations of them have been made or promulgated in the country languages. This has been particularly the case with Regulations X and XI of 1801, and we apprehend that many frauds and impositions have been committed in consequence; to prevent which, as well as the general ill consequences of ignorance on the part of the people of the country, in regard to the extent and meaning of such new laws in future, we beg leave to suggest that all regulations for imposing or levying any tax, or any duty on commerce, or in any way affecting the rights and tenures of the proprietors and cultivators of the soil, be hereafter accompanied in their promulgation with a translate in some one of the languages of the country; and that the letter transmitting such a regulation to the Judges and Magistrates of the several stations, direct them, on receipt thereof, to cause the translation of it, (either a printed copy or a written one duly attested,) to be published by beat of drum at all the principal towns and places within their respective jurisdictions, with an advertisement informing the inhabitants, that any person desirous of obtaining a copy of that or any other of the Regulations of Government, will at all times be permitted to take such copy in writing from the books of printed Regulations deposited at the Sudder Cutcherry of the city or zilla, on application either to the Judge and Magistrate, or to the Register, or any of the ministerial officers of the Court, being covenanted servants of the Company.

12. Are you prepared to state any alterations in the forms established for the trial of civil suits, which would expedite the decision of the suits, without endangering the due administration of the laws?

12. We are of opinion, that if the depositions of witnesses were to be taken down in writing before sworn examiners, on written interrogatories, in the presence of the parties, or of persons duly authorized by them, so as to save the Judges and Registers the time now occupied in such examinations, it would be the means of considerably expediting the decision of suits; and we see no reason to apprehend that the due administration of the laws would be in anyway endangered by such a measure; a rigid adherence to the rules already prescribed in sections 3 and 5 of Regulation IV. of 1793, is also extremely necessary, to prevent the decision of suits being retarded, either by delays in the filing, or by the introduction of irrelevant or impertinent matter in the pleadings in law-suits. We add this suggestion from having had occasion to observe a want of strict attention to these rules, particularly in regard to replications and rejoinders, which, instead of being simple admissions or denials of the truth of the facts stated in the complaints and answers, not only repeat the whole of the substance of such complaints and answers, but contain a variety of new argument, and often matter foreign to the subject at issue.

13. Have you in your Court-room any place allotted for the Bench of the Judges, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms and ceremonies do you observe in opening your Court or sitting in it?

13. Our Court is held in a spacious upper room of the house rented by Government for this purpose alone, and we have a high raised bench for the Judges, with boxes on each side for our Sirishtadar and law officers; and on the floor fronting our bench, is a table with seats round it for the licensed vakeels and parties. The room is equally divided by a rail, the further space being free to all persons who attend either from business or from motives of curiosity. The arrangement on the whole (but that there are no boxes for witnesses) resembles in some degree that of the Court-room of the Supreme Court of Judicature in Calcutta. No particular forms or ceremonies are observed in opening our Court; we always enter preceded by the Nazir and his peous, and also by our silver-stick bearers; the latter, though not allowed by Government, possibly from its not being suggested, we think it necessary to put ourselves to the expense of, in conformity to the custom long established in the country. On our entrance into Court we are received by our native officers and the vakeels, and after we have taken our seats the business is brought on, each suit and matter in its regular order, as far as is consistent with its state of preparation and with the rules for taking up revenue and other causes of their regular numbers.

14. Are there any private schools or seminaries in the division under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are these institutions maintained?

14. There are numerous Hindoo schools, in which are taught the rudiments of the Bengal language, with the principles, or rather forms, of their religion and law. As far as we have been able to learn, they are supported by private endowments, chiefly granted by the zemindars. The Mahomedan seminaries are very few in number, and maintained in the same way; but the children of the higher ranks are usually educated in their own families.

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Court of Appeal
and Circuit,
9 June 1802.

15. What is your opinion regarding the general moral character of the inhabitants of your Division? Has the moral character of the inhabitants in general improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

15. We are concerned to say that the moral character of the bulk of the natives in this part of the country, is at a very low ebb. They have gained much in knowledge from their intercourse with Europeans, and from their observation of our systems of Government. But far from improving in their moral character, they appear to have become, if possible, more mischievous in their vices than they were before. Indeed we have reason to believe that the inculcating of moral precepts forms no part of the education of the rising generation.

16. Are you of opinion that the inhabitants in general of the Division under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country, against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

16. Against infringement, either by the executive officers of Government or by individuals, they certainly do; but we do not imagine that they have yet formed so accurate an idea of, much less a confidence in, the limitations imposed by the supreme executive power on its own acts, as to consider themselves entirely secure from infringement of their private rights and property by that high authority. Their confidence even on this point may soon however be expected to be carried to the greatest extent. We are assured that till some time after the Decennial Settlement had expired, the idea of its not undergoing revisal or alteration, was decided even by the most intelligent of the zemindars of this division. Their opinions on the subject have now begun to change; and as the proprietors of landed estates go on gaining confidence, they will no doubt, more than they have done, turn their minds to the improvement of their situations, not solely with regard to cultivation, but also in points of general conveniency.

17. Are you of opinion that the Division under your jurisdiction, is in a state of improvement or otherwise, with respect to its population, cultivation and commerce, and its buildings or other works of religious, domestic or other purposes; and on what grounds do you form your opinion?

17. With respect to cultivation, buildings and reservoirs, the Division, within the last ten years, has very greatly altered for the better, and appears to be at this time in a rapid state of progressive improvement: we form this opinion chiefly from the observations of our second Judge on his circuits. Tracts of country, formerly overgrown with underwood and high grass, the haunts of beasts of prey, now cleared away, present scenes of scattered villages and cultivated fields; Hindoo temples and obelisks have also risen up in many parts, and we have reason to believe that domestic buildings have no less increased, though from their concealed situations they do not so often strike the notice of the traveller.

Respecting the city of Dacca, we must observe, that it has had more than one period of decay. During the reign of the Emperor Aulumgeer, its splendour was at the height; and judging from the magnificence of many of the ruins, both in the heart of the present city and its environs, such as bridges, brick causeways, mosques, serais gates, palaces, and gardens, most of them, least those in the environs, now overgrown with wood, it must have vied in extent and riches with any of the great cities we know of in Bengal, not perhaps excepting Gour. During the troubles and distractions which followed the invasion of the Mogul Empire by Nadir Shaw, it appears to have first declined; and that it did not meet with the fate of Gour, may perhaps be attributed partly to the salubrity, and partly to the peculiar commercial advantages of its situation. In this decayed state, with little variation, it seems to have remained until the establishment of the provincial councils under our Government in 1774; when, from its becoming the centre of the administration of justice, the place for the receipt of the public revenue, and consequently of the resort and residence of the principal inhabitants and zemindars of the division, it again exhibited an appearance of magnificence and opulence in the repaired state of some of the ancient buildings, and in the erection of new ones for their dwellings; but above all, in the style of grandeur and parade in which some of them lived. From this state it fell off, on the abolition of the council and the appointment of Judges and Collectors in the several zillas, which of course rendered the city residence of the landholders no longer convenient or necessary, and induced them (very beneficially we believe for the country at large) to live on their estates. Since that period the city has regained nothing of its former grandeur in respect to the domestic buildings or style of living of its Indian inhabitants; but we are confident in our assertion, that in the mercantile, middling and industrious classes, its population is considerably increased, and the limits of the inhabited part of the city have by that increase become much extended within our knowledge since the first establishment of this Court; an improvement which, in our opinions, may with great justice be ascribed not only to the advantages of its commercial situation, before noticed, but also to the comparatively excellent superintendence of its police; we must add too, that the houses of the European inhabitants (most of them the property of natives) have increased in number and improved in their construction within the last five years.

With respect to the commerce of this division, it has from various causes been for some time past in a declining state. The fine muslins of Dacca have been famous throughout the world; the sale of them in the Europe market was certain, and the demand for them extensive; but within these few years the quantity brought for sale bears a very small proportion to that

that which formerly used to be purchased at these Aurungs. This decline is easily accounted for, as far as regards the very finest kinds of muslin, the manufacture of them having long since been ruined by a total stagnation in the demand for them in the upper parts of Hindostan, in consequence of the fall of the Imperial Government, until which period these delicate and beautiful fabrics were held in such estimation, not only at the court of the Emperor, but amongst all the higher orders of the nobility of India, as to render it a matter of difficulty to supply the demand for them. We must look however to a variety of other and more recent events for that general decline in the muslin trade of this division, to which we particularly allude; perhaps it may be in some measure attributable to the high degree of perfection to which this branch of manufactures has lately been brought in Great Britain; but above all, we apprehend that the decrease of the honourable Company's investment, a decrease severely felt by the manufacturers, and the rise in the price of cotton (from three rupees to eight rupees per maund) from the failure of the crops for the last two years, have most materially contributed to injure this branch of commerce; and, on the whole, we are of opinion, that in a want of vent for this as well as other articles of export, (its prime source of riches) this division has essentially suffered by the long continuance of the war; and that the complete revival of its trade and manufactures can only be looked for in the lapse of years of uninterrupted peace.

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18. Are you of opinion that the inhabitants of the division subject to your jurisdiction are in general satisfied with the British Government?

18. The bulk of the people we firmly believe to be perfectly satisfied with the British Government, and strange indeed would it be if they were not so. What period of their history can show such pains taken for their security, in person, religion and property; and above all, what period of their history can show them a series of six-and-thirty years of perfect peace and internal tranquillity? The only apprehension to be entertained is, that in this long period of domestic quiet, they may have forgotten their former condition, when scarce a year could pass over without their being disturbed with the rumour, or terrified with the din of warfare.

19. Is the present system of the Police well calculated to ensure the apprehension of offenders?

19. We think the system is, but there are defects in its administration which operate to prevent its ensuring, in so great a degree as it probably otherwise would do, the apprehension of offenders; sufficient means of intelligence are not resorted to, and there is a publicity in the proceedings of the Magistrates which frequently, we believe, gives offenders opportunity of learning, through their emissaries, the measures that are pursued against them. We beg leave to refer to the Reports made by this Court to the committee that was appointed to investigate into the state of the police (Appendix, Nos. 1 and 2) for various useful, as we think, suggestions on this subject.

20. Are the Police Establishments, in the division subject to your jurisdiction, adequate to the duties required of them?

20. The Police Establishment of this division, we are of opinion, requires revision. Some of the jurisdictions are by much too extensive, and the police officers stationed in them are consequently not adequate to the duties required of them.

21. Are you of opinion that the number of crimes committed annually in the division under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

21. Excepting perjuries, we think the number of crimes committed has decreased since 1793, owing, we are persuaded, to the operation of the system of police and mode of administering criminal justice introduced in 1791, but confirmed in that year; for whatever be the defects in either of them, they have together rendered detection and punishment infinitely more certain than they were prior to the period of their institution.

22. What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

22. Gang-robbery, often aggravated by cruelty, and sometimes by murder, though not carried near to the height it was ten years ago, seems still to be the crime most prevalent in this division; and perjury, morally speaking, as well as its consequences, a crime of deep enormity, is also, we are concerned to say, but too common.

It is alleged that the opulent landholders in this division formerly retained great numbers of armed men, not only for the purpose of repelling the attacks of their hostile neighbours, but also to enforce payment of the rents of their estates from their under-farmers and tenants; and that when the services of these armed bands became no longer necessary, from the increased security and protection which the laws afforded to persons of all descriptions under the British Government, they were paid off: many of them from the upper provinces, as well as natives of Bengal, pressed by want on one hand, and allured by the hope of plunder on the other, as well as impelled by habits natural to their former course of life (a life of violence, plunder, and oppression) betook themselves to robbery; by which, and by occasionally hiring themselves to the zemindars, to fight their battles for disputed crops and boundaries, they obtained a precarious maintenance. Adverting to this state of things, at a period not long antecedent to the year 1793, it is no matter of astonishment to us that this terrible crime against the peace of society, called "Decoity," or Gang Robbery, should have gained the head it once had done, or that having gained that head, it should still, though greatly lessened, remain to be subdued.

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It is in our knowledge that whole families have practised robbery from one generation to another; and so depraved and regardless are they of the most common distinctions between good and evil, that they do not even consider robbery as a crime. As some proof of what has been said of their origin, the common cant word of command among them at the present day, when extorting a discovery of hidden property by the application of a species of torture called the "Lant-chungee," is "Tuhsulkarro;" alluding, as we are assured, to the cruel mode in which the land-rents used to be collected, or rather wrung, from the tenants of all descriptions, under the distracted government of the latter soubas. That they are still so formidable, however, is probably in a great measure owing to their gangs being generally furnished with leaders, who succeed each other as the officers of a regular corps, in cases of death, sickness, or confinement; and that being Predestinarians from their births, they seldom, if ever, reflect on the consequences likely to overtake them in their hazardous career: they moreover to the last entertain hopes of escaping punishment, either by flying to the creeks, woods, grass coverts, or islands, so singularly well adapted for their concealment, with which this division abounds; or if apprehended, by not having sufficient evidence brought against them to convict them before a Court of Justice. In fine, to a concurrence of the above causes, the existing frequency of gang-robbery, and to the total want of moral principle amongst the native inhabitants of the country, the frequency of perjury, we conceive, must be attributed.

For the suppression of the first of these crimes, we are of opinion it will be expedient to enlarge the powers of the magistrates, to increase the number, pay, and responsibility of the police darogas, and to take away from the latter the power of interfering in petty disputes, so as not only to obviate the evils that have long been complained of, arising from the perversion of that power to the purposes of extortion and oppression, but to enable them to give additional time and attention to their more important duty of seeking after and apprehending robbers. We would further recommend, that landholders and farmers of all descriptions should be required to give the magistrates information of all robberies committed, and of all notorious robbers harbouring or residing, within their respective limits, under pain of severe penalties. Their knowledge in both these points, provided they have the management of their lands, should be, in the first instance, presumed, and the proof to the contrary, towards a remission of the penalty, should invariably lay on themselves.

We cannot here avoid remarking, that the provisions contained in Regulation VI. of 1796, for conditionally admitting accessaries to be witnesses against principals in crimes of a heinous nature, already affords one considerable means to the Magistrate towards dissolving the larger gangs of Decoits; by spreading amongst them a distrust of each other, and at all events by the great object which may be, and has sometimes been gained by it, of convicting their leaders. We do not think sufficient use has been made of this Regulation, nor will it be of full avail, so long as prisoners sent in from the thanas are kept together, or are suffered to mix with convicts before examination. It is in vain for the Courts of Circuit to attempt to draw the truth from prisoners on trial, under any offer of endeavouring to procure pardons for them, after they have once denied their knowledge of the fact charged against them before the Magistrate, and have become fixed and hardened in that denial by the daily lessons or threats of Sidars, who have a strong and long established influence over them. Some written injunctions to the Magistrates, calculated to draw their particular attention to this Regulation, seems to us to be necessary; and if issued through the Court of Nizamut Adawlut, would doubtless have the desired effect.

With respect to the crime of perjury, a crime so atrocious, that to use the words of that great and lamented character Sir William Jones, "human nature, in which a sense of religion seems inherent, starts at the name of it;" we hardly know what to recommend with much hope of success, whilst the morals and religion of the natives of this country, remain in their present corrupt state. Alteration in the forms of swearing witnesses, so as to render them more solemn, would take up time, which in the present state of business in the Courts of Justice, could ill be spared, without an evident probability of advantage from it; and we really do not see any. It only remains then to try what an increase in the severity of the punishment will do, and (independent of the stigma of the godena in particularly atrocious cases) persons convicted of perjury should, we are of opinion, be declared punishable with imprisonment for such a term of years as to render them liable to transportation. We also recommend, that prosecutors or witnesses perjuring themselves before the Courts of Circuit, be immediately committed and brought to trial whilst the Court is sitting; instead of being left for an ensuing sessions; and at the same time, as nothing can tend more to encourage perjury than the acquittal of persons charged with that crime, the magistrates should be cautioned never to commit a man on this charge, unless the circumstances, or evidence to prove it, are such as will render it highly probable that the trial will end in his conviction and punishment.

23. Do the inhabitants of the division under your jurisdiction, keep arms in their houses? What description of arms do they retain, and for what purposes are the arms retained?

23. We seldom observe that the peasantry of the country (unless they are robbers, or persons of bad character) have any arms in their houses, excepting bamboo sticks and clubs: these they retain for defence within-doors against thieves; and when they go out to their fields, against the attacks of wild animals, particularly the boar, which abounds even through the cultivated parts of this division. They also but too often make use of

them in settling their disputes regarding crops or land boundaries. For similar purposes, good and bad, the higher and middling ranks of inhabitants, however, are accustomed to keep in their houses a variety of weapons of a more deadly nature than sticks, such as swords and bamboo spears, and sometimes matchlocks.

24. Are there any brick or mud forts in your division? In what state are the forts, and what is the nature of their construction?

24. There are many brick forts in this division: all of them that we have seen are in a state of ruin, and the cannon formerly mounted on them, are all decayed and un-serviceable. The accompanying plan (Appendix No. 3.) of one of these forts, situated on the banks of the Luckea River, and which is in a better state than any of the others that we know of, will serve to show the general construction of them. There are also some small forts in the Silhet District, which we understand were built, and are garrisoned and kept in repair at the expense of Government. These are of course under charge of the Magistrate.

25. What proportion do the Hindoo bear to the Mahomedan inhabitants, in the division subject to your authority; and what do you suppose to be the number of the inhabitants of your division, of all descriptions?

25. By the reports of the Magistrates, the proportion of the Hindoos to Mahomedans is as follows; viz.

Zillas.	Hindoos	to Mahomedans.
Mymensing	5	3
Sylhet	2	3
Tippera	1	2
Chittagong	6	10
Backergunge	10	6
Jelalpure	10	6
City of Dacca	130	145

The grounds on which the Magistrates have given these estimates, we are not acquainted with, nor have we any certain information to go by, in forming our judgment. The calendars laid before the Court of Circuit at the jail deliveries, will be found, generally speaking, to contain more Mahomedans than Hindoos, and the suitors in appeal will be the reverse. As far as our own observation goes, we are of opinion, that upon the general scale, the proportion of Hindoos, in the Reports from the Magistrates, is too low, and the Mahomedans too high; we think that the proportion of Hindoos to Mahomedans may be as six to four in favour of the former. At the same time we offer this opinion with great diffidence, as we have no certain data to guide us.

We have been credibly informed, that the population of Midnapore has been ascertained by enumeration to be about one million and a half, and from Mr. Rennel's map, we find, that including annexations from Burdwan and Wooghly, that zilla contains about seven thousand three hundred square miles: from the same authority we compute that the Dacca Division under our jurisdiction, contains twenty-three thousand five hundred square miles; having taken the population of Midnapore therefore as the basis of a calculation, we find the result to be as in the following table:

Zillas.	Square miles.	Inhabitants.
Sylhet, containing	2,861	580,953
Chittagong	3,375	685,325
Mymensing	6,700	1,360,498
Tippera	2,600	527,954
Backergunge	4,564	926,763
Jelalpure	3,400	690,402
Add the city of Dacca, as per Magistrate's Report		200,000
Total square miles	23,500.	Total inhabitants - 4,971,895.

From the Reports of the Magistrates of the several zillas, it appears that the population of the division, exclusive of Backergunge (for which no estimate has been made) amounts to five millions five hundred and twenty-eight thousand persons: the Magistrate of Mymensing alone has stated the mode in which he has made his calculation, and the result appears to us to be much too high. The Magistrate of Zilla Chittagong has also, in our opinion, erred on the same side. Allowing this division however to be rather more populous for its extent than Midnapore, we think the inhabitants may fairly be reckoned at five millions of souls.

By Mr. Rennel's calculation, the whole of Bengal contains 97,244 square miles. If from this we deduct for independent Tippera, the woods called the Sunderbunds, and other wastes, 13,244 square miles, the remaining inhabited country will be found to contain 84,000.

Mr. Rennel also makes Bahar to contain 51,973 square miles, from which 11,973 may be deducted for the wood-lands and uninhabited mountainous tracts in Rotas, Boujepore, Gya, and Sheregotty, and the remainder will be 40,000 square miles of inhabited country.

Assuming

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Now Lord Clive so long ago as the year 1772, estimated the inhabitants of the British provinces at twenty millions; and Sir William Jones, twenty years afterwards, in his preface to the Serajea, reckoned them at upwards of twenty-four millions for Bengal and Bahar. We are ignorant on what basis Sir William formed his computation, but from his high abilities and indefatigable spirit of research, there is great reason to believe it to be correct. The population, from the general progressive improvement which has taken place during the last ten years, may reasonably be supposed to have greatly increased; and therefore when we estimate the number of the inhabitants of the present Dacca Division at five millions, we are perhaps as near the truth as the nature of the question will admit of, without an actual enumeration.

26. What are the names of the persons possessing the highest rank and the greatest opulence in the division subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

26. The persons possessing the highest rank and greatest opulence in this division are as far as we have been able to ascertain, as follows;

City of Dacca.—Nawaub Nussurut Jung,—Meer Mahomed Ally,—Meer Mahumed Hafiz,—Meer Fuzil Ally,—Mirza Bolah,—Kauem Ally Khan,—Roshun Ally Khan,—Mirza Assud-ulla,—Mahomedy,—Ramkishen,—Perbhooram,—Persooram.

The Nawaub Nussurut Jung is supposed to retain about four hundred persons in his service. When paying visits of ceremony he is attended by six troopers, six spearmen and forty persons of different descriptions unarmed; he has also an honorary guard of Sebundy sepoy, furnished by the Magistrate of the city. The other Mahomedans are descended from families of high rank, and though by no means in affluence, are respected. From their confined circumstances, their followers are few, and they never appear in public with them armed. The three Hindoos last mentioned in the list, are joint proprietors of the Cudwa Pergunnah, situated in the Tipperah District: they almost constantly reside at Dacca, and when they appear abroad are attended by eight or ten men unarmed.

The names of the persons of the greatest opulence in the city, are as follows;

Mirza Mahomed,—Molary Birkut ulla,—Mirza Buddy,—Meer Ashruff Ally,—Mirza Jaffer,—Mirza Kurreem ulla Beig,—Toolsyram Ghose,—Kishen Chund,—Rajeblochun,—Hurry Kishen,—Anoop Chund Lehary,—Nurnarain Ghose,—Lalla Ram Buxsh,—Lalla Dull Sing,—Lalla Narrain Sing,—Boodoh Sahoo.

The Mahomedans in this list, with the exception of Mirza Jaffer, live upon their private fortunes, either acquired or descending to them from their ancestors. They are supposed to retain about twenty or thirty followers each; but as far as our observation goes, appear with only three or four unarmed peons in their suit, and are not generally much respected. Mirza Jaffer is a very respectable merchant, and retains no followers for state.

The four first Hindoos in this list are either in service or possess landed estates, and are all men of opulence. Their followers are apparently few, and when they appear abroad are unarmed. The six last are respectable bankers and merchants, and they have a few armed peons in their service, more for the purpose of escorting treasure and merchandize than for state; but they never appear with them armed.

Mymensing.—Raja Raje Sing is the proprietor of the 14 annas share of the Pergunnah Susung: he almost constantly resides near the Susung Hills, and these, as we understand, keeps in his service from seventy-five to one hundred matchlock men and armed peons; when paying visits of ceremony he is generally attended by his head officers in palankeens or on horseback, and about twenty or twenty-five matchlock men. He is a very respectable man, and we understand possesses a small independent territory beyond the hills.

Bobindernarrain, the purchaser of Pergunna Pohareah, seldom if ever resides within the Mymensing District: he is also the proprietor of the 5½ annas shares of the Pergunnah Lushkerpore, under the Division of Moorshedabad: what number of armed followers he retains in his service, we have not been able to ascertain, as he lives at Pooteah on his Lushkerpore estate; Mahomed Gowse, zemindar of Culecky; Shamchund Chowdry, D^o of part of Mymensing and Zeishatree.

Narrainy Debea, D^o - - D^o

Pertaubnarrain Choudry, D^o of part of Pergunnah Sharepore.

Birjnant, Govind Pershaud, and Ramakaunt,—joint proprietors of the 7 annas share of Pergunnah Sharepore.

Rajehunder Chowdry,—Proprietor of part of Sharepore.

Gunga Debea, Bimolla Debea,—Proprietors of 8 annas share of Pergunnah Alepsing.

Herenaut, Kishen Caunt,—Proprietors of the 4 annas share of Pergunnah Alepsing.

Ram Acharje, Sham Acharje, Brykishore Acharje, Nubkishore Acharje,—Proprietors of the 4 annas share of Pergunnah Alepsin, and the 5 annas of Nusservojeaul.

Khauja Arratoon, an Armenian, and proprietor of the Pergunnah Hossein Shahy, but resides in the city of Dacca.

The above-mentioned landholders are supposed to retain from seventy to eighty matchlock men in their service; but seldom appear, as we understand, with more than five or six armed peons or matchlock men in their suit. The most opulent are, we believe, Knauja Arratoon

Arratoon and Bobindernarrain. The former resides in the city of Dacca, and we have never observed more than two attendants with his palankeen, and those unarmed.

Zillah Tipperah.—The persons of the highest rank and greatest opulence in this district, are Maharaja Rajedhur Manick, the zemindar of Tipperah; Rajas Ramkishen, Perhboo Ram, and Persooram, the zemindars of Pergunnah Cudwa; and Rajkishen, the zemindar of Gunga Mundul.

The former, although independent sovereign of an extensive territory beyond the hills, resides principally at the town of Comilla; at which place we do not imagine his followers exceed forty in number. When he goes abroad on visits of ceremony, he is generally attended by a few armed peons and burcundosses. He is much given to intoxication, and through weakness and mismanagement, is involved in his circumstances.

The zemindars of Cudwa, we have before noticed, are residents of the city of Dacca; and Rajekishen, the zemindar of Gunga Mundel, being an inhabitant of Calcutta, we have no means of judging what numbers of armed followers he retains in his service.

Zillah Chittagong.—The Magistrate has reported to us that there are not any persons of rank or opulence in this zillah, nor do we know of there being any.

Zillah Bakergunge.—The only person of rank in this zillah is, we understand, Rajah Joy-narrain, commonly called Doorgakournarain, and he is reduced to poverty by inattention or mismanagement: all his lands, which we believe to be profitable, having been sold in satisfaction of arrears of revenue, and he himself now confined in gaol. The most opulent persons in the zillah we believe to be a Greek named Panistty Alexander, who has purchased part of the lands above mentioned; and Dulsing, another purchaser of a part of the said lands, who resides at Dacca, as before stated. The following we also understand to be persons of some opulence, and they retain each of them from twenty-five to thirty matchlock men in their service, and appears abroad with two or three of them in their suit.

Mur Hussein Uddien Chowdry, zemindar of Pergunnah Nazirpore;—Seebnarrain Chowdry, zemindar of Pergunnah Selimadad;—Ramdoolub Chuckerbutty, Bhowanny Persaud, talookdar in Pergunnah Chundee Deep;—Meer Assud Ally, zemindar of Pergunnah Shaistabad;—Kirty Chunder Roy, zemindar of Pergunnah Rotundy Calkapore;—Sheebchunder Roy, Kirty Chunder Roy, zemindar of Pergunnah Aurungpore;—Khajeh Mahomed Daym, Khajeh Chaund, talookdars of Sulkunah;—Bowanny Pershaud Roy, a merchant at Sootaloooy.

Zillah Jelalpore.—In this zillah we are given to understand there are no persons of very high rank. The principal landholders are Molovy Birkututta, and Dewan Hurrykishun, proprietors of Norullapore before mentioned, as residing in the city of Dacca. The minor zemindars of Bowal, the widow of Lalla, Kirritnarrain and his nephew Seebnarrain, the zemindars of Bykuntpore; Meir Hossein is the proprietor of a small talook, and is said to be a man of respectability and family. In the immediate pay of these landholders, we believe the followers, armed or otherwise, to be inconsiderable; and within our own observation, they do not appear abroad with more than two or three, and those unarmed.

27. Are there any persons in the division subject to your authority, who are supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the division, and to what extent?

27. None that we have heard of. It is to be observed, however, that there are persons residing in the city, the ruined descendants of great families, who probably feel the state of degradation to which they are reduced; and from such persons, attachment to the British Government can hardly be expected. To particularize any individuals of them would be invidious; we shall only observe, that the Magistrate should at all times know them and watch them, without appearing to do so.

28. Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

28. We are inclined to believe it would have that effect with a large majority of the natives, particularly among the Hindoos, who would naturally have to hope for a more equal participation of honours with their Mahomedan fellow subjects, than they probably ever enjoyed under the Mogul Government. There are political considerations, however, which appear to us to be attached to the declaration mentioned in this Interrogatory, on which we do not feel ourselves competent to give a decided opinion. We apprehend indeed that nothing we could say on the subject would add to its elucidation, after the very ample discussion it has already undergone in that well-known and able work, entitled, "Plans for the government of British India."

29. What is the state of the Roads and Bridges or other Public Works in the division under your authority, and at whose expense are they kept in repair?

29. The roads in our division, with the exception of Tipperah and Chittagong, are very bad, and are not kept in any repair, excepting a few in the immediate vicinity of the city of Dacca and of the Judges stations in the zillas: these are made and repaired by the labour of the convicts, and the expense, whatever it be, falls upon Government. The low situation of this division renders it, generally speaking, subject to be overflowed at the season of the

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periodical rains, owing to which we conceive it to be that fewer remains of high roads are to be found in it than in most of the other provinces in Bengal. The bridges, excepting a very few of the new ones lately made in Chittagong and Tippera, are hardly passable. There are no embankments or other public works of any considerable note in this division.

30. How are the convicts usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

30. Various projects have been suggested for the employment of the convicts. In the present state of this division, however, we see no way of employing them better than Mr. Elliot's, in the improvement of the city and towns where the Magistrates reside, and in making high roads and keeping them in repair.

31. What is the state of the jails in your division?

31. The city and Tippera jails are built according to plans given by the chief engineer, and are in excellent order.

The outward wall of the Mymensing jail is built of brick and mortar, the gaol itself, partly with brick and partly with strong wooden posts: it is kept in very good order, but being thatched it is liable to accident from fire.

The temporary jails constructed at the new station of Burisaul by the late Magistrate Mr. Wintle, are commodious; but the walls being entirely composed of wooden posts, bamboos and brush wood, and the roofs being thatched, they are very liable to be burnt.

The jails at Sylhet are of brick, and are in pretty good repair.

The jails at Chittagong are made of bamboos and thatch, surrounded with huts, in a low unhealthy situation, and constantly liable to take fire.

The jails of Dacca Jelalpore, four in number, are hired buildings, in the city; they have lately been repaired, and are more convenient and in better order than they were some time ago; but as they are detached at a distance from each other, and never were built for the purpose of confining prisoners, we consider them still deficient in many respects.

32. What is your opinion of the expediency of granting to zemindars, farmers and other persons of character in your division, commissions empowering them to act as Justice of Peace? Do you think that such a measure would contribute to the suppression of the crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of jurisdiction of such persons? Would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

32. There are very few zemindars in this division, whose characters are such as would warrant us in recommending them to be trusted with the powers of Justices of Peace; generally speaking, they are too apt at present to break the peace in every dispute that occurs amongst them, regarding crops and boundaries, as well as to harbour robbers, to render it probable that they would not use their authority to attain improper ends; some exceptions to this character may however without doubt be found amongst them, and respectable persons of other descriptions might we imagine also be met with, to whom it might be expedient to grant such commissions: their jurisdiction in this case should be confined with respect to landholders (whether Malguzany or Lakerage) or farmers, to the estates or farms possessed by them; and the jurisdiction of the native Justices not being of these descriptions of persons, might be regulated by local circumstances, so as to include small districts of from 20 to 25 coss square on the confines of the different zillas, where the distances from the residence of the Magistrates may prevent them, as sometimes happens we believe, from affording that ready protection and redress to the honest part of the community, or to injured individuals, which they can give when near at hand. Native subordinate Magistrates of this description, supposing them to possess a sufficient degree of probity and regard to character to be deterred from acting grossly wrong (for as to men of real strict principles of honour, we despair of finding any such) might be of considerable use in suppressing crimes (particularly robbery) and might also be a means of affording easy and prompt redress to persons really aggrieved in petty disputes, though we should recommend their power of cognizance in such matters, to be rather more limited than what the present Magistrates possess. The same persons might also be chosen Commissioners of civil suits, with the enlarged jurisdiction recommended in our Answer to the 6th of these Interrogatories; but we must again suggest the propriety, or rather necessity, of the utmost caution being observed, in the selection of the persons to whom these powers are proposed to be given. Every possible opening to the bias of favouritism, either direct or indirect, against merit, (and which we fear has at present often too much weight in the choice both of Darogas and Commissioners) should be absolutely shut up; and whatever be the channel through which it might be thought proper that the recommendation should first pass, the most strict enquiry ought to be made by the Courts of Appeal and Circuit, and by the Courts of Sudder Dewanny and Nizamut Adawlut, into the character and qualifications of every candidate for the office of Justice of the Peace, whether the civil jurisdiction be added to it or not; so as for Government to have the most satisfactory testimonies to both, before ever they grant or sanction the appointment.

33. Are there any new Rules or Regulations which you would recommend to be adopted as being calculated in your opinion for the suppression of crimes in general?

33. In our Answer to the 22d of these Interrogatories, we have already, among other suggestions for the suppression of gang-robbery, recommended an increase in the power of the city and zilla Magistrates. We have done so in general terms however, reserving

the particular discussion of the measure, for our Answer to this query; as we are persuaded, that if carried to the extent we propose, it will have a very considerable effect towards the suppression of crimes in general.

Among the various classes of offenders who are brought to trial before the Courts of Circuit, there are many upon whom, their crimes not being of deep enormity, a prompt infliction of moderate punishment would probably have, if not more, at least as much good effect, as the tardy execution of severer sentences; moreover, the impression which punishment makes, not merely on the culprit who suffers it, but on all to whose knowledge it comes, when closely following the crime or offence which gave occasion to it, is doubtless much greater than when a considerable interval of time has elapsed between the one and the other. We cannot but think therefore, that in producing the terror of immediate example, in regard to crimes or offences of inferior degree, (but which generally lead to greater) it would be a most valuable improvement in the administration of criminal justice, if a permanent Court was to be established, in the city and in each of the zillas, for the trial of all such crimes and offences, being of a middling description, between those which, from their very heinous nature, ought to be reserved for a more solemn trial before the Court of Circuit, and the trifling cases of theft and misdemeanor, which the Magistrates are themselves now empowered to pass sentence upon.

The institution of criminal Courts of this description, besides the important effect above hoped for, would be a great relief to a large proportion of prosecutors and witnesses, who on the present system are harrassed by the necessity (independent of attendance at the Police Thanas) of twice quitting their homes, to appear first at the Magistrate's examination, and lastly before the Court of Circuit; and the saving of expense to Government in the article of diet money to these persons, would also we imagine be very considerable.

For all these reasons, we do not hesitate to recommend, that a regulation be enacted for the establishment of these inferior Courts; and that the Magistrates of the city and zillas, assisted by the law officers of their respective Dewanny Adawlut, be empowered to hold them at their respective stations, and at stated times during the intervals between the half-yearly sessions of the Courts of Circuit. To avoid rendering our Answer to this Interrogatory longer than is absolutely necessary, we beg leave to refer his Excellency the most noble the Governor General in Council, to No. 4. of the Appendix, for the rules respecting the powers and jurisdiction, (including the necessary checks on the former) which we would recommend to be given to them; and we shall conclude the subject by observing, that another and not unimportant good effect may also be expected to result from the proposed establishment, should it meet with his Excellency's approbation, which is, that by the sittings of the Courts of Circuit at their half-yearly sessions, being confined to trials for crimes of a heinous or momentous nature, the Judges of those Courts will have so much the more time given to them to enquire into and inform themselves of the internal state, and the conduct of the subordinate officers of justice, of the districts visited by them; and will be better enabled than they now are, to notice and check abuses; and to suggest the means, where necessary, of ameliorating the condition of the inhabitants in all points relating to the administration of criminal justice.

34. What has been the operation of the last regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

34. The use of spirituous liquor is far from being so general in this division, as we understand it is in the other divisions of Bengal; and Regulation VI. of 1800, has consequently had less perceptible effect, with regard to the vice of drunkenness, in this division, than it is to be supposed it otherwise would have had. We are by no means of opinion, however, that the establishment of the taxes now levied on spirituous liquors, has rendered that vice more prevalent than before; on the contrary, we are persuaded that these taxes have operated as a considerable check to the indulgence in this vice amongst the poorer classes of the natives.

35. Do any measures occur to you; the adoption of which, would in your opinion contribute progressively to the improvement of the moral character of the inhabitants of the division?

35. We see none but in the interference in the education of the rising race, and which we imagine might be effected by the establishment of public schools, under regulations to be framed for the purpose; the expense to be defrayed by a trifling tax on all bauzey zumeen, or rent-free lands, the produce of which, either from the terms of the grant, as expressed in the deed of conveyance, or from the nature and denomination of it, should be assignable to religious or charitable uses.

We do not conceive that a tax of this kind would at all militate with any of the declarations or provisions contained in Regulation XIX. of 1793, and when specifically levied for, and appropriated to, so great and beneficial a public use as the one suggested, we can see in it no just cause of complaint to the grant-holders, on whom individually the tax need not, as we apprehend, be at all heavy or oppressive.

Some such measure as this, though it must be expected to be slow in its operation, we should hope would be effectual. And we shall only add, that one of the grand objects of the managers of such an institution should be, to instil into the minds of the youth com-

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mitted to their care, not only the avoidance of evil actions, but an abhorrence of the society of criminal or bad men.

At present a Hindoo, whatever be his class, and a village Mahomedan, is liable to suffer excommunication for the most trifling error in conduct, or even accident, in regard to his food or person; but if he has committed perjury, gang-robbery, or any other infamous or atrocious crime, his society is by no means shunned: it is too often indeed courted by the better sort, as well as by the lowest ranks of the inhabitants of his neighbourhood. Fear, it may be said, will sometimes operate to give a desperate villain a place in society, which he otherwise might not hold; but this readiness of communication with persons of infamous character, to which we allude, is something more than the effect of fear. It is, we rather imagine, both the consequence and the cause of a total and general want of moral feeling; and the most likely means of checking it that we know of, would be to establish it (if possible,) as a principle with the rising generation, that any person (however innocent he be in his own conduct) voluntarily associating with another of infamous character, should be considered as contaminated, and be reduced to the condition of an outcast.

Some further thoughts, not unconnected with this subject, were addressed to the late Register of the Nizamut Adawlut, in a letter from our second Judge, under date the 3d of July 1800, regarding the proposition for employing the convicts in working mines; and as, on full consideration, we concur in the sentiments expressed therein, we beg leave to give an extract of the letter containing them, in No. 5. of the Appendix.

36. In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

36. It has, we believe, checked the prevalence of the crime in Zilla Chittagong, where: some examples have been made.

37. What has been the operation of the punishment of transportation introduced by the British Government?

37. It is more generally dreaded than death, and has operated as a considerable check to robbery.

38. Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or too much severity? And what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is in your opinion administered?

38. It is unequally administered, which is a great defect; as the uncertainty regarding the measure of punishment, must tend to take off from the terrors of the prospect of it. To enact a scale of punishments, with no alternative but sentence conformable thereto, or absolute acquittal, is the only mode by which we think it can be remedied.

39. In what period does the Judge who makes the half-yearly jail deliveries, usually complete the circuit?

39. On an average hitherto in six months, exclusive of the jail delivery of the Zilla of Dacca Jelalpoore, which is held in the city of Dacca.

Shearman Bird, senior judge.
B. Crisp, - - 2d judge.
John Fendall, 3d judge.
James Graham, 4th judge.

No. 1.—To G. H. Barlow, J. H. Harrington, A. MacLue, and W. C. Blaquiére, Esquires.

Gentlemen,

WE have to acknowledge the receipt of Mr. Secretary Barlow's letter of the 13th of May last, requiring us to report to you, the present state of the police within the jurisdiction of this circuit, together with such amendments as may appear to us practicable for the improvement thereof. In reply to which, we have to acquaint you, that murders, robberies, and murders attended with cruelties of the most atrocious nature; arson, burglaries, thefts, and serious affrays for disputed lands and crops, are much too numerous to indicate a good police; wilful and corrupt perjury, and forgery, are also extremely frequent, the former so general as to occur almost daily in every civil and criminal Court, without the possibility of punishing it as often as may be necessary, from the difficulty of discriminating which is the culpable party; indeed the loose principles of the natives are such, that hordes of witnesses may constantly be obtained to support or contradict any proposition which a daring litigant may chuse to agitate in a Court of Justice. The causes of these evils may be traced in the imperfections of the Mahomedan law, the criminal code of the country, the contracted powers of the Magistrates with regard to punishment, the negligence and corruption of the tannadars and their inferior officers, the immoderate extent of the police jurisdictions, which, from the small establishments of the tannadars, they are incapable of properly superintending; and the want of a sufficient number of police officers of this description.

A well-regulated police depends greatly, we conceive, upon the code of criminal laws being properly adapted to the state of society and manners of the country in which such laws prevail. The Mahomedan criminal laws in force throughout the provinces, it is well known, are introduced by conquest, and established by the conquerors with little attention to the prejudices of their Hindoo subjects. Impressed with the conviction that they were dictated

dictated by inspiration, and that they themselves, from professing the faith of Mahomed, were a chosen and superior race of mankind, they blindly received them as a perfect code, and as long as they accorded with their own religion and manners, they were indifferent as to their applicability to that part of their subjects whom, from difference of religion, they distinguished by the appellation of Zemmees. As India is no longer under Mussulman sway, and Government are daily enacting regulations with a view of promoting its prosperity, it perhaps would not be impolitic positively to level the distinctions which the Mahomedan criminal law makes between the Mussulman and Hindoo, and admit the latter more decidedly to equal privileges with the former. We are well aware that this has been provided for in the important article of testimony, by section the 55th of Regulation the 9th, 1793; but as this privilege is qualified with a condition of reference to the Sudder, the odium and impolicy of the Mussulman distinction may be thought by the Hindoos still to exist, while at the same time, the condition embarrasses the Courts of Circuit, by exacting obedience to a rule, which it is impossible, from the numerous cases of reference which occur, altogether to attend to. The wisdom of Government has also superseded or modified many other exceptionable parts of the Mahomedan law, so as to render them more compatible with justice, the foundation of all law; yet notwithstanding these amendments, and the conditional regulation of the right above alluded to, so essential to the interests of the majority of its subjects, the Mussulman criminal code is still very objectionable, particularly on the score of evidence, a matter in itself of the utmost moment to the peace and order of society, as the detection and punishment of crimes and misdemeanors depend so entirely upon it. The law of evidence as laid down in the Hedaya, and sanctioned by modern lawyers, goes to the exclusion of the testimony of so many descriptions of persons on account of legal incompetency, that a considerable proportion of the crimes and misdemeanors committed in this province escape condign punishment. This defect in the law is so generally known, that it is invariably pleaded by prisoners on their trials, in instances of illegal evidence being adduced; hence crimes are multiplied from the probability of impunity, and the morals of the people corrupted from bad examples resulting from the inefficacy of the criminal code. To remedy these evils, we would propose that the degrading distinction made by the Mahomedan law between Mussulman and Zimmees, or persons of different religious persuasions, be wholly and positively abolished; and that the testimony of a Zimnee be of equal validity with that of a Mussulman, in all criminal cases whatsoever, without the form of reference. That all evidence within the degree of paternity be also valid in criminal cases, whether the witness be man or woman; and lastly, that the testimony of masters and slaves, hireis or hirelings, and generally all other descriptions of persons excepted to, who have not rendered themselves infamous and undeserving of credit by the commission of crimes, be likewise valid in all cases cognizable by the Court of Circuit. The persons above noticed comprehend almost all the relations which can occur between man and man in a state of society; and the families of both the upper and lower classes of the inhabitants, must necessarily consist of them. On the approach of a gang of decoits, the whole of the village attacked is generally deserted, particularly the vicinity of the devoted house or houses. Thus decoits have numerous opportunities of committing their depredations with little or no risk of detection. Neighbours are rarely interested in the accidents or misfortunes which befall each other, unless they are near relations; under the impression of fear from immediate danger, and the vindictive spirit of the decoits, they all fly with their families and most valuable effects as far from the scene of robbery or murder as possible; few of the natives have spirit or generosity enough, in these moments of distress, to assist each other; and nothing can subdue their terror, and induce them to observe or oppose the conduct of the decoits, but the stronger motives of paternal, filial and conjugal affection, or the warm attachment of a faithful servant or slave. The exclusion therefore of the evidence of the above description of persons, is in a manner arming the hand of a robber and assassin against his neighbour, and exposing him unprotected to his rapine and vengeance.

The second cause to which the defects of the police are attributable, is the inadequacy of punishment authorized by the existing Regulations in petty thefts and misdemeanors cognizable by the Magistrates. In England, religion and morality have a great sway on the minds of men, and contribute greatly to the support of order and prevention of crimes; educated in the school of a good Government, our manners are in a great degree formed by the laws, whence the stigma and infamy attending the breach of them, are more dreaded than the actual punishment they award. In this country, the morals of the people are very corrupt, owing to the loose system of their religious tenets, the inefficacy of the criminal laws, and the debasement of the mind from the oppressions of despotism; as the moral principle is weakened, the vices of society increase, and crimes and lesser offences are multiplied proportionably under a despotic government, where the laws are little observed. Innocence and guilt are alike confounded together, and the former may as often be the victim of tyranny, as the latter the object of deserved punishment; in so indiscriminate a system, the dread of dishonour and ignominy has little influence on the disposition of the multitude, and crimes and misdemeanors are only restrained by the severity of punishment. In this state it would appear, the natives of the provinces were, when admitted to the benefits of our institutions; and the habits of ages are not easily effaced. Accustomed to rigorous punishment on conviction of petty thefts and misdemeanors, under a government which left, to a great extent, the measure of punishment to the discretion of the Hakim, the mild chastisement inflicted for similar offences by the Magistrate under the provisions of sections the 8th and 9th, of Regulation the 9th, 1793, has little or no effect in repressing crimes and irregularities of either denomination.

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Court of Appeal
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29 June 1892.

To prevent the frequency of petty thefts, and with a view to reclaim in the bud of delinquency, persons of this description, who from too lenient treatment on the first offence, become generally confirmed thieves, we would recommend that the powers of corporal punishment, now vested in the Magistrates, be extended to sixty stripes of the rattan, instead of thirty; and the power of imprisonment to two months instead of one; and that he be authorized to inflict both corporal punishment and imprisonment, to the utmost extent of these powers, on such culprit as may be convicted of the more criminal species of petty thefts; and in lesser delinquencies, such portions of both, or of either, as he may deem expedient, according to the nature of the offence.

That in all instances of imprisonment under the sentences of the Magistrate, offenders of this description be confined for the period of their imprisonment, in a separate jail or work-house, to avoid the contamination of principle resulting from an intercourse with the convicts; and that they be there kept to hard labour, such as the Magistrate shall prescribe, from sun-rise to sun-set, save during the hours allotted to their meals.

That in order more effectually to deter the numerous breaches of the peace, as well as the misdemeanors described in section the 8th, of the above quoted Regulation, the power of fining, as originally vested in the Magistrates by that section, be restored to them, and that they be authorized, in breaches of the peace, and misdemeanors of a more faulty nature, to inflict on prisoners convicted of such offences, both fine and imprisonment to the extent authorized therein; and in lesser misdemeanors, such portion of both, or of either, as he may think proper. The fines however to be fixed upon a due consideration of the nature of the case, and the situation and circumstances in life of the offender.

A third material cause of the inefficacy of the police, arises from the corruption, negligence and inactivity of the tannadars and their inferior officers, and from their jurisdictions being much too extended, to admit of their superintending them properly, with the small establishments allotted them. Their corruption, &c. is only to be corrected by the energy, integrity, and information of the Magistrates. A Magistrate of this description may communicate his own vigour of mind to all his public officers under him, and oblige them to act uprightly, whatever be their principles; indeed in proportion as these qualities mark the characters of the Magistrates under this division, it is observable that the disorders of the police are less, and that the tannadars are more active and attentive to their duty. The too great extent of their jurisdiction, is only to be remedied by Government appointing a greater number of tannadars; to maintain effectually the police of the country, particularly in the southern zillahs, whose robberies are most prevalent, the number of these officers ought to be doubled. The regulations moreover directed, that the police jurisdictions shall be ten coss square, as far as circumstances will admit, but in general they are considerably more, and in some instances double that extent, and it rarely occurs that the situation of the tanna is in the centre of the police jurisdiction, either from local objections, or from the necessity which the Magistrate is under of placing them so as to superintend with the best effect the principal towns, gunges, and bazars within the police jurisdiction; from all these circumstances it generally happens that the remoter parts of their jurisdictions are very much neglected; and indeed we do not see how it can be otherwise, when a district, often as large as a county in England, has no other immediate superintendent of its police than twelve men, whose abilities are scarcely equal to a constable and as many watchmen at home. It is indeed provided for by sections the 13th and 14th of Regulation of the 22d, 1793, that the tannadars shall be assisted in their duty by the pikes, chowkydars, pausbauns, dusands, negabauns, harres, and other descriptions of village watchmen: but it is notorious, save pikes, who are the servants of the zemindars, and employed by them in their collections and other private transactions, that there are few or no village watchmen of any description in this province, so that the tannadars are totally without this important source of aid in discovering the disorders committed within the limits of their jurisdictions. It may naturally be supposed, that the parties injured would give this information, and it certainly often happens that they do, but it as frequently happens; which our experience as Judges of the Circuit afford us many opportunities of knowing, that either from aversion to the trouble and expense of complaining, from a private adjustment of the cause of complaint, or from apprehension of the vindictive spirit of decoits; to which witnesses often fall sacrifices, the most flagrant and atrocious offences are concealed, though there is sufficient evidence to the fact to punish the offending party.

To remedy the evils above suggested, we would recommend that the police jurisdictions in this province be increased in such numbers as the Zilla Judges shall think necessary for the protection of the country, and the proper regulation of the police.

That with the view to afford the tannadars information of all crimes and misdemeanors committed within the limits of their respective jurisdictions, which, from the circumstance of there being no village watchmen, they are unable but very imperfectly to obtain, it be the duty of all zemindars, talookdars, and other description of landholders within the province of Dacca, to deliver, as soon as may be practicable, to the tannadars within whose jurisdictions their zemindaries, talooks, or lands may be situated, correct lists of every haut, gunge, and bazar comprized therein, with the names of mundels, putwarries, and other description of superintending officers of the said places; and that as often as from casualties or removal, the aforesaid persons may be changed, to report such changes to the tannadar, with the names of the persons appointed in their room, on pain, in default thereof, of being fined by the Magistrate in such sum as he shall think proper, under the limitations prescribed in section the 8th of Regulation the 9th, 1793.

That in order to detect and punish all murders, robberies, burglaries, thefts, arson, and affrays of a serious nature, it be the duty of all mundels, putwarries, or other denomination

of village superintendents, to report verbally or in writing, to the tannadars, all offences of the above description, whether the injured party complain or not, which may be committed within the hauts, gunges, bazars, and villages particularized in the afore-mentioned lists, and which may come to their knowledge, on pain, in default thereof, of being fined by the Magistrate in like manner as above set forth respecting landholders.

That it also be the duty of every ryot residing in a gunge, bazar, haut, or village, who may come to the knowledge of any murder, robbery, or other description of crime, to report it without delay, with all the circumstances within their knowledge, ocular or hearsay, to the mundel, putwarry, or other denomination of village superintendent; and that in case such superintendents should neglect or omit to make the report required of them, that it be the indispensable duty of the inhabitants of the place or places where the crime or crimes shall be committed, to make the report to the tannadars within whose limits they may reside, by deputing, at the expense of the village, one of their own body to him for this purpose, with a written statement of the particulars of the case, and the names of the witnesses, if any be known; and in the event of their neglecting or omitting to make this report, that the whole village be amerced at the discretion of the magistrate, who will be of course expected not to levy a greater fine than what will operate in support of this object.

That it moreover be the duty of all superintendents of hauts, gunges, bazars, and villages, as well as the inhabitants thereof, to report to the tannadars within whose limits they may reside, the names of all persons suspected of receiving stolen goods, as well as of all vagrants of every description under the provisions above described, on pain, in default thereof, of incurring similar penalties.

The principal evils in the police of the city of Dacca, and the towns, bazars and gunges under this division, is the frequency of theft and arson. Thieves in the aforementioned places are fostered and encouraged by thangydars (receivers of stolen goods) who find means to conceal or dispose of the stolen property as soon as it is conveyed to them; they consist principally of silversmiths, one of whom is frequently attached to each gang of decoits or thieves. The ascertaining and registering all persons suspected of this traffic, we conceive, might sooner or later be effected by a vigilant Magistrate and his police officers, which would greatly facilitate the detection of robberies and thefts. Arson occurs so frequently, particularly in the city of Dacca, occasioned generally as is supposed by incendiaries employed by the venders of the articles used in the construction of the native houses, that numerous individuals are reduced to the most deplorable state of distress and poverty from it. A plan to lessen the evils occasioned by fires, was suggested to the Nizamut Adawlut in the Report of the 2d Judge of the Court of Circuit, under date the 13th December 1796, until the more obvious remedy of tiling could be introduced, as the loss sustained annually by fires, whether arising from accident or design, in the raw produce, manufactures and other species of property and effects, must be immense in all the cities, towns, gunges and bazars throughout the provinces, and prove extremely detrimental to the commerce and prosperity of the country. We conceive the adoption of measures to prevent so enormous an evil, both from principles of humanity and policy, an object of the utmost moment to Government, especially as the remedy appears to us simple and practicable. On the west of India the practice of tiling houses is we understand general in all the cities, towns, gunges and large bazars, and no inconvenience to the inhabitants is observable to result therefrom; we therefore strongly recommend the adoption of tiles to the same extent in this part of the Company's dominions, particularly as cities, towns, gunges and bazars, are the deposits of almost all the valuable property of the country. There probably may be some objections started to tiling by the natives at first, as generally happens on all innovations; the convenience and advantage however of the measure is so apparent, that it must eventually be approved of even by them.

The soil of the province is of a nature well calculated for tiles; grass and straw, the usual fuel for making bricks, which require a much stronger fire than tiles, are to be had in the greatest abundance, and every oomar is acquainted with the art of manufacturing tiles.

Should tiles be adopted in the extent we propose, we recommend that the resolution of Government for their introduction be notified in the most public manner to the inhabitants of the provinces six months previous to its operation.

That in order to ascertain the proper cities, towns, gunges and bazars in which it may be found expedient to enforce tiled roofs, every zilla and city Magistrate be directed to transmit to Government lists of the cities, towns, gunges and bazars within their respective jurisdictions, which they may deem of sufficient importance to require tiled roofs, and that after the six months grace above alluded to, no house consumed by fire or otherwise destroyed, situated within any of the cities, towns, gunges and bazars, comprized in the said list, be permitted, if rebuilt, to be roofed but with tiles on any pretence whatsoever. Thus tiled roofs may be gradually introduced at little additional expense to the inhabitants who may reside in the places above described; the partiality for straw roofs will tend to make proprietors of existing thatched houses more careful with respect to their own domestic fires, and render it the interest of the dealers in straw to preserve rather than promote the burning of the straw houses now in use, as their trade must be injured in proportion to the introduction of tiles.

There are several other objects necessary to a good police, which deserve the attention of Government, from the imperfect state in which they are at present in this province, such as roads, bridges, ferries, weights and measures; these however have been reported on to Government by the Judges of the Circuit, and Government have either given or promised to give them due consideration.

Dacca,
the 24th June 1799.

(A true Copy) S. Bird, senior judge.

We are, Gentlemen, Your most obedient servants,
(Signed) S. Bird, senior judge.
S. Bayard, second judge.

No. 1.

Answers by the
JUDGES.

Dacca Division.

Court of Appeal
and Circuit,
9 June 1802.

No. 1.
Answers by the
JUDGES.

Dacca Division,
Court of Appeal
and Circuit,
9 June 1802.

No. 2.—To G. H. Barlow, J. H. Harrington, A. Macklew, and W. C. Blaquiére, Esqrs
President and Members of the Committee for investigating the State of the Police, Fort
William.

Gentlemen,

ON the 27th ultimo, I received through the Court at Dacca, a copy of Mr. Secretary Barlow's letter of the 13th, desiring us to report to you, the present state of the Police within our jurisdiction, with such amendments as may appear to us necessary and practicable for its improvement.

2. I observe that this Report is required to be furnished with all possible expedition, and as considerably more than a month has elapsed since the receipt of the order at Dacca, I conclude that the Court will have transmitted it to you ere this. To avoid an additional week's delay, therefore, in the communication of my sentiments, I think it best to submit them to you by a direct address, instead of transmitting them through the Court, and in excuse for the past delay must request you will consider that my hours of business are entirely occupied in the indispensable duties of the sessions at this station; and that I have had no time, either for the consideration or arrangement of what I am about to offer on this important subject, but what has been taken from the portion allotted to meals, sleep, and necessary relaxation.

3. The Police of this division, from all I have been able to ascertain in the course of my last three circuits, has been gradually improving for some years, and at the present time is so far efficient, that the perpetrators of crimes are without doubt much more frequently brought to justice than they used to be. To this circumstance, rather than to any increase in the depravity of the people, must I think be attributed the very disgusting calendars of murder, robbery and torture, that are still presented to our view at each half-yearly sessions. For I am confident that much as these scenes of enormity may yet prevail, and however short of the desired effect the present system of police may have fallen, towards the total repression of them, the violences committed in the country bear no proportion to what they were prior to the introduction of that system. The rivers in particular, which in my remembrance were hardly passable, on account of the immense bands of pirates who infested them in all parts of the province, are now (with the exception of some of the large rivers near the sea) in a great degree free from this perilous obstruction. There are, nevertheless, several openings for material improvement, both in the local and general administration of the police, which, as well as the means by which that improvement may be best effected, I shall endeavour to point out, under the following heads:

4. First,—*Form and Extent of Jurisdictions.* In which I shall consider such defects as appear to me to exist in the arrangement of the zillas or thanas.
5. Second,—*Police Darogas.* Under which head I shall notice the importance of their stations in the zillas; their neglects; and the means I would propose for compelling them to the strict performance of their duty.
6. Third,—*Inquests.* I shall explain under this head the reasons of inquests being so frequently omitted in cases of murder; and shall offer some propositions for preventing those omissions in future; and for insuring certain and speedy intelligence of murders and robberies to the police officers.
7. Fourth,—*Goindars.* Under which title I shall endeavour to show the best mode of making this class of professed informers really useful; and shall point out the expediency of private informations being occasionally resorted to for the discovery of notorious robbers, with the proposition of such cautions and checks as may prevent abuse; together with a few hints regarding the examination of persons accused of crimes: and to these heads I shall add a few remarks under that of *Punishments.*

8. First,—*Form and Extent of Jurisdictions.* Compactness, so as to afford easy communication between the centre of authority and the borders of a district, is a very essential point, in my opinion, towards the establishment of a good police.

9. In this respect there are two of the zillas in this division, that from late observation, I think, are not so well arranged as they might be. They are Mymensing and Chittagong.

10. The defect I have observed in Mymensing, is, its having within its limits the Pergunna of Serryle; which is situated in a remote corner, at a distance from the residence of the Magistrate, exceeding that of any other place in his jurisdiction; besides being naturally cut off from it by the course of the river Megna, which bounds it on the west. This Pergunna, lying immediately between Sylhet and Tippera, and bordered on the east by the hills of the latter country, I was assured on my late journey to those parts, is a nest for robbers, who infest not only the pergunna itself; but the neighbouring country in all the three districts; an evil which, even if I had not information to warrant the conclusion, might be naturally ascribed to the above-mentioned circumstances of its situation.

11. There does not appear to me, however, any difficulty in remedying this defect. Serryle is nearer to the Magistrate's residence at Tippera,* than it is to Savara, by two days journey, and there is an easy and direct communication between them by land or by water, at all seasons of the year. I am of opinion therefore that it would be an advisable measure to annex this pergunna to the Tipperah District; by doing which, it appears to me, the communication of intelligence regarding robbers, and the depredations committed by them, as well as their ultimate apprehension, will be greatly facilitated. Tippera, which is already

a very

* The Thanar of Nassirnagar, in Serryle, is situated on the banks of the Teetas River, near the town of Bejurah, due north from Comillah.—Vide Map, No. VI. B. A.

a very compact district, will not be rendered less so by this annexation. For Purgunna Serryle, which will in that case form its northern limit, will hardly be at a greater distance from the town of Comilla, than the amount of the river Fenny, its southern extremity, is at present.

12. With respect to Chittagong, my objection relates to the island of Hattea, which is cut off from it by two considerable arms of the sea, so as to render the communication difficult even in moderate weather; but which, during the south-west monsoon, I was assured occasioned a cessation of all intercourse with the main (on that side) frequently for a fortnight, and sometimes for three weeks together. Nearly the same objection occurs with respect to Sundeeep, for one of those arms, and the most considerable of the two, is that which divides Sundeeep from the Chittagong shore. But as Sundeeep is equally cut off from communication with the other neighbouring zillas, I know not how by taking it from Chittagong to dispose of it to more advantage. This, from what I have recently ascertained, is not the same with Hattea, which by alluvions between its western shore and the east side of Duckensavagepore, is now nearly joined to the latter island. I would therefore recommend that Hattea be placed (as Duckensavagepore at present is) under the Magistrate of Backergunge; by which means its inhabitants, as well as the police officers stationed there, will always have a practicable communication with the residence of the Magistrate, and will be kept under better controul than they can be now. The Magistrate of Buckergunge being also furnished with an ample boat establishment, will probably have it in his power to put a stop to the water decoytee, which, as I understand, still prevails in a considerable degree between Luckipore and the shores of that island.

13. I am not aware of any objection to either of these proposed changes; if there should be any, the Magistrates of the districts in question, who of course will be consulted on the propriety of them, will be most competent to point them out.

14. With respect to Sundeeep, the police of which, owing to its above stated insulated position, is in my opinion in a more defective state than any other part of the Chittagong Zilla, Hattea excepted, I know not what to recommend, unless it is that an additional assistant be given to the Magistrate, and that the Magistrate be authorized to depute such additional assistant to reside on the island during the stormy months of the year, or at other periods as he may see occasion; who on taking the oath prescribed in section 2 of Regulation XIII. 1797, shall be qualified to act on the island with the powers of magistrate during the period of his deputation.

15. It appears to me to be no less necessary that the police jurisdictions should be well arranged, so as that each should be compact, of moderate extent, and with the station of Daroga as central as possible. I have reason to believe, however, that is far from being the case with many of them in the Dacca Division.* But to point out any changes that may be advisable in their arrangement, or any additional thanas that may be required, it is necessary we should know as nearly as possible the situations and boundaries of all the present thanas, which it is impossible for us to do from the statements of them that have hitherto been furnished by the Magistrates: as there are very few of the darogas stations or places by which the boundaries of their respective jurisdictions are marked, that can be traced by their names, on any of Rennel's maps, I would propose, therefore, that the Magistrates be desired to transmit to our Court more particular statements of the situations and boundaries of all their thanas; and where the names of places, either of the darogas residence or of the boundaries, should not be found in any of the maps in the Bengal Atlas, to specify the distance and describe the relative position of such thana or boundary to the nearest place of note that may be marked in them; and after receiving this information, I am of opinion that the Court should consider and determine whether the situation or boundaries of any of the present thanas ought in their opinions to be changed or altered, or any new ones to be established, in which case they should obtain the sanction of the Governor General in Council for its being done.

16. Second.—*Darogas.* In the city of Dacca, the darogas are nothing more than petty constables; but in the zillas they are of much higher consideration, and have also frequent occasion to act as coroners. The zilla darogas should therefore be selected with particular attention to their qualifications; and which ought to be boldness and activity; integrity to prevent them from abusing their authority or breaking their trust; and with a sufficiency of letters to enable them to read and comprehend the regulations that appertain to their office. I cannot say I have seen many darogas whose qualifications answer this description; but to objections on this head, the answer generally is, that their pay is too small.

17. Upon full consideration of the trust committed to these officers, I cannot but accede to the justness of this remark; and unwilling as I am to recommend any measure productive of increase in the expenses of Government, I must express my wish that whenever circumstances admit of its being done, they may be placed upon a better footing in point of allowances than they are at present, so as to encourage respectable men to solicit these offices, and to make their appointments of too much consequence to them, to risk their dismissal by doing any thing grossly wrong. If the increase were to such amount as to provide for their keeping either a horse or palanquin (besides a small boat in particular situations during the rains) so as to enable them to move about their districts with proper celerity on the various occasions† requiring their presence, it would in my opinion be no more than a proper addition to what they at present receive.

18. Either

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* The Thana of Petelgunge, in Jelalpoore, instead of approaching to a square of 10 coss, is above 20 coss in length alone.

† Particular Inquests.

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18. Either owing to ignorance or oversight, if not fear or corruption, there are some very important duties that do not appear to be so strictly attended to by the generality of the darogas as they ought to be.

19. Towards the conclusion of section 15 of Regulation XXII, 1793, there is a paragraph that expressly enjoins them, whenever they receive intelligence of any murder or robbery having been committed in their own or any other jurisdiction, to dispatch immediate information of it to all the neighbouring darogas, and also to the magistrates of the adjacent zillahs, unless they shall have apprehended the offenders: but I have seldom heard of this being done by them; nor excepting in very few instances have I found it stated in the reports that have come under my inspection, in cases where, at the time of the commission of the crime which has been the subject of trial, it would have been proper for them to have circulated such information. It is very seldom too, that any of them appear to make use of the power which is given to them by section the 10th of the same regulation, of apprehending, and forwarding to the Magistrate, any notorious decoys or robbers, who they may be informed are harbouring within their jurisdictions; a power of great importance, and which, if properly made use of, would, more than any thing I know, tend to the advancement of that great object of police, the prevention of crimes.

2. Whatever be the cause of these omissions, I am of opinion, that with respect to the last-mentioned instance, some very strict rule should be made, so as at least to prevent the darogas from conniving at the residence of notorious robbers within their jurisdictions, either from personal apprehension or motives of corruption; and possibly the effect, would be obtained, if it were declared that whenever on a trial before the Court of Circuit or otherwise, it should be found that a notorious decoit had resided for any length of time, say one month, subsequent to his having become notorious within the jurisdiction of any particular, such deroga should be liable to be dismissed from his office, unless he could show most satisfactory reasons for not having apprehended him. A rule to this purport, would probably also be a means of bringing to punishment such of the zemindary pikes or village watchmen, who it should appear, from the representation of the daroga in such cases, had neglected to give him the information on this head, which they are required to do by section 14 of Regulation XXII, 1793. But to give the rule its full effect, the Magistrates ought to be extremely cautious in exercising the power which they have of changing the stations of the darogas at their discretion, and should not remove them from one jurisdiction to another on slight occasions.

21. Third.—*Inquests.* Notwithstanding the repeated instructions which have been given regarding this important head, inquests are still but very seldom held on the bodies of persons slain; and the reasons assigned are, that information of the death is either not forwarded to the thanna, or is sent so late that the body is in a state of putrefaction that will not admit of an inquest being held upon it when the deroga arrives. But in general the omission appears to arise from the heirs either burning or burying the body without giving any notice to the thanna officers; or in the cases where they come forward to prosecute, from their bringing up the body to the residence of the Magistrate, which it hardly ever reaches in a state fit to be examined; and even if it should be examinable, one great advantage of an inquest on the spot, in cases of murder, viz. the probability of its leading to the immediate discovery of the perpetrator, will in this case hardly ever be obtained.

22. A regulation, declaring the village or town in which the body of the person dying an unnatural death, should be burnt, buried, or otherwise disposed of, previous to an inquest being held thereon, liable to amercement, similar to the practice in England, would probably have greater effect towards obliging the country people to give timely information of such deaths to the police officers; but I fear the levying these fines would in this country not only be attended with difficulties unknown in England, where the assessment of the county rates affords an easy standard for apportioning the fine on the inhabitants, but would be also open to great abuse. Reflecting however upon the necessity there is for some regulation to ensure certain and speedy intelligence to the darogas, of all murders or robberies that happen in their respective jurisdictions, so as to leave them no excuse, either for not holding the inquest in cases of murder, or for not examining wounded persons on the spot, in cases wherein they are required to do so by the circular order of the Nizamut Adawlat of the 28th February last; or for neglecting to pursue the perpetrators where known, or for omitting to circulate the information to the neighbouring jurisdictions, in cases where they may not have been able to apprehend them; the following plan has struck me, as likely to answer the purpose, without being open to any difficulty that I am aware of.

23. First. That it be declared that all persons concerned in burning, burying or removing the body of a person who shall have died an unnatural death, before an inquest shall have been held thereon by the police officers (unless it shall clearly appear that after discovery of the body immediate notice was sent to the police daroga, and that he or his officers, after receiving such notice, omitted or delayed to proceed to the spot where the body was lying) shall be liable to be punished by the Magistrate, the punishment to be by fine, according to the circumstances of the case; and in the event of the fine not being paid by a definite period, imprisonment to be held equivalent thereto, and which in no case should exceed one month.*

24. Secondly.

* Our Court proposed a Regulation, in 1797, for increasing the powers of the Magistrates. Should any Rule to that effect be adopted hereafter, I would recommend this period of imprisonment to be increased, in proportion to the extent of additional power given to them.

24. Secondly. That if it should appear, in the examination of any such case, that the body was that of a person murdered, and that those who were concerned in burning, burying or removing the body, had any design thereby of concealing the murderer, the Magistrate, instead of adjudging any punishment himself, should commit such offenders to the Court of Circuit for trial.

25. Third. That, as a further means of ensuring certain and speedy intelligence to the police darogas in the cases above alluded to, all zemindars and proprietors of land, whether paying revenue to Government or Lakherage, should be required to nominate either the putwarrees, who may be appointed under section 62 of Regulation VIII, 1793, or some one person from amongst the Munduls, Kurumcharrees, or head ryots in each village, whose duty, after such nomination, it should be to forward intelligence of all murders, robberies or housebreakings committed within their respective villages, and the precincts thereof, with the utmost expedition; any neglect therein to be made punishable by the Magistrates by fine, under the same qualification with respect to the term of imprisonment, which may be held equivalent to the fine, as is specified in the first article.

26. Fourthly. That the names of the persons so nominated in the first instance, and of those who may be hereafter nominated to fill up vacancies, be transmitted to the darogas, who shall keep a register of them.

27. Fifthly. That in addition to the duties prescribed for the village watchmen by section 14 of Regulation XXII. 1793, it be also a declared part of their duty to convey the earliest intelligence of all murders, robberies or housebreakings, whether directed to do so by the putwarries or other persons nominated by the landholders, or not; and whether the perpetrators be known or unknown, under the same penalty for neglect as they are now liable to for neglects of their present prescribed duties.

28. Sixthly. That if it should appear in any case, that owing to their being no putwarry or other person nominated for the purpose above directed, in a village in which a murder or robbery may have been committed, immediate intelligence thereof had not been transmitted to the thana, as above required, such village should be declared by the Magistrate to be forfeited to Government. The several rules laid down in the 1st, 2d, 3d and 5th clauses of section 2, and in section 3, of Regulation XI. 1796, regarding forfeitures adjudged by the Magistrate in case of resistance to his authority, to be considered applicable to all such cases of forfeiture.

29. Lastly. That the Court of Circuit should be enjoined to report to the Nizamut Adawlut, all instances in which it may appear to them that the Magistrates have omitted to pass the judgments of fine or forfeiture directed in the preceding Articles, in cases wherein such judgments ought to have been passed by them.

30. Some Regulation to this effect, with what I have proposed under the head of darogas, I should hope would very much contribute to remedy the grand defect in the present administration of the police, viz. the want of certain and speedy intelligence of crimes committed, and of the haunts of those from whom the commission of crimes may be expected. Let but the means of obtaining this intelligence be made certain, and those of pursuit* and detection will seldom be wanting. In short, I look upon the obtainment of this intelligence to be of such importance towards the establishment of a real good police, that not only public measures, but private means of information should be resorted to for the purpose. The nature of those private means however, and the cautions under which they should be used, will more properly be discussed under the following heads:

38. Fourth.—*Goindahs*. These miscreants are too often the cause of injuries that more than counterbalance any good done by them, particularly when they are armed with any kind of authority. I am of opinion that the Magistrates ought to be positively forbidden ever to furnish them with any warrant or written perwanna; and I am also of opinion, that they should never be made use of as public prosecutors, and as seldom as possible in any public manner whatever; but that the Magistrates should receive their informations privately, and consider them merely as lights to guide to the means of detecting criminals and bringing them to punishment. They may be of vast use, by informing the Magistrates of the names and residence of notorious sirdar decoytes, or persons of dangerous character, who reside in his district, and who may either elude the vigilance or may have purchased the silence of the police officers. They may also be of great use by setting their hirelings or runners to watch the motions of gangs, by which means they might frequently be able to give private intelligence to the police daroga of any daring robberies intended to be committed, so as to enable him to take measures for seizing the gang in the very attempt; and what is of infinite consequence towards the conviction of offenders, may, by tracing their haunts after the commission of a robbery, be able to afford information of the places where they have deposited their plunder, and of the names of persons whom they may have pressed into their service on the occasion, as carriers of that plunder; and who, if necessary, may be made use of as evidence towards convicting the robbers. In all these cases, where they show themselves of real use, goindahs should be rewarded on the conviction of the offenders; but the reward should be as secret as their information. I am further of opinion, that not only might useful information be obtained in this manner from professed goindahs, but that numbers of reputable landholders and inhabitants of the country would be glad to afford

* Since writing this, it has struck me, that although the aid of the country is already required to be given in pursuing offenders by section 16, Regulation XXII. 1793, it might be advisable to strengthen the requisition by a declared penalty for omission, excepting with respect to zemindars and farmers, who are already declared subject to punishment, if they fail to assist, by section 3.

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afford the Magistrates information of the haunts of notorious robbers, if it was not from the fear that by publicly coming forward with such information, they may incur the risk of being cut off, either by the persons informed against, if they should not be able to convict them, or by their adherents, if not taken. Indeed the dread that those even who suffer from their depredations and cruelty have of accusing them, or even of mentioning their names, is a fact that is exemplified in three-fourths of the criminal trials that come before our Court. But if the Magistrates were to search after, they would I imagine seldom find it difficult to obtain private information from such reputable persons, on condition that their names should not be revealed.

32. It may be said that I am for sanctioning great powers in the hands of the Magistrates; and I admit that I am; being confident that there can be no real good police, without they are armed with a large discretionary authority. But let these powers be so checked, as to render it impossible for them to do wrong, without incurring adequate censure, and then they will exercise them at their peril.

33. With respect to all secret informations therefore, the Magistrates should be enjoined, (not by Regulation, in which it would not be advisable to touch upon a subject of this nature, but by letters of Instruction from the Police Department) to make use of them merely as lights to direct them towards regular enquiry; and to be extremely cautious never to proceed to the apprehension of any person upon informations of this nature, unless there should be several of them corroborative of each other; or unless such private information shall clearly lead to other open and credible evidence, on which they may either ground a commitment of the apprehended person for trial, or if the evidence be not sufficient for that purpose, a requisition for security for good behaviour, as the condition of his release; the power of taking which security, should be expressly given to the Magistrates; and to prevent the possibility of any gross oppression being exercised under these powers, the Magistrates should be directed to lay before the Courts of Circuit at each sessions, two separate lists; one, of all persons who have been in their custody above the space of one month, and be still detained by them under examination; and the second, of all persons whom they may have bound over to good behaviour, and who may be in their custody for default of finding security; and in both of these cases, our Courts should be empowered to give such orders, or if necessary, to make such report to the Nizamut Adawlut, as they may deem proper.

34. The proceedings of the Magistrates will of course be at our call, and where there may be no proceedings, * they should be obliged to furnish us with satisfactory explanations of the reasons of the detention in the first case; and of their having required the security, in the second. With this information before us, besides that which our visits to the jails at each sessions must afford, it is not likely that any persons would ever be long detained by the Magistrates improperly, without its being noticed.

35. Having mentioned under this head the detention of persons apprehended, as being under examination, I shall take the occasion of observing, that it is of infinite consequence towards the discovery of crimes, and their perpetrators, that persons accused be immediately and separately examined by the Magistrates, on their arrival from the thanas; and that they should never be allowed either to remain together (after their arrival) or to mix with the convicts, until they shall have undergone such examination. Neither should Magistrates in the cases where a person accused simply confesses or denies the charges, always rest satisfied with committing that confession or denial to writing, but should also (as the Justices of Peace do in England) question the accused to all the circumstances of the crime, if acknowledged by him; and in case he denies the charge, to all such circumstances as are likely to draw forth from him answers, that if he is guilty, will either tend to raise the suspicion of guilt, or lead to the obtainment of evidence against him; or, on the contrary, if innocent, to strengthen the presumption of that innocence and point to the means of establishing it.

36. *Punishment.*—I have heard gentlemen, for whose opinions I have great respect, exclaim against the insufficiency of the punishments awarded by the Mahomedan law, but I must confess I cannot agree with them.

37. It may be true that owing to the exclusion of women, and some few other classes of persons, who would be deemed competent witnesses by our laws, cases will sometimes occur where criminals, whose lives might be considered as justly forfeited, may escape sentence of capital punishment by "Hudd" or "Kissaas," yet I do not imagine the instances of this nature can be so many as to have any considerable influence to the prejudice of the general system; and there never can be a total failure of justice in such cases, because the exceptions in point of competency do not prevent such witnesses from being heard, but merely go to deprive them of legal weight in the two particular descriptions of judgment above mentioned, leaving their credibility still with the Court, on which may be grounded the next heaviest sentence of the law, viz. perpetual imprisonment by Tazeer; and I much doubt whether that punishment might not be made to appear more terrible, as example, than even capital punishment, which, from all I have been able to learn, is generally met, by the miserable beings condemned to it, with great sang froid, and is considered merely as a show, without exciting any moral feeling or sentiment in the by-standers. That kind of penitence which is so often observed in criminals going to suffer death in England, and which, above all the circumstances.

* I should have added, sufficiently explanatory.

circumstances of such awful sights, is most calculated to make serious and useful impressions on the spectators, is never, from what I can find, seen in this country.

38. In my report to the Nizamut Adawlut, on the conclusion of my circuit in 1797, I hinted at the expediency of close confinement, in the execution of sentences of imprisonment for life. This expression (certainly not sufficiently explained by me) I fear led that Court into a mistake of my meaning, and made them suppose that I recommended what is styled in England solitary confinement; but in fact I was aware of the objections (and which are so forcibly stated in the resolutions of the Nizamut Adawlut on my report) to that mode of confinement in this climate; and by close confinement, only meant that prisoners condemned to perpetual imprisonment for crimes of great atrocity, should never be suffered to come forth from the outward walls or enclosure of their prison; and I must still express my opinion, that where transportation may not follow such sentence, or until it actually takes place, if this distinction was to be made between convicts condemned to perpetual imprisonment for being concerned in wilful murder, or in robberies aggravated by murder or torture, and those whose terms of imprisonment are temporary only, or even where it may be for life; but for crimes of less malignity, it would have vast effect towards checking the horrid disposition to cruelty with which the robberies in this part of the district, are almost invariably attended.

39. The number of convicts who might be selected as proper objects of close confinement, would not, I imagine, be so considerable as to occasion any inconvenience, either on the score of health or cleanliness, to the other prisoners. The compartment of the jails which is allotted to prisoners sentenced to confinement by the Courts of Circuit or the Nizamut Adawlut, is generally the most extensive in the prison: it is there they should be kept; and they should be made to perform the most degrading and laborious offices that could be found for them, such as daily cleansing the prison of its rubbish and dirt, and cutting up firewood for the other prisoners to dress their victuals with; and instead of receiving the daily allowance, which is given to the prisoners in money, they should be provided with food and covering, and a bare sufficiency only of tobacco to prevent them from being injured in their healths from the want of it.

40. I confess I am of opinion that the fear of being subjected to this severe treatment, when once known of, would operate full as much as transportation (if not more so) towards deterring robbers from incurring it by murdering or torturing the persons whom they rob, and I strongly recommend a trial of it at least, with a few of the most hardened offenders amongst those who may happen to be condemned to perpetual imprisonment for being concerned in these last-mentioned horrid crimes.

41. Whether capital punishment might not be altogether abandoned, without disadvantage to the administration of criminal justice, seems to have been sometime past, a great question in Europe. Without however going into that question, I feel no difficulty in declaring, that I am not an advocate for the extension of capital punishment, beyond the cases in which it is already ordained by the Mahomedan law; and upon the whole I am of opinion that the Mahomedan law, if well administered, under the modifications and provisions that have been made by the Regulations, is extremely well adapted to all the main purposes of that justice; and particularly in this, that it admits of "due distinctions of severity," an advantage that may not be found in more sanguinary codes.

42. To conclude; the defects complained of do not, I imagine, lie so much in the Mahomed law as in the execution of the sentences of that law; and upon this subject so much has been already said, that some effectual means will without doubt be fallen upon, to render the punishments of labour and imprisonment no longer a jest.

I have the honour to be, Gentlemen,

Your most obedient humble servant,

Backergunge,
the 27th June 1797.

(Signed) B. Crisp, 3d judge.

A true copy,

S. Bird, sen. judge.

No. 4.—HEADS of a proposed Regulation for the establishment of City and Zilla Courts of Foujdarry Adawlut.

1. THAT the Court consist of the Magistrate* of the city or zilla, assisted by the Mahomedan law officer of the Dewanny Adawlut thereof, both being previously sworn in due manner and form.

2. That the Court be empowered to try all persons charged with crimes or misdemeanors not specially excepted from its jurisdiction.

3. That for this purpose the Court be required to hold a sessions in the last week of every month, for such number of days as the state of business may require; provided that such week do not fall either in the Lussara or Mohurum vacation, or within the period of the half-yearly sittings of the Courts of Circuit; in any of which cases the Court of Foujdarry Adawlut not to be held for that month.

4. That

* Note.—If it should be thought sufficient to vest the power of holding these Courts in particular Magistrates only, a limitation might be inserted, declaring that no Magistrate should be competent to hold them without a Special Commission from the Governor General in Council, revokable at pleasure.

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4. That upon complaint being preferred on oath to the Magistrate, against any person for any crime or misdemeanor, not excepted from the jurisdiction of the Foujdarry Adawlut, the Magistrate, after proceeding as directed in section 5 of Regulation IX. of 1793, to the apprehension of the person complained against, shall, unless he sees reason to make any further previous enquiry, at once make over the case for trial to that Court, summoning the witnesses of the parties to attend at its next ensuing sessions. In all other cases the rules prescribed in section 5 of Regulation IX, 1793; before mentioned, respecting the commitment or release of accused persons, to be considered as in full force.

5. That the Magistrates assistants, invested with judicial powers under Regulation XIII. of 1797, be required to commit all cases examined by them, not being of the nature of those expressly excepted from the jurisdiction of the Court of Foujdarry Adawlut, (and due ground appearing for commitment) for trial to that Court, taking care to ascertain and summon as early as possible the witnesses whom the prisoners committed by them may be desirous of having examined in their defence.

6. That the Magistrates, as Judges of the Foujdarry Adawluts, be authorized to adjourn any trial in which the attendance of the required and necessary evidence, either on the part of the prosecutor or prisoner, has not been obtained, from one monthly sessions to another; provided that such adjournment in the whole, shall never exceed the period of six months.

7. That the Court of Foujdarry Adawlut be declared not competent to try any charge for murder or homicide, of any description whatever; nor any charge for decoity or gang-robbery, whether by land or water, in case the robbery shall have been attended with the killing, maiming, wounding, burning or torturing in any way, any person not being amongst the persons committing such robbery; nor where the property taken by the robbers shall be of such value, as when divided amongst them, would afford to each to the amount of three * sicca rupees; nor any charge whatever for forgery, perjury or conspiracy; nor a charge for any crime or misdemeanor, although the same be not excepted from the jurisdiction of the Foujdarry Court, if on a consideration of the case, or of the general character of the accused, the Magistrate shall be of opinion, that in the event of the charge being proved against him, he merits a severer sentence of punishment than the power given to the Foujdarry Courts (as specified hereafter) would authorize them to pass.

8. That the Courts of Foujdarry Adawlut, in their mode of proceeding on their trial of prisoners, be guided by the same rules as are prescribed for the Courts of Circuit, as far as the same may be consistent with the difference of the powers and jurisdiction of the two Courts, and under the following limitations and provisions:

1st. The sentences of punishment to be awarded by the Court of Foujdarry Adawlut, in no case to exceed 39 stripes of a rattan, and imprisonment for the term of seven years.

2d. No prisoner to be liable to transportation under a sentence of the Court of Foujdarry Adawlut, unless recommended by the Court of Circuit on a revisal of the trial.

3d. That whenever the Judge of the Court of Foujdarry Adawlut shall disapprove of the futwa of his law officer, he shall not pass sentence in such case, but shall submit the record of the trial to the Court of Circuit at the next ensuing half-yearly sessions, with a letter stating the grounds of his disapproval; and the Court of Circuit, on a perusal of the trial, if it shall appear to be complete, or if otherwise, after hearing any further evidence they may think it proper to call for, shall pass final sentence thereon; unless the Judges of the Court of Circuit should also disapprove of the futwa of the law officer of his Court: to all which cases, section 53 of Regulation IX. of 1793 should be considered as having full application.

4th. That the above rule be considered as equally applicable to all trials in which a difference of opinion may arise between the Judge of the Foujdarry Adawlut and his law officers, on the points specified in sections 54 and 56 of Regulation IX. of 1793.

9. That no law officer of a Court of Foujdarry Adawlut be competent to sit on a revisal of his own futwa, but in the event of any such law officers being officiating as law officer of the Court of Circuit at a half-yearly sessions; and any trial, of the nature above described, being submitted to that Court, the futwa, either of the cauzee or mufty of the Court of Circuit, to be obtained by an application to the Judges at the Sudder station.

10. That no person holding the situation of acting Magistrate, be competent to hold a Court of Foujdarry Adawlut, unless he shall have obtained a special commission for the purpose from the Governor General in Council. In the event of there being no Magistrate at a city or zilla station, and the acting Magistrate not holding such commission, the proceedings regarding persons accused of crimes and misdemeanors, and their trials in case of commitment, to be conducted as if this Regulation had not been passed.

11. That the possible circumstance of there being no case at a Magistrate's station, committable for trial to the Court of Circuit on the approach of the half-yearly sessions, shall not prevent that Court from proceeding to such station †.

12. That

* Note.—This is something less than the value, as we understand, of ten dirms, required of the Mahomedan law to render a person charged with robbery liable to a sentence of "Hudd."

† It is highly necessary that the Court of Circuit should open its sittings at every station, if only to revise the Foujdarry trials, visit the jails, see that there has been no abuse of the powers here given; or if any should have happened, to bring it forward to public notice.

12. That in addition to the calendars which the Magistrates are required to lay before the Court of Circuit, by section 17 of Regulation IX. 1793, they also lay before the Court at each half yearly-sessions, a calendar of persons tried by the Foujdarry Adawlut; showing the crimes or misdemeanors with which the prisoners may have been charged, the dates on which they were preferred, and the sentences passed upon them, with the dates thereof. And if on inspecting the proceedings on the trials, which shall also be laid before them, the Judge of the Court of Circuit shall see any ground to disapprove of any sentence, either for punishment or acquittal, passed by the Court of Foujdarry Adawlut under the proposed Regulation, he shall immediately transmit a copy of the trial in which such sentence may have been passed, with his opinion on the case, to the Nizamut Adawlut, whose order thereupon shall be final.

13. Monthly reports of persons committed to and tried by the Courts of Foujdarry Adawlut, to be transmitted to the Register of the Nizamut Adawlut, the Reports of each month to be dispatched from every station so as to arrive at Calcutta by the 20th of the ensuing month.

Shearman Bird, senior judge.
B. Crisp, - - - 2d judge.
John Fendall, - 3d judge.
James Graham, - 4th judge.

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Court of Appeal
and Circuit,
9 June 1802.

No. 5.—Extract from a LETTER from Mr. Crisp to the Register of the Nizamut Adawlut; dated the 3d July 1800.

IN concluding this Address, I shall beg leave to submit a few remarks on another subject, (not unconnected however with the one I have been treating upon,) the importance of which, appears to me to give it a particular claim to the consideration of Government;—I mean the disposal of the children of the convicts.

These unfortunate beings, from having a free intercourse with their miserable, (though seldom contrite) parents in prison, become habituated to every species of wickedness; and imbibing the seeds of vice in their earliest days, they seldom fail, when grown up, to be as bad as their fathers were before them.

It is melancholy to observe, what great numbers of the persons tried by our Courts for robbery, are married men and fathers of families, and who have not the excuse of indigence to plead in extenuation of their crimes.

This state of things is very contrary, I believe, to what is the case in Europe. In Europe, however, the profession of a robber is not only dreaded, but his person is shunned, unless by those who are directly or indirectly concerned with him. Home he may be said to have none; and it is from the obscure haunts of cities or towns that he generally issues forth. Whereas here, though robbers are dreaded, they are far from being shunned. They have homes, families, often lands and cattle, and are not only associated with, but are frequently men of influence in the villages in which they reside. In short, the disgrace and abhorrence which attends the profession in Europe, is not felt here; and that it is not so, (unwilling as I feel to cast so harsh a reflection on a whole people,) must, in my opinion, be ascribed to the excessive and general depravity of morals, which long observation and acquaintance with them, tells me pervades almost all ranks of the natives of Bengal; a depravity, the source of which must be looked for, in the corruption which has taken place in their religious principles.

This observation will, in my opinion, apply equally to Mahomedans and Hindoos, the former of whom, (I speak here of the lower classes only) have evidently adopted many of the worst parts of the Hindoo idolatry. The robbers indeed of both casts are not only equally unrestrained and unaffected by the terrors of conscience, but actually sanctify their abominable deeds, by the observance of religious rites, consisting of invocations and offerings to the goddess Cali, who they both of them believe, or affect to believe, propitious to their cruel and cowardly enterprizes.

That the blood of human victims is no longer shed at these offerings, I firmly believe may be attributed to the introduction of the present system of police; which, with all its defects, is perfection compared with that which preceded it; and as progressive improvement in this system shall go on, in shutting still closer the avenues of escape, and in deterring men from the commission of crimes, by not only insuring punishment, but by making the guilty feel that punishment in its utmost severity, it may reasonably be expected, that in a few years more, the inhabitants of these provinces will enjoy in a large degree the blessing of security in their persons and property. But to lay the axe to the root of the evil, would probably be to produce a total change in the system of education in this country; a measure of infinite difficulty, and which, from the obstacles which oppose its execution, must even, if attempted, be very tardy in its operation.

As a step, however, towards such a plan, as well as immediately to rescue one class of beings from the general contagion; and which of itself may have some happy effect towards the attainment of the great object of police, I recommend that Government assume a right, which I think cannot be questioned, of disposing of the children of convicts, in such manner

manner as to prevent them (with such exceptions and qualifications as may be found requisite,) from having any intercourse with their degraded parents, until they arrive at a certain age; and on a plan which, under the direction of proper guardians and overseers, shall insure a probability of their being brought up in the paths of righteousness (whatever be their religion,) and in habits of industry, which will enable them to gain an honest livelihood when arrived at years of discretion.

(A true Extract.)

S. Bird, senior judge.

To His Excellency the Most Noble MARQUIS WELLESLEY, K. P.
&c. &c. &c. at Benares.

My Lord,

I HAVE the honour to transmit to your Lordship a copy of my reply to the Interrogatories transmitted to me by the Secretary to the Revenue and Judicial Department, regarding the internal state of the country.

I have the honour to be, with the greatest respect, my Lord,
Your Lordships most obedient humble servant,

City of Dacca,
the 9th December 1801.

J. Melvill, judge and magistra te.

(Copy.) To G. Dowdeswell, Esq. Secretary to the Government, in the Judicial Department, Fort William.

Sir,

I HAVE the honour to transmit to you, the following Replies to the Interrogatories received with your favour of the 29th ultimo.

INTERROGATORIES:—1. What is the number of causes now depending before you; before your Register, and the Native Commissioners?

ANSWERS:—1. The following is a List of the number of causes depending on the 30th of September, in the city of Dacca Court:

211	- - -	Original suits.
85	- - -	Appeals from the decisions of the Register.
36	- - -	Appeals from the decisions of the Native Commissioners.
—	336	Total causes depending before the judge.
222	- - -	Original suits.
64	- - -	Appeals from the decisions of the Native Commissioners.
—	286	Total causes depending before the Register.
—	316	Total causes depending before the Native Commissioners.
—	932	Total causes depending before the city court.

2. What proportion does the number of causes now depending before the tribunals of the Judge, the Register, and the Native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793, to the present period?

3. I cannot find in the office the copies of the accounts exhibiting the number of causes depending on the several dates, 1st January 1794, 1st January 1795, and 1st January 1796; but from those of the subsequent five years, it appears that the number of causes now depending before the three tribunals of this city, is about one-tenth part greater than the medium number of those five years; the reason of which will be hereafter assigned.

3. What number of causes was decided in the past year by you, your Register, and by your Native Commissioners?

The following is a List of the number of causes decided between the 1st of January and the 30th of September last, in the city court; a period of 12 months has not been taken, because the Judge was absent, employed on deputation.

91	- - -	Original suits.
13	- - -	Appeals from the decisions of the Register.
25	- - -	Appeals from the decisions of the Native Commissioners.
—	129	Total decisions by the Judge.
196	- - -	Original suits.
29	- - -	Appeals from the decisions of the Native Commissioners.
—	225	Total decisions by the Register.
—	686	Total decisions by the Native Commissioners.

1,040 Total decisions in the city court.

4. What

4. What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the Native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

On examination, it appears that 844 is the medium number of causes which, for the last five years, have usually been depending before the City Courts; and that there were 932 causes depending on the 30 September last. It is to be remarked, that it is of late years only that regularity in the trial of suits has been established; and that formerly, in cases of complaint in general, though some composition took place which at the time appeared to reconcile the parties, yet permanent adjustment was not always effected, and most frequently the exhibits of the claims were not delivered up, and an enquiry into the nature of the causes of action which have of late years been brought before the Courts, would perhaps prove the majority of those suits to have originated more from such apparently dormant claims than from circumstances giving rise to new causes of action; besides, it must be observed that the majority of suits brought before the City Court, is for the repayment of loans of money; that the present reduced rate of legal interest of money is far below what, in the sentiments of the inhabitants, it ought to be, and perhaps very much under the real value to be derived from the use of money; that in the interior, people are unwilling to lend their money on the best security, even at the rate of legal interest, and the penalties (should the case come before the Court) attending the taking more than the legal interest, are severe; loans therefore will be granted to those only on whom the lender thinks he can depend on for the performance of secret articles of agreement, and amongst a people rather remarkable for want of faith, this number cannot be supposed to be very great: from what has been already observed, it may perhaps be inferred that fewer complaints will in future be brought into Court; besides which, the circumstance of the City Judge having been a long time absent, employed on deputation, by lessening the number of decisions, consequently prevented a decrease in the number of depending causes. From a consideration of all these circumstances, I do not therefore estimate the number of causes necessarily to be depending before the City Court in future, at above one half of the present number.

5. Are you prepared to suggest the establishment of any rules which, (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

I am of opinion that if particular points in a defendant's answer to a plaintiff's demand were necessarily to be (as is the practice of the Court of Chancery in England) given into Court on oath, or on the prescribed declaration, which is equivalent to an oath, the decision of suits would be greatly expedited, and that other great advantages would result from such rule being established. But I do not recommend the leaving it optional in the different tribunals to commit the depositions of witnesses to writing or not, as the Judges might think proper, because I apprehend that in the interior the dangerously prevailing practice of perjury may have been encouraged by the hasty or careless examination of witnesses, and am convinced that by impressively cautioning witnesses before they begin to deliver their evidence, and by taking down their depositions with strict attention, the occurring of that hateful crime will generally be prevented.

6. Are you of opinion that it would be advisable to extend the jurisdiction of the Native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding rupees 200? What is the amount to which you would recommend the jurisdiction of the Courts of Commissioners, and of the Registers, should be extended; and to what degree would the general administration of justice in the city subject to your jurisdiction be expedited, by the adoption of this arrangement?

I think the general administration of justice in the city would be much expedited by extending the jurisdiction of the Native Commissioners to all such suits under 100 rupees, and that of the Register to all suits under 400 rupees; by particular points in the defendant's answer being necessarily delivered into Court under the prescribed declaration, and by the Judge being vested with the same authority respecting the execution of decrees for personal property passed by the Register, that he is respecting those passed by the Native Commissioners, or rather by a declaration declaring that an appeal in such suits, though admitted, should not stop the execution of the decree. I have added this proposal from a persuasion that almost one half of the appeals from the decisions of the Register, are made solely on the grounds of stopping execution.

7. Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the Stamp Duties? Do you consider these several charges attending the institution of Law Suits to be too considerable, or otherwise?

I conceive that litigation has been very much checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits, and of the Stamp Duties, but I am of opinion that the charges will soon

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be found to be rather too considerable, and that it may be proper, for several reasons, to prohibit the taking fees on any exhibits except on those for the citation of witnesses.

8. Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations; are the vakeels attached to your Court, persons of the above-mentioned description, and are they in general well acquainted with the printed Regulations?

Although the fees paid to licensed vakeels are very considerable, and are doubtless a great inducement to men of character and qualifications to undertake the situation, still, however, the strong prejudices which formerly existed against the profession, are not yet entirely got over. Some of the vakeels attached to the City Court, are of the description mentioned, and are acquainted with many material points in the printed Regulations.

9. Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of licensed vakeels, in my opinion, has contributed greatly to bring suits more expeditiously to a fair issue.

10. Do the vakeels in general discharge their duty to their clients with honour and fidelity?

I am of opinion that the vakeels in general do discharge their duty to their clients with honour and fidelity; and I once witnessed a kind of sentiment of honour for their profession, in their showing a disposition to prosecute a member for a breach of professional duty.

11. Are the principal inhabitants of your jurisdiction as well acquainted, as individuals in general can be supposed to be informed of the laws of the country?

Many of the principal inhabitants are tolerably well acquainted with the laws respecting the punishment of crimes; and those who frequent the Court have some general notions respecting the rules which guide decisions in civil suits.

12. Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

The alteration in respect to the answer of the defendant, and which I have already mentioned, is the only one which I should propose.

13. Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

In my Court-room there is a bench for the Judge, at the side of which there are chairs for the two law officers a little lower; and a little in front of the Judge's bench there is a table for the officers of the Court; and directly in front, at the distance of about fifteen feet, a place is specially allotted for the parties or their vakeels; and on each side of the Court-room there are benches for the rest of the authorized vakeels, or any creditable persons who chuse to come into Court; some persons stand in the Court-room, and in an adjoining gallery there is a long bench for the use of others. The witnesses remain under a shed below stairs until they are called up to deliver their testimony. On Court days, when the officers are assembled, and the Court ready to be opened, the Nazer or Sheriff comes into the Magistrate's room to inform me thereof, after which I enter the Court-room at the side where the Judge's bench stands, and when I am seated, the officer whose business it is calls out the cause first for hearing.

14. Are there any private schools or seminaries in the city under your jurisdiction, in which the Mohummudan or Hindoo Law is taught; and how are those institutions maintained?

Molavy Assud Ullah is the name of the last public professor who taught in Dacca; he had a salary from the Mogul Government, of sixty rupces per month: at his school, which was held in a lofty musjid in the Laal Baug, the youth were taught the Arabic language, logic, metaphysics and law. He died about forty years ago, and since that period the custom has been as at present; learned men are requested by friends, or solicited by the boys themselves, to instruct them in the principles of the Arabic language, and of the Mohummudan law, and learned men who have leisure have generally two, three or four scholars, and if they have the means, it would be considered a want of liberality if they did not also give to the boys two meals a day, paper and ink, a sheet, a pair of trowsers, and a cap twice a year, and a warm covering for the cold season. This custom perhaps took its rise from the circumstance of such being the terms on which formerly the professors, who received a salary from Government, held their appointments.

15. What is your opinion regarding the general moral character of the inhabitants of your city? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of laws, and for the conduct of the internal administration of the country?

The inhabitants of Bengal in general, have that excessive feebleness of mind, which far from resisting, appears to foster the baser passions, and in the criminal indulgence of which

which every moral principle seems to be forgotten; but I must admit that the inhabitants of Dacca are submissive to authority, and that in this city, crimes of enormity are not at present prevalent; however, such of the inhabitants as can afford to be expensive, are in general dissolute, but this looseness in their manners, I am informed, is a recent acquirement, and they date the acquisition at a period of sixteen years ago, when the Nabob Sadut Ally, the present vizier, accompanied by a train of profligate citizens of Lucnow, paid a visit to the Dacca Nabob; and I have been told that the followers of this prince passed a period of four months in this city in the most profligate manner. However, if improvement in the general moral character of the inhabitants of this city, may be inferred from a general decrease in the number of persons committed for trial, and particularly in an astonishing decrease in the number charged with the more atrocious crimes of murder and robbery, then the accompanying paper marked A, will exhibit this to have been the case within these last twelve months, viz. the period between the 1st of November 1800, and the 31st of October 1801.

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16. Are you of opinion that the inhabitants in general of the city under your jurisdiction consider their private rights and property to be secured, by the present constitution of the country, against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

I am convinced the inhabitants of this city do consider their rights and property well protected by the present constitution of the country.

17. Are you of opinion that the city under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, and commerce, and its buildings, or other works for religious, domestic or other purposes; and on what grounds do you form your opinion?

The city of Dacca I apprehend to be in a declining state in its population and commerce, and in its buildings. My opinion is founded on the universal sentiment of all who might be supposed to know, and on the incontrovertible appearance of the city itself; the houses are contracting, very few new buildings are erecting, and numberless old ones are crumbling into ruin; and if such direct proof could require any collateral evidence to confirm it, we might look for such in the great emigrations which took place long ago, on the removal of the seat of Government, and of a more recent date, when the revenue which used to be paid at Dacca, became to be received at other stations; and still more recently, that which took place soon after the passing of the Regulation respecting interest of money, and these the moneyed people taking with them their wealth, carried off the stock which the merchant used to trade with, and thus, perhaps, occasioned a double emigration; the rising greatness of Calcutta may also be a cause; the war too, independent of the decrease in the Company's investment, has had a serious effect on the commerce of the city of Dacca.

This is the second time that I have stated apparent bad effects to have resulted from the Regulation respecting interest of money; but at the same time I do not hesitate to declare, that it is evident to my mind, that if that Regulation had not been made, there would have been no purchasers of revenue lands, and the greatest inconvenience would have resulted to Government; that danger removed, it would perhaps be advisable to allow the parties to give and receive such rate of interest as they themselves thought proper; but in case of any dispute arising, and the case being brought before a Court, the Court should allow no more than twelve per cent.; but in all cases it should allow twelve per cent. and more having been taken, or attempted to be taken, should not forfeit the principal.

18. Are you of opinion that the inhabitants of the city subject to your jurisdiction are in general satisfied with the British Government?

The inhabitants of this city in my opinion are, generally speaking, satisfied with the British Government.

19. Is the present system of police well calculated to ensure the apprehension of offenders?

I do not think the police efficient in ensuring the apprehension of thieves, and the recovery of stolen property; and perhaps it would be advisable to order all purchasers of second hand articles, all sellers of unredeemed pledges and pawn-brokers to take out licenses; and it might also be advisable to give to all persons bringing information where stolen goods were deposited, the 10 per cent. on the recovered value which darogahs by the 18th section of the 22d Regulation of 1793 are entitled to receive.

20. Are the police establishments in the city subject to your jurisdiction, adequate to the duties required of them?

The police establishments in the city of Dacca appear to me sufficient, though I should recommend that the maldarens should receive small wages as servants of Government.

21. Are you of opinion that the number of crimes committed annually in the city under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

The number of crimes committed within the city has decreased within these twelve months astonishingly, vide N. 15, and it may perhaps be greatly the effect of Regulation VI. of 1800.

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22. What crimes of enormity are most prevalent in the city under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

Theft is the most prevalent, and the measures to prevent it are mentioned in No. 19; the horrid crime of perjury has also been hitherto too prevalent; there has not however any instance occurred within the last four months, and much it is to be desired that its prevalence should be checked; the being liable to suffer inconvenience and disgrace from the effect of false oaths, is perhaps part of the system established by the British Government for the administration of laws, which the natives of high rank and education dread and dislike. And to prevent the prevalence of this hateful crime, I know of no other means than great care in the taking of depositions, and watchful rigidness in committing all offenders, in order that the salutary regulations respecting such criminals may be carried into effect.

23. Do the inhabitants in general of the city subject to your jurisdiction, keep arms in their houses? What description of arms do they retain; and for what purpose are the arms retained?

The wealthy inhabitants, and those indeed who have any thing considerable to lose, keep swords, matchlocks, and sometimes muskets in their houses; the purpose for which they are kept I consider to be that of their being possibly accessory to the preservation of their property.

24. What proportion do the Hindoo bear to the Mohummudan inhabitants, in the city subject to your authority; and what do you suppose to be the number of the inhabitants of your city, of all descriptions?

The proportion of Mohummudan to Hindoo inhabitants, is estimated at 145 to 130; and I suppose the number of inhabitants in the city of Dacca to be upwards of two hundred thousand.

25. What are the names of the persons possessing the highest rank and the greatest opulence in the city subject to your jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

The accompanying Paper marked B. contains the particulars required in this article.

26. Are there any persons in the city subject to your authority, supposed to be disaffected to the British Government; what are their names; and to what means do you resort for superintending their conduct? Have these persons any influence in the city, and to what extent?

I do not know of any person within the city of Dacca, ostensibly disaffected to the British Government; I might on occasions obtain necessary information from some of the Maldarens, but I depend on receiving it at all times from some particular public servants of observation and fidelity. The rest of this paragraph is replied to in paper marked B.

27. Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

There cannot be a doubt but that such a measure would contribute in the greatest degree to strengthen the attachment of the natives to the British Government. The natives of this country are passionately fond of such distinctions, and their feelings are at no time so much hurt as when they see individuals of no learning, and of the lowest rank, by the mere possession of money, presuming to ride through the streets in a palankeen, and attended by a numerous retinue; and they are probably the more hurt, from such practice being a modern innovation, as formerly such indulgencies and symbols of dignity could not be assumed, and were enjoyed by express permission of the ruling power only. There doubtless exists in the minds of the inhabitants, a persuasion that their rights are protected by the present Government. Opinion of the right to power, too, in the British Government, is ingrafted, and fast establishing; so long possession has, in the apprehension of the people in general, begot a title independent of present possession. The title is not now a disputed title; and our laws and regulations have certainly tended to annihilate the existence of all improper influence in natives of high rank.

28. What is the state of the roads, bridges, and other public works in the city under your authority; and at whose expense are they kept in repair?

The principal roads are in good repair, as are several of the bridges; but others have fallen into decay. Government has hitherto borne the expense; individuals do not contribute to the support of such works.

29. How are the convicts in the city usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

The convicts are usually employed in repairing the roads in and about the city; and they are at present engaged in smoothing and making neat and commodious the passages to the different ghauts or terries of the town; and I am of opinion that in a city, they can at no time, in no way, be more usefully employed than in works of that nature. There is nothing which appears so generally gratifying to the inhabitants; they show a lively sense of the comfort, greatly beyond what might be expected from their general apathy.

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30. What is the state of the jail in your city?
The jail of this city appears to be in a durable state.

31. Are there any new Rules or Regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

Such as have occurred to me, will be found in different parts of my answers to the present queries.

32. What has been the operation of the last Regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

I consider the different rules contained in the last Regulation, respecting the tax on spirituous liquors, as having been productive of the greatest improvement in the police of the city.

33. Do any measures occur to you, the adoption of which, would in your opinion contribute progressively to the improvement of the moral character of the inhabitants of the city?

Two public professors of law in the pay of Government, on the former footing, as already mentioned; a wyer or preacher, or public lecturer on morals, receiving (as heretofore) a salary from Government; authority and great encouragement given for the adjustment of petty disputes and quarrels through the means of punche or panchants of the lower ranks both of Hindoos and Mahommedans.

34. In your opinion, what has been the effect of the Regulation, which declares persons convicted of the crime of perjury liable to be marked in the forehead?

The best effect; and it is a law universally applauded.

35. What has been the operation of the punishment of transportation introduced by the British Government?

The most favourable that could possibly have been looked for; and it is lastingly acting.

36. Are you of opinion that the Mahommedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity, or with too much severity; and what you suppose to be the consequences produced by the operation of the spirit in which the criminal law is in your opinion administered?

Some of the Judges are apparently more lenient than others are; and I am of the opinion which I observe to be the sentiments of the natives, that being too lenient to persons of bad character, has seldom a good effect.

37. What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

The general conduct of the Europeans, not in the service of the Company, residing within the city of Dacca, as far as it has hitherto come under my observation, has been exemplary proper.

38. What is the general condition of the weavers and other manufacturers in your jurisdiction; are the existing Laws and Regulations well calculated for ensuring justice to the weavers and manufacturers, in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants to obtain from the weavers and manufacturers, the punctual performance of their engagements for the provision of goods?

I am apprehensive that the manufacturers of this city, speaking generally, are rather in an impoverished and impoverishing state; and amongst the weavers in particular, I learn that the number unemployed has of late years greatly increased, advances not being entrusted with such as ostensibly have no property, by which means a state of poverty is soon succeeded by a state of nearly total ruin. I have not hitherto had any complaints preferred to me by the weavers, against the commercial resident of this city, and I know that the channel to freedom of complaint is watchfully kept open, and I believe an universal persuasion prevails, that the right which is shown will be supported.

City of Dacca,
the 23d November 1801.

I have the honour to be, Sir,
Your most obedient humble servant,
(Signed) J. Melvill,
Judge and Magistrate.

(A true Copy.)

J. Melvill, Judge and Magistrate.

No. 1.

(Copy.)

[Paper marked A.]

Answers by the
JUDGES.

Dacca Division.

9 & 21 Dec. 1801.

LIST of Commitments for Trial before the Court of Circuit in the City of Dacca, from the month of April 1793, to the 31st October 1801; specifying the Number of Persons tried for each particular crime, within particular specified periods of the above-mentioned time.

	Number of Persons tried for Murder.	Perjury.	Robbery.	Burglary.	Assault.	Theft.	Rape.	Frauds.	Receivers of Stolen Goods.	Plundering and assaulting &c. breaking the peace.	Forgery.	Total Persons.
From April 1793 to June 1794	8	6	--	1	1	15	-	5	3	4	-	43
From June 1794 to June 1795	9	--	--	2	-	1	-	-	-	-	-	14
From July 1795 to October 1796	4	5	--	-	-	50	-	-	4	5	2	70
From October 1796 to 13 December 1797	1	10	--	-	-	46	2	-	5	5	8	77
From 14 December 1797 to December 1798	-	6	8	-	1	42	-	3	6	4	-	71
From 1 January to 1 November 1799	-	6	18	-	-	43	1	2	3	10	1	86
From 1 November 1799 to 1 Nov. 1800	-	6	11	9	-	39	-	1	3	8	-	78
From 1 November 1800 to November 1801	-	1	8	--	-	2	16	-	6	5	4	42

(A true Copy)

J. Melvill, Mag^o.

(Copy).—[Paper marked B. Referred to in Paragraph 26.]

Nabob Nusserut Jung.—Of irreproachable manners, most desirous of being respected, and seems to consider his being on a good footing with the English as essential to his being respected.

Meere Mahummud Ally, Meere Mahummud Hafeez, Meere Fuzn Ally.—Learned and good men, grandsons of Meere Taaje Uddeen Sndnooss Sadoore; not wealthy, but considered and respected as the Chiefs of the Sheaks in this city.

Mirzah Boollah.—Brother to the Poorneah Nabob; receives a pension from Government.

Kyan Ally Rhan, Roshan Ally Rhan.—Descendants of the Nabob Shahesteh Rhan; on that account only respected: they are very poor.

Meere Hussein.—Married into the family of Synd Ally Rhan Ghunnah; of some wealth.

Mirza Assud Ullah.—Called Agha Nabob; of family; aged, and in reduced circumstances.

Mirza Mahummud.—Rich, but not respected.

Molavy Burkatoolah.—Very rich, but far from being respected.

Mahummadeen.—Son to Shah Noorey, who was eminent for piety; he has no wealth, but is much respected.

Haffiz Ashriff Rahn, Mah^d Afzul Khan.—Sons of Molavy Sharafut Rhan: they are possessed of some wealth; are Sonnies.

Mizah Buday.—Wealthy; formerly dissolute; not much respected.

Meere Ashriff Ally.—Was formerly wealthy; a man of pleasure, and seems to court popularity.

Meere Moheb Ulla.—Of some property.

Mirza Juboo and his brother.—Were left considerable fortunes, but are dissipated, and have lost all claim to respect.

Mirza Jaffier.—A rich respectable merchant.

Mirza Rurream Ullah Beig.—Rich; but not respectable.

Kishen Chunde.—Wealthy.

Anoop Chunde Lahorey.—Respectable.

Jeeoon Baboo, - - - Wealthy.

Toolsheram, - - - Ditto.

Noornaram Ghose, - - - Ditto.

Lawlah Ram bux, - - - Ditto.

Lawlah Dal Sing, - - - Ditto.

Lawlah Narrain Sing, - - - Wealthy.

Harry Rishen Doss, - - - Ditto.

Uddoo Baboo, - - - Ditto.

Boodah Sahoo, - - - Ditto.

Rajeb Lochan, - - - Ditto.

The

The Nabob Nussrut Sung has about 400 servants; and when he goes out, is generally attended by six troopers, six spearmen, and about forty unarmed followers.

The other persons mentioned have each from ten to fifty servants: they formerly used to be attended by a good many armed followers; but immediately after the apprehension of Shumsh Uldowlah they apparently of themselves discontinued the practice of allowing their followers to go about armed; and of late they have very much reduced the number even of their suites. They have for some time past been aware that, without the authority of Government, it must, according to former custom, be considered assuming; and for many months past their suite has been from one to four or five persons at most unarmed.

J. Melvill, Magistrate.

No .1.

Answers by the
JUDGES.

Dacca Division.

City of Dacca,
9 & 21 Dec. 1801.

To the Most Noble MARQUIS WELLESLEY, K. P. &c. &c. &c.

My Lord,

IN conformity to the orders of Government, under date the 3d instant, I have the honour to transmit to your Lordship a copy of a letter of this date, which I addressed to the Secretary to the Government in the Revenue and Judicial department.

City of Dacca,
21st December 1801.

I have the honour to be, my Lord,
Your Lordship's most obedient humble servant,
J. Melvill, Judge and Magistrate.

(Copy.)

Dacca, 21st December 1801.

Sir,

IN elucidation of the measures recommended by me, and in continuation of my answer to paragraph 3d of the queries received with your letter of the 29th October last, I wish to add, that the lectures of the moralist, it may be thought, will be little attended to, and the love of learning will act upon the comparatively few only, and therefore that it is visionary to expect any general effect from such partial causes; and I can only in answer say, that from the known disposition of the natives, it may with certainty be presumed that such lectures will be crowdedly attended, and it may reasonably be hoped with advantage to the auditors; and if it is matter of policy the having such professors servants of the Government, my opinion is, that independent of that policy, the establishment of a lecturer on morals in cities will become an institution productive of general good; and though it be true that leisure and independence are requisites in the cultivating a taste for letters, and that these advantages do not fall to the lot of the many, yet in general the higher ranks of the Mahommedans express great regret at the want of proper seminaries and opportunities to render their children learned men: they say it was part of the school discipline to make the scholars live on the most simple and frugal repasts, and that after having learned the rudiments or first principles of the sciences, the school discipline was succeeded by close application in retirement, and that this system of education had great effect on the moral character.

It is not to be doubted that in this country the acknowledged possessors of superior learning receive almost universal homage; and with the people it is an established sentiment, that the most learned men are the least dissipated, as well as most virtuous; and in such case, the effect of the example of virtue in such men, on those of inferior conditions, will perhaps be found to be much greater and more widely extended than might at first be imagined.

But as to the smaller schools where boys are taught to read and write the Persian and Bengal languages, these require no support from Government; there will always be a sufficient number of these schools, and indeed it will perhaps be thought that there may be too many, when it is recollected that the poor possessor (if a Hindoo) of this acquirement, becomes thereby, according to established opinion in Bengal, so much exalted, that it would be a degradation to him to be employed in any mechanical art, or even to touch the plough.

I have said that authority and great encouragement should be given to procure an adjustment of petty disputes and quarrels, through the means of punchants: this mode of arbitration, for in the present sense it is nothing more, was formerly almost universally practised; and it has not only the sanction of established usage in its favour, but the members of such tribunals being as it were pointed out for the office by their established characters, and by the acknowledged sentiment of the whole of their society, the decision is at once acquiesced in, and becomes happily unquestioned. But to estimate fairly the great advantage to be derived from this mode of adjusting disputes and allaying animosities, it must not be disguised, and cannot have escaped the observation of all who have had an opportunity to remark it, that litigation in petty disputes is at present practised, is a source of general unhappiness, and the parent of multiplied crimes. The religion of the Hindoo, while it strongly enjoins marriage as a sacred duty, as strongly reprobates as a criminal the person who marries before his elder brother or sister; and their laws ordain a division nearly equal amongst the sons of a family, should they separate, of all the property real as well as personal. It would seem then, as if self-interest and religious tenets had been intended to act as instruments to prevent the separation of brothers, and to promote the happy practice of their

No. 1.

Answers by the
JUDGES.

Dacca Division.

City of Dacca,
9. & 21 Dec. 1801.

their living together on a joint common stock; but the excessive feebleness of mind of the inhabitants of Bengal, renders them easily irritated and unable of themselves to resist the first impulse of the baser passions of malice and mean revenge; and unhappily they find in the constitution of our Courts, an instant means of gratifying the first impulse of their own passion, and of provoking the sharp resentment of their adversary; because there is an imbibed sentiment, as well as feeling, that disgrace is incurred in being laid hold on by a peon and brought before a Court; and if the parties happen to be brothers, which is frequently the case, a separation will ensue; and as one provocation leads to another, the most trifling occasion may have thus become a certain means of bringing unhappiness to a whole family, and not unlikely the source of the commission of many crimes.

The natives, however, though thus the sport of passion, and fond of litigation, when the case is their own, are in their sentiments adverse to the principle of litigation, and strongly inclined to the appeasing of differences between others.

I have heard some persons object to punchants, because they have known of unlawful combinations under that name; but this, I should observe to them, is speaking of a different matter; and a Magistrate would surely not do his duty who did not prevent such combinations; besides, the very circumstance of giving a declared authority to punchants in a particular character, in prescribed cases, is perhaps a tacit interdiction of their authority in others. I will now conclude by observing, that amongst the lower ranks, the greatest portions both of industry and virtue, will assuredly be found with those where the established rules and authorities of their tribes are most respected.

I have the honour to be, Sir,

Your obedient humble servant,

G. Dowdeswell, Esq. Secretary to the Government,
Rev. and Pub. Department.

J. Melvill, Magistrate.

To His Excellency the Most Noble RICHARD Marquis WELLESLEY, K. P. Governor
General in Council, &c. &c. &c.

My Lord,

IN obedience to the orders of Government of the 29th October last, I have now the honour to forward my Reply to the Interrogatories therewith transmitted. I fear it may not be thought so full and particular in some points as perhaps is expected, and I am sensible that it does not contain all that might be said on several questions; but as an apology for its defects, I take the liberty to state, that I have had but little time, since I was nominated to this district, to turn my mind to the framing of regulations, as my attention has been fully occupied by official (and in some measure extra) business, ever since my first arrival in the zillah. When I took charge of the office, I found an immense accumulation of Fouzdarry business, occasioned by my predecessor's sending out a girdwar, who apprehended upwards of 350 persons, whose examinations occupied both the acting Register's and my own time most fully for several months: before this was finished, an order was passed for the removal of the Sudder station to Burrishol, the carrying which into effect, by clearing away jungles, erecting jails, buildings, &c. and laying out a new town, has taken up all the time and attention I could spare from official avocations, to this moment; so that, though I have had every inclination to take minutes, and propose amendments, where I found the Regulations deficient, I really have been unable to find time. I proposed drawing out, for my own use, an abstract of the Regulations under different heads, on the plan of Burn's Justice, which would have enabled me to reply satisfactorily to the present orders, but was obliged to postpone the undertaking, for want of time; I therefore hope that your Lordship will not judge of my diligence from my present defective reply only, but will weigh the obstacles which have arisen to oppose my endeavours to obtain your approbation. Such new rules as have occurred to me to be necessary, I have stated in their proper places. Those in the answer to the 33d question, though drawn out in sections, are merely a sketch for a Regulation, and not so regularly worded as would be necessary for printing, if approved. Some modification of them might be made, and further Rules added, to render them more beneficial; but being fearful of further delay, I am obliged to submit them in their present state. I however hope that the Reply, though deficient in some points, from being written amongst sundry busy employments of surveyor, architect, &c. in addition to my judicial avocations, may not be deemed totally useless; and that your Lordship will believe my greatest wish is to give satisfaction to, and obtain the approbation of Government, by a faithful and diligent discharge of my public duty.

I have the honour to remain, with respect,

Your Lordship's most obedient humble servant,

Zillah Backergunge,
7th January 1802.

J. Wintle, Judge and Magistrate.

REPLY of the Judge and Magistrate of Zillah Backergunge, to the Interrogatories of Government, of the 29th October 1801.

No. 1.

Answers by the JUDGES.

Dacca Division.

Zillah Backergunge
7 January 1802.

Question 1st.

Answer.—The number of causes depending on the 31st December 1801, was as follows; viz.

Before the Judge	-	-	-	-	-	117
Ditto - Register	-	-	-	-	-	315
Ditto - Native Commissioners	-	-	-	-	-	1,274
TOTAL						<u>1,706</u>

Question 2.

Answer.—The Civil Courts of this zillah were not established until April 1797. The number of causes depending at the end of each year, is inserted underneath; which will show the proportion those now depending bear to former years; viz.

	1797. On the 31st December.	1798. On the 31st December	1799. On the 31st December.	1800. On the 31st December	1801. On the 31st December.
Before the Judge	276	269	220	384	117
- D ^o - Register	260	290	121	40	315
- D ^o - Native Commissioners	133	160	759	2,461	1,274
TOTAL of each year	669	619	1,100	2,885	1,706

Question 3.

Answer.—The number of causes decided in the past year (1801) is inserted below; but they fall short of what may be decided when the Judge holds regular Courts. The Judge's Court was not opened till my arrival on the 25th February, as I was not allowed to leave my former station for some months after my appointment to this zillah. From May to September inclusive, four Court days also in each month were lost, by my being obliged to come once a week to Burrishol, to look after the works carrying on at the new station. The Judge's Court was besides shut during the months of November and December, on account of the removal of the station, to enable the omlah vakeels and pleaders to erect habitations at the new residence, and to give time for removing the prisoners, cutcherries, &c. The number of causes decided was as follows: in which statement I have thought it proper, for the information of Government, to insert causes disposed of by nonsuit, &c. and other business that is not brought on the regular file; viz.

Tried by the Judge:

In appeals from the decision of the Register	-	-	-	-	49
Ditto - ditto - Native Commissioners	-	-	-	-	3
					<u>52</u>
Decreed on Trial	-	-	-	-	46
Dismissed on Nonsuit	-	-	-	-	80
Adjusted by Razeenomah	-	-	-	-	10
					<u>136</u>
Total					<u><u>188</u></u>

By the Register:

Decreed on Trial	-	-	-	-	187
Dismissed on Nonsuit	-	-	-	-	146
Adjusted by Razeenomah	-	-	-	-	38
					<u>371</u>
Total					<u><u>371</u></u>

By the Native Commissioners:

Decreed on Trial	-	-	-	-	63
Dismissed on Nonsuit	-	-	-	-	2,467
Adjusted by Razeenomah	-	-	-	-	1,204
					<u>3,734</u>
Total					<u><u>3,734</u></u>

REMARKS.

No. 1.

Answers by the
JUDGES.

Dacca Division.

Zillah Backergunge,
7 January 1802.

Besides the above, 338 summary causes, according to the 7th Regulation of 1799, 40th Regulation of 1795, and 6th Regulation of 1800, were decided by the Judge.—N. B. The number of Commissioners were not complete previous to my taking charge.

Question 4.

Answer.—The number of causes that must necessarily be depending cannot be stated with any certainty, because though a pretty exact calculation may be made of the number that ought to be decided, the question must in a great measure rest on the number of suits instituted annually, which may vary exceedingly. This Court having been established but a few years, the number of causes filed has annually increased, particularly in the past year, and may still increase. But as it is necessary to have recourse to some criterion to form an opinion upon, I think the past year's file (or 1801,) the properest to go by: agreeable to that, I conceive that supposing the three Tribunals to be regular, and attentive in the discharge of their duty, there must yet necessarily be about the under-mentioned number of causes always in arrear, or nearly six months business, that is to say, that a suitor may obtain a decision in six months from the period of instituting his suit; viz.

Before the Judge	-	-	-	-	-	60.
Ditto Register	-	-	-	-	-	310.
Ditto Native Commissioners	-	-	-	-	-	900.

The various official business the Judge has to perform, prevents his giving his attention solely to the decision of regular suits. The reason of the number of causes now depending not being reduced so low as they might have been, is principally to be ascribed to the causes mentioned in the answer to the 3d Question; which however were temporary and not likely to operate hereafter.

Question 5.

Answer.—The following Rules occur to me as calculated to expedite the decision of suits; and by first stating the causes that operate to the impediment of speedy decisions, Government will be better able to judge of the eligibility of their adoption. That object would undoubtedly be promoted, by leaving it optional in the different Tribunals to commit the depositions of witnesses in causes not appealable to higher Tribunals, to writing or not, as the Judges might think proper; but at the same time I doubt whether it might not be productive of more evil, than the inconvenience at present felt from delay. The causes that impede speedy decisions are as follows; viz.

1st. That plaintiffs almost invariably omit to deliver in a list of the witnesses they mean to summons, until the day that the cause is set down for hearing; and the same negligence takes place on the part of most defendants.

2d. That both plaintiffs and defendants almost always summon a greater number of witnesses than necessary (who are mostly unacquainted with the objects of the cause) with a view to delay and procrastination; and whose depositions and examinations uselessly engage much of the Court's time and attention.

3d. That plaintiffs and defendants frequently omit to take out their subpoenas for witnesses when ready.

4th. That when causes come to be tried, the parties frequently omit to have the necessary vouchers and papers in readiness to substantiate their complaints, or defence, and often make use of this plea in order to create delay, as a plaintiff sometimes thinks it for his advantage so to do.

5th. That witnesses, when about to be subpoenaed, frequently secrete themselves; and often when served with the summons, omit to attend the Court, to the impediment of justice.

6th. That it is necessary the Court should have the power to punish witnesses for contumacy, without the formality of the oath required from the plaintiff under 6th section 4th Regulation of 1793, which clashes with the prejudices of the Hindoos, and checks that obedience to the Courts which witnesses ought to observe.

7th. That the Judges jurisdiction in regard to suits for landed property, is too confined at present for the ends of speedy justice.

With a view to rectify these defects, I would recommend the adoption of the following Rules; viz.

First. That if plaintiff does not deliver in a list of the witnesses he wishes to bring, or be summoned to prove his claim in three days after the rejoinder is filed, his cause shall be nonsuited; and if defendant does not deliver in a list of the witnesses he means to bring, or wishes to have summoned to controvert the complaint against him, in three days after filing his rejoinder, the cause shall be tried and determined on the evidence of the plaintiff's witnesses only.

Second. That neither plaintiff nor defendant shall be allowed to produce more than four witnesses each, in any suit that consists of one demand or cause of action only; or in suits that consists of several demands, more than two to each demand; unless the Court should deem further witnesses necessary, in which case the Court may order them to be summoned.

Third. That if any plaintiff does not take out, and cause the subpoena or subpoenas to be served on his witnesses in five days after delivering in his list of the witnesses, his cause shall

shall be nonsuited; and if any defendant omits to take out and cause the subpoena or subpoenas to be served on his witnesses in five days after delivering in his list of witnesses, no evidence shall be summoned on his part, but the cause be determined on the documents produced, and the evidence brought by the plaintiff.

Fourth.—That if the plaintiff or defendant does not deliver in all his papers and vouchers, on or before the morning of the day of trial, the investigation shall not be suspended for such deficiency, but the cause be either nonsuited, or tried and decided upon such documents, &c. as may then be delivered in.

Fifth.—That if a witness summoned does not attend on the day appointed, or attending, refuses to give evidence, or subscribe his deposition, the Court shall impose a fine upon such witness, not exceeding 500 rupees, unless, in the first case, he can prove to the satisfaction of the Court, that he was unable to attend by the period mentioned in the subpoena. The fine to be enforced by an order on the nazir to attach and sell his property, or if that is insufficient, by seizing his person, (for which purpose he may enter his dwelling, if requisite) and by confining him for a period not exceeding three months.

Sixth.—That the following mode of serving subpoenas on witnesses, shall be considered good and lawful; viz. the peon executing the subpoena shall proceed to the dwelling of the witness or witnesses therein named, and summon them aloud at the outer door to come forth, in case they cannot gain admittance; should the witness come forth, the peon shall show him the subpoena; should he be in the house and not come forth, the peon shall read, or get some person to read the subpoena aloud; in either of which cases the execution shall be considered good and lawful. Should the witness be absent, the peon shall in like manner execute the subpoena, by reading or causing it to be read aloud at the witness's door; but the peon shall allow any of the witness's domestics or relations to take a copy of the subpoena for his information, in case they desire it.

Seventh.—That the decrees of the Judge, in suits for landed property, whether assessed with public revenue or rent-free, be declared final, to the amount of sicca rupees 200.

Question 6.

Answer.—I do not think it would be advisable expressly to extend the jurisdiction of the Register and Native Commissioners of this zillah, to suits for sums greater than they are authorized to try at present, as the suits in general are not for large sums, or are there many opulent persons living in this district; but that the Judge should be at liberty, if from the number and amount of causes filed, he may deem it advisable, to refer suits to the Register for trial, not exceeding in amount sicca rupees 300. It might also tend to expedite the decision of suits, were the Register's decrees for money or personal property, to be declared final to the amount of sicca rupees 100; and also his decrees on suits regarding landed property between individuals, not being keranje, (or lands assessed with revenue) to the amount of sicca rupees 50.

Question 7.

Answer.—Litigation has certainly been checked by the establishment of the fees and stamp duties mentioned in this Question, as far as respects frivolous and unfounded suits; but not in regard to real causes of action, which are as much sued for as ever. I do not think the several charges attending the institution of law-suits too considerable, as far as relates to suits for large demands; but they appear in many instances to be too heavy on suits for small demands, as will appear by the following statement on a demand for two rupees, which would be much more, were the suit for landed property; this, the plaintiff has to pay to Government alone, exclusive of the expense of serving the processes before his cause comes to be tried, though it is true, that eventually the defendant will have to pay it, in addition to his own expenses; viz.

Stamp paper for plaint	-	-	-	-	-	-	-	0	4
Fees for filing ditto	-	-	-	-	-	-	-	0	2
Stamp paper for security for vakeel's fees	-	-	-	-	-	-	-	0	4
Fees for filing ditto	-	-	-	-	-	-	-	0	8
Stamp paper for security to make good expenses of suit	-	-	-	-	-	-	-	0	4
Fees for filing ditto	-	-	-	-	-	-	-	0	8
Fees for issuing a summons	-	-	-	-	-	-	-	0	8
Stamp paper for a copy of defendant's answer	-	-	-	-	-	-	-	0	4
Ditto for a copy of rejoinder	-	-	-	-	-	-	-	0	4
Stamp paper for vakalant namah	-	-	-	-	-	-	-	0	4
Fees for filing ditto	-	-	-	-	-	-	-	0	8
Stamp paper for petition for issuing subpoenas	-	-	-	-	-	-	-	0	4
Fees for filing ditto	-	-	-	-	-	-	-	0	8
Ditto for three witnesses	-	-	-	-	-	-	-	1	8
Issuing subpoena	-	-	-	-	-	-	-	0	8
Two vouchers (only)	-	-	-	-	-	-	-	1	0
Total - Sa. Rs.									<u>7</u> <u>6</u>

To suggest the means by which the expense might be lessened to the individual, without subjecting Government to much loss of revenue, requires some consideration, and more time to arrange, than the various duties I have at present on my hands will allow. Hereafter

No. 1.

Answers by the
JUDGES.

Dacca Division.

Zillah Packerunge,
7 January 1802.

No. 14.

Answers by the
JUDGES.

Dacca Decision.

Zillah Backergunge.
7 January 1802.

after, when I have more leisure, I shall offer such suggestions on this point to Government; as may appear to me deserving of its notice.

Question 8.

Answer.—The fees paid to the licensed vakeels on suits instituted or defended by them, are a sufficient inducement to men of character and qualifications to undertake those situations. The most able, as in all other countries, do of course get the greatest employ, while those of inferior abilities must be content with obtaining business now and then. Some of the vakeels attached to this Court are respectable men; but in general, before I took charge of the district, were almost entirely unacquainted with the printed Regulations, which, they assert, they could seldom obtain. I have taken much pains to induce them to make themselves acquainted with the laws passed by Government, and some of them have made some proficiency, but I am sorry to say that in general they are far behind the vakeels of most other zillahs in the knowledge of their profession.

Question 9.

Answer.—The establishment of licensed vakeels has contributed to expedite the decision of suits, but not to the extent that could be wished; for instead of bringing the merits of the suits speedily and accurately before the Court, they appear to be instigated only by a desire of obtaining the decisions in favour of their clients (however contrary to justice) and all their measures tend to that end; so that a cause is often made more intricate than it really would be, by their mistaken zeal for their clients. They forget that equity as well as law, is necessary to the ends of justice.

Question 10.

Answer.—The vakeels in general I believe discharge their duty to their clients with as much honour and fidelity as a native usually possesses. I have never met with a native high or low who possessed much of the first quality, and their portion of the latter is but small, as far as 17 years intercourse with them, enables me to judge.

Question 11.

Answer.—The inhabitants of this zillah are almost totally ignorant of the Regulations, and the zemindars, talookdars, &c. do not understand even the Revenue Regulations properly, which it might naturally be supposed they would (those in particular respecting the collections) as being so immediately interested in them. The vakeels and people about the Courts are almost the only persons who appear to have any knowledge of the laws of the Country.

Question 12.

Answer.—This question appears to be so nearly connected with the 5th Question, that it is hardly possible to draw any line between the Answer to each. In my reply to the latter Question, I have suggested such further Rules as at present occur to me; and in answer to the present, can only observe, that I think many of the processes issued from the Courts of Justice might, by being printed instead of written, as at present, tend to expedite the business of the Courts, and would at the same time produce an uniformity of proceeding throughout the country. Approved blank forms of summonses, subpoenas, warrants, proclamations, &c. &c. might be printed at a small expense by Government, if a press was established entirely on its own account, and immediately under its own management; which would admit of a proportionable reduction of mohurers, &c. in the judicial establishments. The only objection to which is, that a number of persons would thereby be deprived of employment. The same measure might perhaps tend to facilitate the duties of the commercial line, in the customs, salt chowkies, &c.

Question 13.

Answer.—There are separate places allotted for the bench of the Judge, for the public-officers, parties, vakeels, witnesses, and all persons who attend the Court, in the Court-house. At present it has been pulled down, and a new one erecting at the new station of Burrishol, where there is a temporary one for carrying on the business. At the opening and shutting of the Court, the nizar proclaims aloud to that effect, which is the only ceremony observed, except what are pointed out in the Regulations, and what relates to the manner of the parties or vakeels addressing the Court, which is similar to what is observed in English Courts of Justice.

Question 14.

Answer.—There are several private schools in this zillah, where the Hindoo law is taught, but no Mahomedan. The Brahmins, who are at the head of them, either have rent-free lands, or subsist by the bounty of their students. Some of them also receive presents for performing marriage and religious ceremonies.

Question 15.

Answer.—The general moral character of the inhabitants of this district (if I may be allowed to use the expression) is at the lowest pitch of infamy; and very few exceptions indeed to this character are to be found. There is no species of fraud or villany the higher classes will not be guilty of, and to these crimes, in the lower classes may be added murder, robbery,

robbery, theft, wounding, &c. on the slightest occasion. In fact, it is hardly going too far in asserting that the whole of the inhabitants of this district are decoits; for the lower classes in general must in a great measure support themselves in that manner, as few of them really work at trades, or cultivate sufficient lands for their maintenance; and the zemindars and talookdars, with very few exceptions, undoubtedly entertain and protect decoits secretly, who are the principal actors in all affrays between the former, respecting disputed lands, boundaries, &c. I fear the system of law established by the British Government has not had much effect in improving their moral character. Fear is the only passion that can operate to any purpose with the natives of this part of the country: they may be restrained from committing crimes from the dread of punishment, but I apprehend that no precept or example will ever induce them to be in love with virtue or honesty, from their purity only. Strict justice and rigorous laws can alone keep them in order.

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Question 16.

Answer.—The inhabitants undoubtedly consider their private rights and property to be far better secured by the present constitution of the country, than ever they were under the Mogul Government, and that they are not liable to infringement by the executive authority itself, by the executive officers of Government, or by individuals.

Question 17.

Answer.—The cultivation and population of this district is in a state of improvement; but from all I can learn from the natives, commerce has declined, the principal articles of which formerly consisted of salt and cloth; but since the Honourable Company has monopolized the first, and made advances for the second, many individuals have given over their dealings. Religious buildings are less frequently erected; and for domestic purposes, little or no improvement seems to have been made in those constructions. The natives are enemies to innovation, even in the form of their houses, and are too indolent to imitate neatness or taste. The grand cause of the decline of commerce, and religious buildings, seems however to arise from what, in other countries, forms not only the strength but tends to the riches and prosperity of the state,—increase of population. In this, it only operates to its impoverishment, if the opinions of the natives themselves have any force; for they say, that when the population was less, their ancestors were rich, and had a capital which could be spared for the purposes of commerce and the erection of religious edifices; but as their descendants have multiplied so much of late years, such sums, divided and subdivided amongst them, gives to each but a small pittance, and has destroyed all the great fortunes. From my own observation and intercourse with the natives, I believe there is some truth in this reasoning; and unless a spirit of enterprize and honest activity can be infused into the natives at large, I see no means of their becoming either richer or happier. The lower classes of natives in this district are too indolent to try to better their situations by labour and exertion, though there is no doubt that the lot of the ryot, labourer and mechanic, has considerably improved under the English Government. My opinion respecting the population and cultivation of the district, is founded upon enquiries from the natives, and my own observation.

Question 18.

Answer.—I believe the inhabitants of this District are perfectly satisfied with the British Government, and that they are fully aware of the great freedom they enjoy under it, beyond what they could ever taste under either the Mogul or Hindoo administrations.

Question 19.

Answer.—The present system of police is in general well calculated to ensure the apprehension of offenders, and only requires some additional Rules, which are proposed in the Answer to Question 33.

Question 20.

Answer.—The police establishments of this district are not adequate to the duties required of them, there not being a sufficient number of funnahs at present to admit of their being placed at ten coss from each other, agreeable to the 4th section, 2d Regulation of 1793, some of them being a much greater distance asunder. They appear also to have been in the first instance injudiciously placed, and not so disposed as to afford security to the district, equal to what the actual number of stations should do. Three or four more tannahs will be necessary, which I shall propose to Government as soon as I have leisure to prepare a new arrangement of the stations.

Question 21.

Answer.—I am of opinion that the number of crimes committed annually has diminished in the past year, in comparison to what I understand were formerly committed; but as there does not appear to have been any regular account kept previous to my appointment to this Zillah, of the crimes committed within the jurisdiction of each darogah, it is not an easy matter to assert positively whether they have annually diminished since the year 1793 or not; the Adawlut Calendar not being a sufficient criterion to judge by (particularly the past years, which includes many crimes committed in former years) for many crimes were formerly and are sometimes still committed where the perpetrators escape being apprehended or discovered. I however keep a regular account of all crimes that come to my knowledge or the darogah's, whether the parties are taken or not. An account of the number of trials in each year since 1797, agreeable to the Calendar, is inserted below. No Calendars

prior to that year are to be found in the office. The second sessions of the last year not being concluded, the first sessions only is inserted; viz.

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CRIMES.	1797.	1798.	1799.	1800.	1801, First Sessions.
Murder - - - - -	2	19	22	22	21
Decoity - - - - -	11	15	17	19	39
Decoity and Murder - - - - -	1	7	9	8	5
Theft - - - - -	2	13	8	5	4
Receiving Stolen Goods - - - - -	-	1	1	1	-
Bribery - - - - -	1	1	-	1	3
Perjury - - - - -	2	1	8	-	12
Forgery - - - - -	-	1	-	-	1
Wounding - - - - -	1	1	2	1	6
Resistance of Court's Authority - - - - -	-	-	-	-	4
TOTAL - - - - -	21	59	67	57	95

The diminution is to be ascribed to the activity of Mr. Spedding, the acting Register, while in charge of the office, and to my own diligence since. It may I think justly be concluded, that the increase or diminution of crimes in every district, will in some measure be in proportion to the negligence, or the vigilance and activity of the Magistrate. The best laws are ineffectual and useless where the executor of them is remiss.

Question 22.

Answer.—The crimes of enormity most prevalent in this district are murder, decoity with murder, decoity with wounding with spears, &c. decoity simple, decoity and burning with lighted mosauls; decoity with putting bamboos to the back and chest of a person and drawing them close with twisted strings, in the manner of a vice, until he is breathless, and sometimes the breast bone or ribs are broken; decoity with putting chilly powder (or kayan pepper) into the eyes, mouth, nose and ears. All these for the purpose of extorting confessions, where the sufferers effects are kept or hid, and which are usually inflicted by decoits at the time of committing robberies; violent wounding with daws, &c. affrays and assaults.

The cause of the prevalence of the first is, that the inhabitants of this zillah in general are of the lowest class, and both the men and women are extremely passionate in their dispositions, and loose and profligate in their manners. Infidelity on the part of the women; and jealousy on the side of the men, most frequently are the occasion of murders; but sometimes a dispute about a kid or hookah is sufficient for that purpose. Passion also often leads to the commission of self-murder, which is more frequent in this zillah than in any part of the country I have resided.

Decoity (which often includes many crimes) arises from two causes; viz. 1st. That decoits consider themselves as much a distinct cast or profession as any other cast; and it is very common for several generations to be decoits. I have heard of an instance of a decoit recommending to his son at the foot of the gallows, to continue the profession, notwithstanding his own ill fate. 2dly. That the idle and ill-disposed begin first with pilfering, then stealing, and gradually advance from one enormity to another, until they are equal to the greatest crime. These associate with the former, and often form large gangs.

Violent wounding and murder arise from heat of passion or revenge, and sometimes from affrays.

Affrays are occasioned by zemindars, talookdars, &c. disputing about lands, boundaries, or crops, and procuring their dependants and ryots to support their cause by force.

Assaults in general arise from quarrels, and heat of passion.

The means I would recommend for the suppression of these crimes are as follow; viz.

1. That all accomplices as well as principals in murder, when duly convicted of aiding and abetting the commission of the crime, (if not objects deserving mercy) should be sentenced to suffer death. This is provisionally stated to be the law under the 4th section, 8th Regulation of 1799; but as the Courts of Circuit do not appear to apply the rule so strictly as perhaps was intended, it may be proper to declare it expressly to include accomplices.

2. That the principal and all accomplices in a decoity where any person is murdered, either by sharp instruments or torture, in either of the ways above described, whether he or she die immediately, or afterwards, from their effect, if duly convicted of being present and assisting in the decoity, shall be sentenced to suffer death. That both principals and accomplices convicted of decoity, where any person has been wounded with spears, daws,

&c. or tortured by burning with lighted mosauls, squeezed with bamboos, or had chilly powder (kayan pepper) put into their eyes, mouth, &c. violently, but death does not ensue therefrom, shall be sentenced to imprisonment and transportation for life; if in a slight degree only, to transportation during the time of their sentence. That all decoits proved to be sirdars or chiefs of gangs, whether in a simple decoity, or other decoity, the punishment for which is short of death, be sentenced to imprisonment and transportation for life.

3. That maiming or violent wounding, both in regard to principals and accomplices, be in like manner punished by transportation during the period of sentence, whether arising from affrays or assaults.

Question 23.

Answer.—The generality of the inhabitants of this district do not keep arms in their houses, but some persons do. Such respectable persons as keep arms have them for defence against decoits. The latter description of persons have the largest quantity of arms, which they retain for the purposes of robbery and murder. These consist of tulwars, spears, bows and arrows, roybannses (a long iron somewhat like a spit fixed at the end of a bamboo,) khangauns (a long tulwar,) bludgeons. The three first are only kept by persons of good fame.

Question 24.

Answer.—There are the ruins of three old mud forts in this zillah, two at Soojaband Pergunnah Chunderdeep, and one at Sungram Pergunnah Cuter Shabazpore, which were formerly built as a defence against the incursions of the mugs. Some old cannon it is said are there remaining, but I have not had time to visit these places. Instructions have been sent to my darogahs to send me a particular account of them.

Question 25.

Answer.—It is extremely difficult to answer this question with any probable correctness, there being no guide to go by in forming an opinion; for it does not appear that there has hitherto been any measures taken in this district to ascertain the number of inhabitants; and I very much doubt whether a petty talookdar paying a revenue of only 500 rupees, could immediately state the number of persons residing on his estate. A great number of the inhabitants live almost entirely in boats, and as the district is every where intersected with rivers, and nullahs are continually changing their stations, which will add to the difficulty of an investigation of this nature. From all the information I have been able to obtain on this head, guided by my own observation, I am of opinion that the proportion of the Hindoo to the Mussulman inhabitants, is about 10 to 6. I cannot, however, obtain any information as to the probable number of inhabitants of all descriptions, for no person will venture an opinion on this question, or am I at present able to form one myself. But in order to get some account, I have called upon the zemindars and talookdars to furnish me with statements of the number of Hindoo and Mussulman inhabitants residing within their respective estates. These will of course take some time to ascertain and prepare; but when received, shall be reported to Government.

Question 26.

Answer.—There is no person of rank in this district except Rajah Joynarain, alias Doorga Cour Narain Roy, late zemindar of Pergunnah Chunderdeep, nor in fact any persons of great opulenc. The names of the most respectable persons are inserted underneath, but none of them retain a greater number of followers than 25 or 30; including household and personal servants of all descriptions. They never appear abroad with more than three or four burkundosses, armed with tulwars and shields, and 4 or 5 peons; viz.

Meer Hossien Ul-dien Chowdry, zemindar of Tuppa Nazirpore.

Seeb Narain Roy Chowdry, Ditto of Pergunnah Silimaband.

Meer Asud Ally Chowdry, Zemiadar of Pergunnah Shaistaband.

Ramdoolub Chuckerbutty, } Ditto a Talook of Pergunnah Chunderdeep.

Bowanypersand, Ditto - - } Ditto Pergunnah Ruttendy Calkapore.

Kirty Chunder Roy - - - } Ditto Pergunnah Aurungpore.

Chundder Roy - - - } Ditto Pergunnah Aurungpore.

Khaja Mohamed Dym and } Ditto Talook Sulkneennah.

Khajee Chaund - - - } Ditto Talook Sulkneennah.

Bowanypersand Roy, Merchant at Sootalury.

Question 27.

Answer.—I have no reason to suppose that there is any person in this district disaffected to the British Government, but even if there was, there is no one of sufficient power, consequence or influence, to occasion the slightest apprehension. A haveldar and thirty regular sepoys would disperse any mutinous party that could be gathered together. The authority of the Courts are sometimes resisted, but a few additions to the present Regulations would fully enable the Judge or Magistrate to counteract those enormities.

Question 28.

Answer.—I am certainly of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects; that is, such titles and distinctions as accord with their own ideas and customs. Such natives as I have conversed with on this subject,

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seem to be much pleased with the idea, and wonder that as Government possess and exercise all other acts of sovereignty, it has not hitherto adopted this. I am further of opinion, that if such honours and titles are judiciously dispensed, it would tend more than any other measure that could be adopted, to create a proper emulation in the higher natives to distinguish themselves by acts of honour, honesty, and all those qualities so necessary to the prosperity and credit of a numerous society. Some plan like the one suggested, is wanted to arouse the natives from that state of depravity and lethargy they labour under at present.

Question 29.

Answer.—This district being so much intersected with rivers, nullahs, &c. does not admit of regular roads as in other districts; the intercourse from place to place is carried on by water carriage. There are few or no roads besides those I am now making at Burishol, except an indifferent one at Backergunge, about four miles long. Such bridges as there are, are composed of gurrans sticks or bamboos (one Pucka bridge excepted,) which are kept in repair by the neighbouring inhabitants. There is nothing in the district that comes under the denomination of "Public Works."

Question 30.

Answer.—The convicts in this district are employed from sunrise till sunset, (two hours at noon for eating excepted,) in making roads, clearing jungle, digging tanks and raising the ground about the new station. I do not think they can be better employed than at present.

Question 31.

Answer.—The jail of this zillah is at present a temporary one, built of mats, straw, &c. but part at least of a pucka one, has been ordered by Government to be erected, the materials for which are ready.

Question 32.

Answer.—Having maturely considered the consequences of the measure suggested in this question, I am of opinion that it would not be expedient to grant to zemindars, talookdars, and farmers, commissions empowering them to act as Justices of the Peace, further than to apprehend and send to the Magistrates all murderers, decoits, thieves and disorderly persons found, or hereafter coming to reside within their respective estates or farms. The jurisdiction should be limited to the estate or farm, and they should be guided by the rules in the 22d Regulation of 1793, as far as the latter are applicable to their authority. I once thought that it might be eligible to invest the zemindars, &c. with the same power as the police darogahs possess at present, but on weighing the matter fully, I have reason to believe that it would give rise to much injustice and oppression, which has altered my opinion on this point.

Question 33.

Answer.—I would recommend the adoption of the under-mentioned rules, which in my opinion are calculated for the suppression of crimes in general, but particularly those of decoity and theft. But with a view to show the necessity and effect of their operation, it will be proper to offer some explanations of each, for which purpose I shall put the rules in the form of sections, and the explanation following them; viz.

Section 1st, clause 1st.—That every zemindar and independent talookdar, as also all farmers of land, whether holding immediately of Government or otherwise, shall execute an obligation to the Magistrate in each Zillah to deliver in a list of the names, and also to apprehend and deliver in to the Magistrate's or the police officers custody, all decoits and thieves residing within their respective estates or farms within the period of three months, together with such proof as they may be able to produce to substantiate their delinquency, under penalty of forfeiting to Government the village in which any felon subsequently apprehended, may be proved to reside at the time of apprehension.—Or if a farmer of land, under the penalty of his engagement being declared to be null and void, and ordered to be cancelled.

Section 1st, clause 2d.—That in the event of the apprehension and conviction of any decoit or thief, after the period specified in the obligation, whose name shall not have been notified to the Magistrate, and who shall not have been secured by the zemindar, talookdar or farmer, in whose estate or farm he resided at the time of being apprehended, the village in which such felon resided, shall at the time of conviction be declared by the Court of Circuit forfeited to Government; or if included in an estate let to farm, that the lease be cancelled; provided that if the Court of Circuit deem it more proper, they may order the zemindar, talookdar or farmer to make good the amount of the property stolen, instead of directing the forfeiture of the village.

Section 1st, clause 3d.—That in case any zemindar, talookdar or farmer omits to deliver in the list specified in clause 1, section 1, by the period limited, in a publication to be issued by the Magistrate for that purpose, the Magistrate shall order a penalty of one per cent. calculated on the amount of his annual jumma, to be paid by the person so neglecting to obey the orders in the publication, for the first omission; two per cent. for the second; and five per cent. for the third omission; and shall levy the amount either by the sale and attachment of his personal property, confinement of his person, or attachment of his estate, which ever he may deem most proper.

Section 2d, clause 1st.—Every zemindar, talookdar, mofussil talookdar, farmer, juttadar, gauntiydar, howladar or other description of under-tenants whatever, are prohibited allowing any new ryot or ryots to cultivate lands or reside upon their respective estates, farms, &c. until such ryot or ryots produce an acquittal (or farkatty) under the signature of the respective

respective zemindar, talookdar, mofussil talookdar, farmer, jutedar, gauntydar, howladar, or other description of under-farmers or of their gomastah, within whose estate or farm he previously resided, setting forth that they have no demand against such ryot or ryots on account of revenue, and that such ryot or ryots are persons of good character and fame. The truth of which the zemindar, talookdar, &c. is to ascertain as well as possible, previous to allowing such ryot or ryots to reside upon his estate or farm. Should any person, contrary to this prohibition, suffer any ryot to reside upon his estate or farm, or cultivate lands therein, he shall not only be liable to make good any balance which may be due from such ryot to the former landholder, farmer, &c. whose estate or farm such ryot may have quitted, but in the event of such ryot being apprehended and convicted of any decoity or theft, shall be liable to forfeit the village in which he suffered the ryot to reside; or if a farm, the lease being cancelled, in the same manner as zemindars, &c. wilfully allowing persons of bad fame to reside on their estates or farms, as mentioned in clause 1st, section 1st.

Section 2d, clause 2d.—That any zemindar, talookdar, farmer, or other description of under-tenants whatever refusing to deliver an acquittal or farkatty to a ryot who has paid up his rents, and wishes to quit the estate or farm, shall on proof in the Dewanny Adawlut, that such ryot demanded the acquittal or farkatty, and was refused, be subject to such fine as the Zillah Court may think proper to award to the ryot, besides paying all expenses and charges incurred by the latter in prosecuting the suit.

Section 2d, clause 3d.—That every zemindar and independent talookdar shall deliver to the Magistrate, at the end of every six months, a statement of the new ryots who have come to reside upon his or her zemindarry or talook during the preceding six months; in which shall be inserted the name of the ryot, the village, pergunnah, and district from whence he came, with the name of the zemindar or talookdar, &c. whose estate he has quitted, also the date on which he took up his new residence, and the name of the village and pergunnah wherein he then lives. To enable the zemindars and independent talookdars to prepare these accounts, every mofussil talookdar, farmer, jutedar, gauntydar, howladar or other description of under-tenant whatever, is hereby strictly enjoined to deliver to the zemindar or independent talookdar under whom he holds, a similar account, every six months, of the new ryots entertained within his tenure during the preceding six months. The mofussil talookdars, farmers, &c. will be subject to such fine as the Zillah Courts may think proper to impose for any omission in delivering the statement above directed to their respective zemindar or independent talookdar.

Section 3d. That chowkeydars shall be appointed in every village, under the following Rules, the salary of whom shall be defrayed by the inhabitants of each village respectively; viz.

1. That each house or family shall pay, on account of chowkeydars, at the rate of two annas per mensem.

2. That for every thirty houses or families, in each village, one chowkeydar shall be appointed; two chowkeydars for 60 houses or families, and so on in proportion. Where the village consists of less than 30 houses or families, the inhabitants of such village shall entertain one chowkeydar.

3. That any person omitting or refusing to pay the established allowance to the chowkeydars, shall, on a representation to the Magistrate, be compelled to pay it, and be subject to such fine for the omission as the Magistrate may think it necessary to impose.

4. That the chowkeydars shall be appointed by the inhabitants of each village respectively, who shall be summoned by the mundul or head ryot of the village to meet for that purpose; the majority of voices to determine the nomination; the names of the chowkeydars so appointed to be notified to the tannadar of the division in which the village may be situated, by the mundul or head ryot; the chowkeydars to be subject to the orders of the darogahs, as directed in 13th section, 22d Regulations of 1793.

5. That each chowkeydar shall receive at the rate of rupees 3. 12 per mensem, or two annas from each of the 30 houses or families. The particular houses or families by whom each chowkeydar is to be paid, to be settled by the mundul or head ryot, in conjunction with the police darogah of the division.

6. That the duty of the chowkeydars shall be to seize and apprehend all decoits, murderers, thieves, housebreakers, &c. found within the boundaries of their village; they may also pursue any of the above description of persons into any neighbouring village, and apprehend them. The chowkeydars and ryots of the latter are required to give them every assistance in apprehending any person above mentioned so pursued.

7. That on an alarm being given at any village, the chowkeydars of the surrounding villages respectively (except one chowkeydar in each village, who shall be left as a guard during the absence of the remainder) shall repair immediately to the village from whence the alarm was given, and give every aid and assistance in apprehending and securing the decoits or thieves who may have attacked it. The chowkeydars of all villages are to deliver all persons apprehended by them into the custody of the police darogah of the division in which their villages may be situated, who shall forward them to the Magistrate of the district.

8. The chowkeydars shall keep watch within their respective villages, from sun-set to sun-rise; they may also apprehend all improper persons during the day equally as at night.

9. Any neglect of duty in the chowkeydars shall be punished by dismissal; and of misconduct, by fine and corporal punishment, as the Magistrate may deem proper. Ryots and others are required to report to the Magistrates all cases in which the chowkeydars of their respective villages may be guilty of neglect of duty, or misconduct.

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Section 4. That outlawry, in criminal cases, is hereby established, in the same manner as is customary by the English law.

Section 5. The Magistrates in each zillah or city, are authorized and empowered to order their police officers or sepoy, in such cases as they may deem necessary, to break open and enter any house in which any person or persons disobeying or resisting the orders of the Fouzdary Court, may secrete himself or themselves, for the purpose of apprehending such offenders; and any person concealing, aiding, assisting, or encouraging any of the persons above mentioned, shall be proceeded against by the vakeel of Government, and if proved guilty, be liable to the forfeiture of his or her estate, or to imprisonment, or punishment, as the case may appear to the Court of Circuit to warrant.

REMARKS.

Section 1.—One of the greatest causes of the frequency of decoity, theft, &c. in this zillah, is the connivance and encouragement the zemindars, talookdars, &c. give to robbers and thieves; in which they find an interest, in a variety of ways; viz. 1st. Such persons pay a much higher rent than other ryots; 2d, the zemindars &c. can purchase from these persons stolen articles, such as jewels, &c. for a tenth part of their value; 3d, the zemindars, &c. can make what exactions they please from these persons, who dare not complain, for the fear of a discovery; 4th, the zemindars &c. are assisted by these persons in their affrays with their neighbours about disputed boundaries, or in their depredations on the crops of such persons as they wish to despoil. Thus one way or other the zemindars, &c. are the chief gainers by every decoity, though they do not appear to be at all concerned in them. It is impossible that any zemindar, talookdar, &c. can long remain ignorant of the names of persons of bad fame residing on his estate, if he will take the trouble to inform himself. The character of a new ryot is pretty well known by his neighbours, in ten days from the time he takes up his residence among them. The curmcharry (or village collector) becomes acquainted with it fully in a month, and the zemindary omrah may know it perfectly in three months; consequently the zemindar or talookdar, &c. can never be at a loss if he chooses to enquire. The estates in this district being mostly small, and the proprietors generally occupying themselves actively in their management; I have not the smallest doubt that most of them know very well what decoits and persons of bad fame reside on their estates; and while they are suffered to connive at concealment with impunity, it cannot be expected that the commission of crimes can be checked. It is with a view of doing away their influence, that I propose this section.

Section 2.—By rendering the absconding of ryots difficult, persons of bad character will be deterred from the commission of crimes, as they will not so easily find an asylum by absconding, and thereby escape punishment, as they do at present. In a revenue point of view also, these restrictions will have a very beneficial effect, by preventing the ryots running away in arrear and defrauding their landlords, as is so shamefully the case at present. The landlord will in such cases have the means of redress, while it will make him cautious what persons he entertains as his tenants. This must operate to check the encouragement given to persons of bad character, and to lessen the number of crimes. A law to prevent the poor from wandering, is full as necessary in this country, or perhaps more so, than in England. In this country, it is generally accompanied with fraud, if not with worse crimes.

Section 3.—At present (the police darogahs and their officers excepted, who are too few to watch actively over a large extent of country) there is no man in the interior of the districts, who has power to apprehend persons breaking the peace or committing other offences; and from the distance which the tannahs are situated from some villages, which renders it inconvenient and sometimes impossible for persons to repair for redress in time, many felons escape who are deserving of severe punishment; for though they might be disposed (which however is seldom the case) few of the natives think themselves lawfully authorized to act in their own self defence. It would greatly tend to the quiet of the interior, and to the suppression of crimes in general, to have persons in each village vested with the power, and acting similarly to constables in England, who would also perform the office of watchmen at night; the expence of which, the natives in general are willing to defray.

Section 4.—The consequences of outlawry, when fully made public, would I conceive have a great effect in preventing the commission of crimes in general, as it would show the persons now committing them, that even their absconding would not stay the passing of sentence against them. It would also operate to induce the less guilty to deliver themselves up, for fear of the consequences, who now have no dread of condemnation unheard, and therefore conceal themselves, and continue to associate with decoits and thieves until their morals and minds are irretrievably ruined.

Section 5.—The frequency of resistance to the Magistrate's processes in this zillah, which is often accompanied with violent assaults on his or the Collector's officers, and which no doubt sometimes occurs in other zillahs, makes it necessary that the Magistrate should be armed with full power to put an effectual stop to such contumacious conduct. The 1st clause, 2d section, 11th Regulation of 1796, directs that the Magistrate shall do all in his power to apprehend the person of the offender or offenders; but this is often rendered ineffectual by the offender shutting himself up in his own house, or being concealed in another person's. The Magistrate should have the power to bring him from such concealment; for it is only rigid justice that will make the natives of this district obedient to the laws.

Question 34.

Answer.—The tax on spirituous liquors has certainly tended to render the vice of drunkenness less prevalent than it was before their establishment; though a question may arise, “whether there is a less consumption of spirits or not than formerly;” which the collector’s Akbarry accounts can best solve. Judging from my own observation, I am disposed to think that drinking has become more general within a few years than it was before.

Question 35.

Answer.—I should utterly despair of any improvement of the moral character of the inhabitants of this district, from any measures that I or any other person could recommend; as I have before observed, that I do not think either precept or example can have any effect on their depraved dispositions. All the improvement that can be expected from them must arise from the activity and uprightness of the Magistrate, in apprehending and bringing the criminal and guilty to impartial punishment: his alertness and integrity can only operate any change for the better.

Question 36.

Answer.—The punishment of marking persons convicted of perjury on the forehead, has been inflicted so seldom, in this zillah at least, that hitherto its operation is not perceptible. At the same time I have no doubt that if less scrupulously administered, its effect would be very beneficial. A few examples are much wanted in this district, where the crime of perjury is very common; but the great impediment to procuring them seems to arise from the definition of perjury itself, as inserted in the Regulations. For though a man may most grossly forswear himself, it is often difficult to establish his *intent* (as therein set forth) before the Court of Circuit, though at the time fully evident to the Judge or Magistrate.

Question 37.

Answer.—The punishment of transportation has had a very beneficial effect, and on the extended scale it is now administered, will I doubt not considerably deter persons from the commission of enormous crimes. The natives in general dread it more than hanging; and persons under that sentence have repeatedly requested me to get their sentences changed to death in preference.

Question 38.

Answer.—I am of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity to have a deterring effect upon bad men; at the same time I am sensible of the difficulty of reconciling the punishment of *amputation* with British ideas of *humanity*. There cannot however remain a doubt, that since the abolition of that punishment, decoits and thieves have considerably increased, and robbery become more frequent and common. The flogging and imprisonment substituted in lieu of it are insufficient to deter persons from the commission of robbery and theft. The first punishment is soon forgotten, and the second (unless the prisoners are very strictly kept to hard labour) is rather a mercy than a punishment, as prisoners receive from Government almost as much as they ever earned by labour, and have a far better habitation to live in than they ever occupied before. The consequences produced by the operation of the spirit in which I conceive the criminal law has been administered, are, increase of decoits and thieves. With respect to the latter, it might be advisable to let the law remain as it is; as also with regard to the first crime of decoity; but as by the Mahomedan law the punishment is not capital, I think a repetition of it should subject the culprit to some severer punishment than he is at present liable to. Transportation has a very good effect, but I apprehend it must be attended with too great expense to be adopted so generally as it should be, to have a powerful effect. Government may be better able than I am to devise some punishment that will answer the purpose.

Question 39.

Answer.—The general conduct of the Europeans, not in the service, residing in this district (who are very few) is decorous and proper; I seldom have any complaints against them.

Question 40.

Answer.—The general condition of the weavers and other manufacturers in this district is very comfortable. No mechanic is in want of a competent subsistence who chooses to work. The existing laws are, I think, well calculated for insuring justice to the weavers and manufacturers, in their dealings with the officers of the Company, and with private Europeans; and also for enabling the officers of the Company to obtain from the weavers and manufacturers, the punctual performance of their engagements; but I fear this is not the case, as it relates to the individual European merchant (Indigo manufacturers particularly) who suffer very considerably from the delay that arises before their causes or complaints can be brought to a hearing. They appear to stand in need of some indulgence in this point, which perhaps might be best afforded them; by allowing their causes to be tried speedily, without waiting till they regularly come in course of trial, according to the file; and as, comparatively, there are but few European merchants or traders residing in any one district, this indulgence of prompt redress might be allowed them, without any great partiality.

J. Wintle, Judge and Magistrate.

No. 1.

Answers by the
JUDGES.

Dacca Division.

Zillah Backergunge,
7 January 1802.

No. 1.

To His Excellency the Most Noble MARQUIS WELLESLEY, K. P. Governor General,
Fort William.Answers by the
JUDGES.

Dacca Division.

My Lord,

I HAVE the the honour to lay before you a Copy of my Replies to the Interrogatories transmitted to me, regarding the internal state of the country.

I have the honour to be, with due respect, my Lord,

Your Lordship's most obedient and most humble servant,

Zillah Tipperah,
the 23d April 1802.

John Elliot, Judge and Magistrate.

REPLIES to the INTERROGATORIES transmitted to the Judge and Magistrate of
Zillah Tipperah, on the 29th of October last.

1. WHAT is the number of causes now depending before you, before your Register, and before the Native Commissioners?
2. What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the Native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793 to the present period?
3. What number of causes was decided in the past year, by you, by your Register, and by your Native Commissioners?
4. What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the Native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

In reply to the above Questions, I herewith submit an Abstract Statement of the causes from 1793 to 1801.—No. 1 and 2.

The number of causes depending in this Court on the 1st of January 1802, are as follows:—Before the Judge, 22;—Register, 182;—Native Commissioners, 10,461. From this, it may be observed, that the causes are very few, and are kept at a very reduced number: those of the Register would have been less, had there been constantly a Register stationed with me.

With respect to those of the Native Commissioners, I dare say half have been settled the moment a summons was served on the defendants, being in general for very trifling sums, and only await the rotation-call to be struck off the file-list of causes of the several Commissioners.

5. Are you prepared to suggest the establishment of any Rules, which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that the object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not applicable to a higher tribunal, to writing or not, as the Judges might think proper?

I am not prepared to suggest the establishment of any Rules that would expedite the decision of any suits, but I am fully and clearly of opinion that it would infinitely tend to the prosperity of the zillah, and to the benefit of trade, were all commercial concerns tried in the first instance in a summary way, in the mode adopted by the 7th Regulation of A. D. 1799, the effects of which Regulation in the zillah are almost incredible, as having tended to a realization of the revenues with a punctuality hitherto unknown in this district; as well as to do away the knavery and chicanery of the farmers in general, and to have given that confidence to the ryots as to have induced them to have brought almost all the waste lands into cultivation; and has caused more than any thing hitherto done to enforce the tottah system, in so much so that the salt agent has often complained to me it is almost impossible for him to get land to lie waste for fewel.

The slow mode in which the Bengal language of this zillah is written, and the extreme difficulty, if not almost impossibility, of procuring natives to write it with dispatch, makes the trial of the causes in this Court extremely tedious; and as vakeels are now appointed to attend to the interest of their clients, it would be of infinite benefit to the dispatch and trial of suits in the Dewanny Court, were the depositions taken in Persian, in all cases applicable, and I see no reason or objection that can be urged for not adopting so beneficial a proposition

sition as that of leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not applicable to a higher tribunal, to writing or not, as the Judge might think proper, for while the vakeels attend the Court on behalf of their client, every purpose is obtained to put the cause in the most favourable light; and many trifling suits, which in trial have taken up days, might be completed at one sitting. In the Courts of Request it is the case, and being there admitted, with the utmost dispatch to business, and the universal satisfaction of the natives themselves, I am sure it would equally be the case were it adopted in the zillah.

No. 1.
 Answers by the
 JUDGES.
 — — —
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 — — —
 Zillah Tipperah,
 23 April 1802.

6. Are you of opinion that it would be advisable to extend the jurisdiction of the Native Commissioners to suits for sums exceeding 50 rupees; and that of the Registers, to sums exceeding sicca rupees 200? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners, and of the Registers, should be extended; and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

By the Abstract it will be observed that the causes on the calendar are few indeed; I principally attribute this to the good effect arising from the 7th Regulation of A. D. 1799; and I can by no means recommend, in this zillah, the suits of the Commissioners being extended in the amount, as I do not think it would in any degree be beneficial to the country, as the natives now, while the causes are few in the calendar, prefer having their trials brought before the Register for his decision, and as from this I take it to be a criterion that they are not well pleased with some of the Native Commissioners, I would therefore, on this very account, recommend the trials by the Regulations, in suits for money or personal property to the sum of 100 sicca rupees, being final, instead of 25 sicca rupees, and that he be authorized to try suits for money or personal property where the amount or value of the thing contested should not exceed the sum of 500 sicca rupees; and for malguzary land, the annual produce of which should not be above 500 sicca rupees; and for lakeage lands, the produce of which should not be more than 100 sicca rupees per annum; and the trial of such suits, in the absence of the Register, be final by the Judge, in money or personal property to the amount of 500 sicca rupees.

Should this proposition be adopted, I cannot but recommend that the fees leviable for the Register should in no instance be paid until the period of appeal expire, or the cause be decided in appeal, as I have of late been obliged to return back to the present Register several causes tried by his predecessors, for further evidence, in consequence of the causes not having been investigated with that attention to the subject that I could have wished; of course, I presume, such fees should be withheld until the cause be finally settled in appeal, when it would be equitable for the Judge to determine what portion of the fees should be paid to the several Registers before whom the cause might have been held.

7. Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law-suits to be too considerable, or otherwise?

The establishment of fees and stamp duties have certainly tended to check that proneness of the natives to litigation; the fact cannot be better established than by the number of causes done away by the first order; and having completely prevented the renewal of any of the nonsuited causes but what were grounded on just and plausible claims, consequently I do not at all consider the several charges attending the institution of law-suits to be too considerable, for they have full power to obtain redress before munsiffs for trifling suits, and when they come to the Court, it can only be in cases of considerable property; and such parties have in general ample funds to carry on their suits; if not, the Pauper Regulation is an ample provision for them.

8. Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are your vakeels attached to your Court, persons of the above-mentioned description; and are they in general well acquainted with the printed Regulations?

The fees to the licensed vakeels have most undoubtedly induced men of character and credit to take up the profession: the major part of my vakeels are of the above description, and have made some progress in acquiring a general knowledge of the Regulations.

9. Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of licensed vakeels has beyond a doubt tended to bring the causes properly before the Court, and to protect the ignorant from oppression; and I am confident that they have been of the utmost benefit to the ryots, as having greatly conduced to check the gross knavery of the zemindarry naibs and vakeels that was practised prior to their institution.

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Dacca Division.

Zillah Tipperah,
23 April 1804.

10. Do the vakeels in general discharge their duty to their clients with honour and fidelity?

Such of the vakeels who have not the capacity for their situation, obtain little employment in my Court. It is wholly engrossed by those who evince their zeal for their clients, and conduct themselves with fidelity; the effect of which has obtained many a poor wretch his estate, as likewise prevented much oppression that has been attempted by the zemindars and farmers of this zillah.

11. Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The inhabitants of the zillah certainly begin to inform themselves of the laws of the country, in some degree, but not to that extent generally to be wished, which is to be attributed to their prevailing ignorance, and there being few people that are capable of reading and writing but such as attend at the sudder; what is written in the mofussil is with difficulty to be comprehended by the sudder amlah.

12. Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am not prepared to state any alterations in the forms established for trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws, nor are any in my opinion requisite; in suits of a large amount the forms are become known, adopted, and in my judgment ought to be adhered to, further than what I have recommended in reply to the 5th paragraph.

13. Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

In the Court-room there is a bench for the Judge, so elevated that he is seen by every person in Court, who of course can note any thing he says; and every individual is thereby enabled to know what order is generally passed on their application.

There are places for the public officers, the vakeels and their parties, as also the witnesses; and besides the places occupied by the above, there is sufficient room for the natives in general in attendance at Court, as also the ryots who may occasionally come to it. There is likewise a separate similar Court for the Register, besides a very spacious and convenient Record Office and Daftarkennah.

I have not adopted any form, nor do I observe any ceremony in opening or sitting in my Court.

14. Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

There are not any private schools or seminaries in my district in which the Mahomedan or Hindoo law is taught.

15. What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

The moral character of the inhabitants in this district, is much to be deplored. The cheap rate of living, the independence and security they have acquired in their property by the system adopted by Government, instead of inclining them to virtue and probity, has rather conduced to indolence; and if by any mode they can avoid the payment of their due, or in families if there be any opening for litigation, it is incredible the extent to which they will carry their enmity. The exceptions in this respect are but few on the proportion of the inhabitants; and the knavery in the Revenues, before the 7th Regulation took place, as much on the part of the zemindars as the ryots, was incredible; but summary justice has most astonishingly checked it; and it would be the same in the commercial line, were the like measures adopted, and strongly evinces the absolute propriety of speedy and summary justice in the first instance, to compel them to be just, as well the necessity of establishing the rates of labour, to strike at the root of the evil, with respect to the lower class in particular, whose indolence can only be broke through by making their labour and hire in the proportionate rate of the purchase of the commodities of life.

The general conversation I have had with various individuals on this subject, strongly induces me to urge the propriety of some measures being adopted so as to fix the rate of labour, for the trade of this country has evidently suffered from this evil, and no man can now sit down to execute a job within a fixed and given time, from the cheap rate of subsistence compared with the price of labour, for few men will work after they have acquired a certain sum; as for example, a month's labour is a subsistence to him for three months, consequently he will be idle two, to the great loss of the harvest of the country; for it is no uncommon thing to see the paddy lying on the ground to rot, or be destroyed by the cattle, from the rate of labour being too high to enable the cultivator to gather it in, with-

out being a loser from the then rate of the market: the effect is such, that the cloth manufacture is presumed to have fallen off from this very circumstance, at least it is the general observation of those in this line of trade, who certainly have had the best opportunities of forming an opinion on this subject; and it has been remarked that in time of scarcity, cloths are to be had in plenty, which I consider as a very evident proof that the rates of labour are by far too high, and ought to be under some controul and regulation by the Magistrate.

16. Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured, by the present constitution of the country, against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

That their private rights and property are secure, by the present constitution of the country, against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals, since the enforcement of the Pottah system, and my having totally rejected any claims without it, cannot better be evinced than by the increased cultivation of my zillah, the erection of various puckah buildings in the different parts of the zillah, the inclination all have to make thoroughfares from village to village, and an emulation now coming on very fast, in erecting puckah bridges in many parts of the zillah; that the meanest individual is secured in what he earns from his labours, cannot be more strongly brought to the notice of Government, or more substantially carry conviction to the mind of the truth of the prosperity and independence of the ryots in general throughout this zillah, than by my noticing that the sale of slaves was common in the district when I first arrived, and at this present period scarce such a thing is heard of; and that there scarce exists a ryot in the district that is under the necessity of purchasing rice for his subsistence, in the market, as every man has a golah in his house, with subsistence sufficient for a whole year for himself and family.

17. Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings or other works for religious, domestic, or other purposes; and on what grounds do you form your opinion?

I am clearly of opinion that the population and cultivation in this district has increased, and my reasons for judging so arise from there being some estates in this district where the assessment has been reduced below their former rates, from the ryots quitting such lands to cultivate large extent of waste country, at a lower assessment, which the Pottah system now so well secures to them, that they do it with the utmost confidence; and it is the universal observation throughout the district, that the rates of assessment are much reduced, from the general independence of the ryots, who being now secured in their property, and liable to no extortion whatever, as heretofore the case, have become rich; while the proprietors of the lands evince the utmost poverty, and cannot in the present days obtain the smallest credit; and it is now no uncommon thing to see them begging charity from their former dependents; but with respect to the commerce of the country, I have before observed, that it has fallen off; and this I judge from the general observation and communication before noticed.

18. Are you of opinion that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

I am beyond a doubt of opinion that the inhabitants of the district subject to my jurisdiction, are in general satisfied with the British Government; and can safely aver, they now enjoy a happiness and contentment never before known: of this they speak in terms of the highest gratification.

19. Is the present system of police well calculated to insure the apprehension of offenders?

From my own experience, I certainly think the present police system well adapted for the apprehension of offenders, and of murderers in general, and has particularly tended to check this crime, formerly so bad in the zillah, from the immediate measures taken to ascertain the cause and to secure the criminals, who now rarely ever escape. Formerly, as no person was appointed for this particular duty, it was too much neglected; and families, from the disgrace attending it on their family, in a degree connived at a suppression of murder; a sum of money paid, easily satisfied the complainant, and put a stop to all prosecution, which is now entirely done away by the appointment of police droogs; and now I may safely declare, such a thing cannot possibly occur without its coming to my knowledge, as now all are interested in it, in so much so, that whole villages come forward to detect and apprehend murderers, for fear of their being implicated in it.

20. Are the Police Establishments in the district subject to your jurisdiction, adequate to the duties required of them?

I do not think that the Police Establishments subject to my jurisdiction, adequate to the duties required of them: their salaries should be increased, and some prospect held out to them of future reward, as pensions to such as may be wounded; and in case of old age, a provision

No. 1.

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23 April 1802.

a provision for life; for I fear their disposition to make the most of their time, from having no permanent object in view, is too much the case, from the removals I have been obliged to make.

21. Are you of opinion that the number of crimes committed annually, in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

The number of the crimes in this zillah since 1793, are certainly diminished, and I attribute it to the tannadary system.

22. What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

Suicide, amongst the lower class of women, is the crime most prevalent in my zillah; the cause has in general arose from the most trifling dispute, or having been reprimanded for a neglect of their household concerns by their husbands; but in no one instance has the cause arose from poverty or jealousy. I know of no remedy to propose adapted to the minds of the natives of this country; but as the act of suicide has arisen from their conceiving themselves disgraced by words used, or being censured for not doing their duty, the adoption of the old Roman mode might perhaps be attended with some success in the suppression of this dreadful evil.

23. Do the inhabitants in general of the district subject to your jurisdiction keep arms in their houses; what description of arms do they retain; and for what purposes are the arms retained?

The ryots rarely have any arms in their houses, but the talookdars and zemindars have a few tulwars and matchlocks, which they have generally had from their families, and were used in boundary affrays: these affrays now rarely occurring, they are not used.

24. Are there any brick or mud forts in your district; in what state are the forts; and what is the nature of their construction?

In Noonagur I understand there formerly was a fort belonging to the rajah, and often attacked, prior to the British Government, without success; but having since the dewanny been neglected, is now become a jungle.

Mahomed Ally had begun a brick fort, which on his apprehension the work was stopped, and the Chittagong road used to go on the outward skirts of it; but this year I have cut the public road right through it, and there are now no remains whatever.

25. What proportion do the Hindoo bear to the Mahomedan inhabitants, in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

Of the inhabitants of this zillah, I presume about two-thirds are Mussulmen; the population is very great; nor do I think I should exaggerate, if I compute the number of souls at about six or seven lacks, from what I have observed, and what the people in general say.

26. What are the names of the persons possessing the highest rank, and the greatest opulence, in the district subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

There is no other person who resides in my zillah of rank but Rajah Ranjedhur Marrick, the Tipperah Rajah; the Cudwah Rajahs reside at Dacca; Rajah Ranjekishen, a zemindar of Gungapundel, is an inhabitant of Calcutta; the other zemindars are of a very little note in this zillah; and all the other proprietors of the soil are mere talookdars, and are of no consequence in point of rank.

The armed followers attendant on the Rajah of Tipperah, are few indeed; and I do not suppose his whole establishment of burkundosses exceed twenty or thirty people, and of these, but very few attend him when he goes abroad.

27. Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government; what are their names, and to what means do you resort for superintending their conduct? Have those persons any influence in the district, and to what extent?

I know of no person disaffected to the British Government in this zillah; on the contrary, I am confident they are attached to it, nor do I think there is a man in it who has influence enough to cause the least disturbance; in fact all the petty talookdars are too independent of each other, and are at too great a variance to allow of any man having a controul over them; nor is there a man in it of capacity sufficient to form a league.

28. Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

I am of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were the Government to declare itself to be the sole source of

of honour within its territories, and to confer titles and other marks of distinction on its native subjects, as something of this nature is much wanted to cause a pride and emulation to meritorious actions, and to animate them to acts that will bring them forward to public notice.

29. What is the state of the roads, bridges, and other public works in the district under your authority, and at whose expense are they kept in repair?

Great improvements are making in the roads of this zillah by the zemindars and other persons: some individuals have made puckah bridges, and many more are about to make others, all at their own private expense, the names of whom, at the close of the year, I will submit to the presidency.

30. How are the convicts in the district usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

The convicts have been employed in making public roads, and in the improvements of the places round about Comillah, the station of our residence; and I am certain they could be no where better employed than in the works I have undertaken with them in this zillah.

31. What is the state of the jail in your zillah?

The state of the jail in my zillah is in the highest order, and kept as clean and as sweet as any house possibly can be.

32. What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as justices of the peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

To trust the zemindars and farmers, or any other natives of this zillah, with power to act as a Justice of the Peace, would be attended with very serious consequences, as I am confident they would abuse the trust in the extreme, and make it a source of oppression, for there is not one man of character amongst the proprietors fit to be delegated with such power. In fact they would make the power subservient to the animosity existing between them, which I am clear would be attended with the most serious bloodshed, and a renewal of the dreadful boundary affrays that formerly existed in this zillah; the few merchants in this zillah of property I am certain would not undertake the duty.

33. Are there any new Rules or Regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

There are many petty crimes in this zillah, which the Magistrate has not power sufficient to punish, I mean in the confinement of one month, and thirty stripes, for which he is obliged to refer to the Court of Circuit; were he only to refer serious gang-robberies, murders, forgery and perjury, to the Court of Circuit, and empowered himself to try all other causes according to the Mussulman law, with the molavy of his Court, and on his futwah pass sentence, I am sure it would infinitely tend to the suppression of petty crimes, and the inhabitants themselves would be more willing to come forward with alacrity and satisfaction; at present, while they are obliged first to attend on the Magistrate, then on the Court of Circuit, their zeal and inclination towards the apprehension of petty robbers is checked, and they will not exert themselves with that energy they otherwise would, were this mode adopted. Indeed the disposition of the natives in general is such, that they would rather prefer suffering under their loss than of their own accord come forward, though sure of recovering the major part of their property, as their indolence induces them to prefer that a robber should escape than they be put out of their way for what they call tardy justice, and on this account it is with the utmost difficulty the drogates obtain information to enable them to trace out robbers.

The greatest evil I know of in this zillah, arises amongst relations, particularly with the Mussulmen, and I believe I may safely aver, there is not a proprietor, from the zemindar down to the most insignificant talookdar, in whose family the utmost animosity does not prevail, even the women are accessory to it, to that degree that they have scarce ever the confidence to trust each other in the cooking of their victuals, for fear of being poisoned to obtain possession of a trifling property existing in a landed estate, or often on the death of a brother, the other marries the wife, to prevent her carrying away her dowry or marrying out of the family, and often by violence, and as often secretly compromised. If means offer for making off with an elder brother by a younger, so as to escape justice, I am certain it is not left untried, consequently I am confident that in times of sickness an advantage is taken to throw every obstacle to recovery. The evil is so great in this respect, that I know of no remedy that I could propose short of sequestration, whenever it occurs, and depriving the heirs of the property.

34. What has been the operation of the last Regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

The establishment of the Abkary tax, I hesitate not to say, has been of infinite benefit

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in the prevention of drunkenness; and that it has certainly suppressed it in the greatest degree; and that it by no means prevails at this moment in that excess it did prior to the establishment of this tax.

35. Do any measures occur to you, the adoption of which would in your opinion contribute progressively to the improvement of the moral character of the inhabitants of the district?

The improvement of the moral character of the inhabitants in this district, in my mind, greatly depends on the power vested in the Magistrate, and the cauzee establishment being put on a more eligible footing, as the greatest portion of the inhabitants in this zillah are Mussulmen: I judge this from past experience, for since I have pointed out to the drogates that it is not only their duty to apprehend on complaint, but act instantly on a knowledge of any criminal act, particularly to prevent, when they hear of any affrays likely to commence, as prior to my giving this order, petty crimes and affrays were very frequent, particularly the latter, and since, much suppressed; more especially by my declaring that every head of a village is answerable for all criminal acts being reported to the drogate; the good effect of which now is, that I have an immediate knowledge of all mofussil occurrences, and to this I principally consider, as I have before said, murder being greatly suppressed. And I am well aware that it is only from a dread of my taking up all causes through the vakeel of Government, where the parties from interested motives avoid coming forward, that they do not proceed in their animosity to acts of violence, as their dispositions in general are of the worst kind, from their extreme ignorance, and their proneness to acquit by knavish conduct any property whatever.

The cauzees of this zillah are not men to give that respect to the office, that would tend to improve the morals of the people, they ought in fact to set the example; of course their situation should be such as to make them independent and respected; and moreover, none ought to be employed but those who are well educated; they should certainly be men competent to instruct and advise, and should be made to reside at a fixed spot, which is far from the case in this zillah: they are here only considered as a convenience to make attachments, and as a testifier of deeds, and by no means are considered in the light of priests, their real character.

This I consider must ever be the case, while their situation is as above pointed out, with the office of Cauzee; to give it that respectability, and render it of use and beneficial to the morals of the people, there should be an established place of residence, the property of Government, yielding an income at least sufficient to maintain him with that decency suitable to the character of a priest, and regular fees should be established for his attending at religious ceremonies; and those permitted to act under him, should in all cases be confirmed by the Magistrate, and obtain their sunnud from him. Whereas at present his delegates are a set of the most stupid illiterate beings that possibly could be imagined; and ere men are employed as cauzees, it should be well ascertained that he is qualified for the office by education, and by their moral character competent to instruct and advise.

Their place of residence should be an established school; and were it to be made an act of Government that no person but a cauzee, or his authorized delegates, should act as preceptors or tutors, I have every reason to suppose that it would tend greatly to establish a system of real and useful education, which at this moment does not in any degree exist, is much wanted, and I am certain the morals of the people never can be improved without some system of this nature be established, both for Mussulmen and Hindoos.

36. In your opinion, what has been the effect of the Regulation, which declares persons convicted of the crime of perjury, liable to be marked on the forehead?

Of late, the civil causes in this zillah have been very few, compared with former times; as likewise the commitments for perjury, and in those instances have escaped conviction before the Court of Circuit; I have therefore had no opportunity to judge what could have been the effect of the Regulation with respect to perjury, which declares persons convicted of the crime of perjury, to be marked in the forehead.

37. What has been the operation of the punishment of transportation introduced by the British Government?

The operation of the punishment of transportation is considered here as a kind of death, but its operation is not of that consequence that could be wished, to deter robbers from their various acts of depredations, as in general men of this habit rarely quit the profession of a robber.

38. Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity, or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is in your opinion administered?

The question whether the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity, or with too much severity, and what I suppose to be the consequences produced, to answer, I must consider it in two lights; the one, as regarding the Court of Circuit, the other, the Magistrate: in the first, I have no reason to consider it as administered either with too much lenity or severity, and have no hesitation in declaring the substitute of punishment for mutilation,

has been not only an act of humanity, but attended with the utmost benefit to the country, in withdrawing these shocking sights from the public view, which before was an evil and a great nuisance in the streets, and a source of oppression, as hardened beggars who went about, and all dreaded a refusal of charity to them, from a fear of their encouraging decoits to resent it. Their acts of depredation were such as to make these vagrants live in a style of handsome independence; and with regard to the effect of the operations of the spirit in which the criminal law is administered by the Court of Circuit; it is ample and effectual, so far as regards the punishment; formerly the parties were brought in, tried, and sentence immediately passed, and prosecutor and witnesses discharged; to this mode of procedure the natives are partial, and wish it in general continued, though it must have been cruel and harsh, and liable to great objections; whereas in the present mode, every man put to his trial has ample room for proving his innocence, which was by no means the case before. I therefore conceive the consequence produced by the present mode of trial by the Court of Circuit, that the innocent are not now confounded with the guilty, consequently strict justice is now administered.

With regard to the Magistrate, the power vested with him, is inadequate, for the many reasons I have before stated, nor has the authority to dispense with an oath, even from men of the highest rank, so as to receive a complaint on their subscribed declaration, as is authorized with Mussulmen and Hindoo witnesses of rank; the consequence is, that their servants and attendants rob and plunder them with the utmost impunity, and they are particularly interested to secrete such acts of depredations, for fear of their being brought before the Court to swear to the charge; the evil is of a very serious nature; large sums have been made off with, and been submitted to, rather than take the gungagil in their hands. Such is their religious prejudice; whereas, on the other hand, were the Magistrate permitted to sanction the declaration in such instances, as is permitted with respect to witnesses of rank, it would tend infinitely to the good police of the zillah.

39. What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

The conduct of the Europeans in this zillah, not in the service of the honourable Company, is in every respect satisfactory.

40. What is the general condition of the weavers, and other manufacturers, in your jurisdiction? Are the existing Laws and Regulations well calculated for insuring justice to the weavers and manufacturers, in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers, the punctual performance of their engagements for the provision of goods?

The condition of the weavers and manufacturers in this zillah, is in general very independent, and the favourable mode of trial for them is such that they avail themselves of it; those that carry on the trade of a weaver or manufacturing pykar, in general have large families; if not, they can employ naibs, at a very inconsiderable expense compared with what a European must incur in a prosecution in the Court; which I am aware has induced many a gentleman to decline having recourse to the Adawlut, rather submitting to their first loss than have to cope with the knavery and venality of a native, and incur further loss; for in the event of their obtaining a decree, however just, they instantly appeal, and in the meantime make away with their property in a mode that it is utterly impossible for an European to recover his just due by attachment of property, nor can he cause the apprehension of his person, as they abscond to a distance, and secretly reside with some of their relations: to such an extent is this now carried, that it is no uncommon practice amongst this set of people to receive advances from one gentleman, and with that very money make purchases, and sell it to another European for a trifling gain, and then, with the utmost effrontery, go and make some plausible excuse in plea for the non-performance of their contract, for which they have received their advances; so great is the evil now become, that it is even likewise no uncommon thing for a man to take advances with a determination to restore but little of the property, and leave it to be recovered by the tedious process of a civil suit; hoping, in the meantime, from some favourable occurrences by which the payment may be eluded for ever: formerly it was customary with the gentlemen to send a peon to lay hold of them, bring them in, and secure their demand by ample security; but as nothing of the kind now exists, the natives take the utmost advantage of it; I therefore recommend in the strongest terms, with respect to trade, the adoption of the summary process authorized by the 7th Regulation of A. D. 1799, which I am confident will effectually check the serious grievance so justly complained of, and tend, infinitely beyond any other measure I can propose, to stop this growing evil, and be the means of the future prosperity and welfare of the trade in this zillah, not only with respect to the European traders, but also respectable native merchants, who of late have begun to give up the idea of making any advances in future, and trust to ready purchases: should this really become the case, I fear that the Bastah commerce, which is of a very extensive concern in this zillah, will be materially injured.

John Eliot,
Judge and Magistrate.

(Compared)
Richard Joseph Porell, Assistant.

No. 1.

Answers by the
JUDGES.

—
Dacca Division.

—
Zillah Tipperah,
23 April 1802.

No. 1.

Answers by the
JUDGES.No. 1.—ABSTRACT Statement of the Dewanny Causes, required by the Interrogatories of the 29th of
October last.—CAUSES of Judge and Register.

Dacca Division.

Zillah Tipperah,
23 April 1802.

YEAR.	Suits triable by the Judge.	Suits triable by the Register.	TOTAL.	Suits decided by the Judge.	Suits decided by the Register.	Total Suits decided by the Judge and Register, from 1798 to 1801.	Suits depending before the Judge.	Suits depending before the Register.	Total Suits depending.
From April 1793	130	288	418	-	-	-	138	288	418
From May to December - 1793	476	3,092	3,568	32	557	589	444	2,535	2,979
- - - - 1794	556	5,396	5,952	126	2,034	2,160	430	3,362	3,792
- - - - 1795	169	2,200	2,369	788	7,406	8,194	-	-	-
- - - - 1796	83	398	481	143	418	561	-	-	-
- - - - 1797	88	566	654	175	340	515	-	226	226
- - - - 1798	54	340	394	199	649	848	-	-	-
- - - - 1799	53	213	266	116	248	364	-	-	-
- - - - 1800	60	164	224	40	476	516	20	-	20
- - - - 1801	37	138	175	65	485	550	-	-	-
	1,706	12,795	14,501	1,684	12,613	14,297	894	6,123	7,435
TOTAL Suits decided	-	-	14,297	-	-	-	-	-	-
TOTAL Suits depending before the Judge and Register, from the 1st of January 1802	-	-	204	-	-	-	-	-	-

Dewanny Adawlut }
Zillah Tipperah, }
the 23d April 1802. }John Eliot,
Judge and Magistrate.

No. 2.—CAUSES of Native Commissioners.

YEAR.	Causes decided from 1795.	Causes depending.	Total Causes.	REMARKS.
From May 1795 - -	14,912	508	15,420	-
- - 1796 - -	16,917	900	17,817	-
- - 1797 - -	15,375	1,100	16,475	-
- - 1798 - -	13,510	11,359	24,869	-
- - 1799 - -	13,509	497	14,006	-
- - 1800 - -	12,183	-	9,909	-
- - 1801 - -	8,846	-	7,217	-
	95,252	14,364	105,713	

Dewanny Adawlut }
Zillah Tipperah, }
the 23d April 1802. }John Eliot,
Judge and Magistrate.

To George Dowdeswell, Esq. Secretary to the Government in the Judicial Department,
Fort William.

No. 1.

Answers by the
JUDGES.

Dacca Division.

Sir,

IN compliance with the orders contained in your letters, under date the 29th October 1801 and 1st April 1802, I have now the honour to transmit, for the information of his Excellency the Most Noble the Governor General in Council, my Answers to the several Interrogatories enclosed in the former.

I have the honour to be, Sir,
Your most obedient servant,

Zillah Sylhet,
1st May 1802.

E. Roberts, Judge and Magistrate.

INTERROGATORIES :— 1. What is the number of Causes now depending before you, before your Register, and before the Native Commissioners?

ANSWERS :—1. The Causes in the Court on the 31st December last, were as follows :— before the Judge, including Appeals, 170 ;—before the Register, D^o - 492 ;—before the Native Commissioners, 1,575.

2. What proportion does the number of causes now depending before the three tribunals, of the Judge, the Register, and the Native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793 to the present period?

2. The causes before the Judge are in the proportion of 100 to 108, decreasing; before the Register, 100 to 86½, increasing; before the Native Commissioners, 100 to 52½, increasing.

3. What number of causes was decided in the past year by you, by your Register, and by your Native Commissioners?

3. The causes decided last year appear from the Records :—by the Judge, 168 ;—by the Register, 156 ;—by the Native Commissioners, 5,496.

4. What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the Native Commissioners? And what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

4. I imagine the number of suits must necessarily be,—before the Judge, from 20 to 80 ;—before the Register, 60 to 150 ;—before the Native Commissioners, 500 to 1,000 ; but it is almost impossible to form a correct statement on the subject, because the number of causes will always depend on the grounds of complaint that may arise between man and man: sometimes the file of the Court becomes considerably reduced, and at others rapidly increased. The pressure of Fouzedarry business, the numerous complaints instituted under the 45th Regulation of 1793, particularly at the season for sowing and reaping the harvests, together with extra petitions presented weekly, occupy much of that time that might otherwise be devoted by the Judge to regular civil suits: in general, the causes in this district are reduced as low as they well can be, although in some years they may appear increased.

5. Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals, to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing or not, as the judges may think proper?

5. The business of the Court would certainly be curtailed by not committing the depositions to writing, in causes not appealable; at the same time I consider it my duty to offer a few remarks on the subject, because I conceive any deviation from the present mode might be attended with prejudicial consequences. Although I admit the petition of complaint, answer, reply, and rejoinder, ought to state every circumstance relative to the cause, yet that is seldom if ever the case, and minute particulars only become known on the examination of witnesses; consequently, their depositions may be truly said to form the basis of decisions. If this statement is admitted to be valid, it follows of course that the omission of recording them must subject the parties to great inconvenience hereafter; perjury, which is no uncommon crime amongst the natives, might be committed almost with impunity, and if the witnesses died, their testimonies would be lost for ever; whilst the natives of this province who are prone to litigation, falsehood and malice, would be happy to avail themselves of the opportunity to be thus afforded, by a diminution of the established proceedings, to renew their complaints in different forms and shapes on every change of administration; the repetition of law suits would harass and torment the inhabitants, and little confidence could be placed on the decree of any court of judicature.

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- 6th. Are you of opinion that it would be advisable to extend the jurisdiction of the Native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding 200 sicca rupees? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners, and of the Registers, should be extended; and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?
- 6th. The munsiffs in this district are such a set of miscreants, and decide their causes in most instances so contrary to every principle of justice and equity, that any additional power vested in them, would tend more to the oppression than to the relief of the community. The division of landed property and general amount suits throughout the district, fortunately renders any increase, in my opinion, unnecessary. In respect to the Registers of civil courts, on whose knowledge and veracity reliance may be placed, I would recommend giving them the power to hear and determine all causes under 500 rupees.
2. It is not, in my humble opinion, the forms of law, nor the voluminous proceedings of the courts of justice, that clogs and retards the functions of a Judge and Magistrate, Register or Assistant, so much as the method of conducting business, unavoidable from section 5, Regulation III. of 1793, and the existing orders of the Sudder Dewanny Adawlut, under date the 25th July 1798.
3. The variety of cases, all of them more or less intricate, which constantly occur in the civil and criminal departments, renders it impossible to keep in mind the different points of investigation in all, whilst the officers of both are engaged alternately in one court or the other; so that when a cause cannot be immediately decided (which is rarely the case) particularly in the Fouzedarry, the documents must be repeated by perusal, and taken into consideration; whereas by having a number of civil suits ready at particular times, the whole attention of the Judge might for the moment be devoted to them; at the same time the Register, as assistant to the Magistrate, might be conducting the business in the Fouzedarry, and equally unengaged in other matters. To obviate therefore the inconvenience represented, as well as to facilitate the administration of justice, I beg leave to propose, that section 5, Regulation III. of 1793, should be rescinded, and the Judge or Register only obliged to assign reasons for not deciding 60, 66, or even 72 causes in the course of 6 months, in lieu of 10 per month, agreeably to the order above alluded to.
4. I have always considered the functions of a Magistrate, as far as regards the peace, welfare, and security of the inhabitants, more important than the duties of a Judge, and my attention has been principally directed to lessen or rather to put the business of the former on a footing with which it may be executed with facility and dispatch; and should Government in their wisdom think proper to adopt the measures I have proposed, I feel confident of their proving beneficial in this district.
7. Has litigation been checked by the establishment of the fee paid to Government as the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law suits to be too considerable or otherwise?
- 7th. Has no doubt been checked by the established fees and stamp duties; some few instances might be found wherein the parties have voluntarily sustained a loss rather than incur the heavy expense attending a prosecution; but on the whole, I cannot just now recommend either a decrease or increase.
8. Do the fees paid to the licenced vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court, persons of the above-mentioned description, and are they in general well acquainted with the printed Regulations?
8. I should suggest an increase of the vakeels fees, if the poverty of the inhabitants of this district would enable them to pay the additional expense, in order that the appointment might be an object for men of character to attain, which, I am sorry to say, it is not in this Court; nor are they so well acquainted with the printed Regulations as they ought, or I could wish them to be.
9. Has the establishment of licenced vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of suits instituted?
9. The establishment certainly tends to elucidate the merits of the suits instituted; but the natives are so suspicious, that in general they are afraid to trust even their vakeels with all particulars and circumstances of their cases, previous to the time of trial.
10. Do the vakeels in general discharge their duty to their clients with honour and fidelity?
10. In general, I am willing to believe they do; I have had no serious charges to the contrary against any of them.
11. Are the principal inhabitants of your jurisdiction as well acquainted as individuals can be supposed to be informed, of the laws of the country?
11. By no means.

12. Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

12. Although the forms now established might be reduced, yet it might be difficult and dangerous to revise or correct any part of the present system, without endangering the solidity of the whole; which practice, not theory, proves to have been founded on consummate wisdom and experience.

13. Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms and ceremonies do you observe in opening your Court, or setting in it?

13. There is a platform raised at one end of the Court-room with an open railing in front, on which the Judge sits in the centre, the Mahomedan law officers on the right, and the Sherishtadar and the Mohrir stand on the left. At a table placed opposite the Judge below the bench, the Mohrires are arranged on each side, and the vakeels and the parties themselves stand in front; there are benches also situated in different parts of the same room for the Hindoo law officers and authorized pleaders; when the Judge goes into Court and reaches the bench, the officers, vakeels, and persons in the Court-room make a salam, and when seated, the nazir informs the Judge of the causes ready for trial, agreeably to the publication, on which the parties respectively are called upon to come forward, either in person or by vakeel.

14. Are there any private schools or seminaries, in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

14. There are no regular schools or seminaries; but in different places a certain number of boys went together, where they are taught to read by a malnah, the expense of which is defrayed by the parents respectively.

15. What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

15. I am of opinion the general character of the natives, I mean the lower class, including the petty talookdars in this district, to be extremely profligate and immoral; their thoughts seem bent on defrauding their neighbours by hook or by crook, whilst others devote themselves to every species of sensuality and voluptuousness; I am induced however to believe they are not so bad as they were under the Mogul government, and may be considered improving, though the progress is slow.

16. Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country, against infringement, either by the executive authority itself, or by individuals?

16. I am of opinion, that the inhabitants of this district consider their private rights and property secure in every respect; their avarice on one hand, and their contumacy on the other, deter them frequently from seeking redress of private wrongs in a legal manner.

17. Are you of opinion that the district under your jurisdiction is in a state of improvement or otherwise, with respect to its population, cultivation, and commerce, and its buildings or other works for religious, domestic, or other purposes; and on what grounds do you form your opinion?

17. This district is certainly improving in cultivation and commerce; the former I have learnt from the candour of some of the landholders, and the latter from the merchants, who find a greater quantity of the staple commodities at distant markets than formerly. I cannot take upon myself to speak with certainty as to the population, but I am inclined to believe it has decreased. Notwithstanding most of the staple commodities of this district, can only be worthy the notice of petty merchants, several Armenians resort to this place for the ostensible purpose of trading, which consists chiefly in the purchase of young children, whom they sell at Dacca or Calcutta; if my private information is correct, one Marcut, commonly called Berrah Marcut, lately bought ten boys and girls for 200 rupees, and sold them at Dacca for 100 rupees each, to the following persons: Seemun Sahib three; Teridge D'Phanuse, generally styled Chutan Padre, and his son Abbey Teek, to one of whom since died in child-bed; Cojah Aratoon one; his aunt and brother-in-law, Susan Bebee and Sambell, one each. The regulations consistent with the custom of the country, admit of slaves for domestic purposes; nor do I know that the trade is carried on for ultimate exportation. This species of traffic however, in my humble opinion, ought to be stopped as soon as possible; but the powers vested in the magistrate are so confined, that few acts can justify an interference without a regular complaint, which of course will scarcely happen, when all parties are satisfied. In regard to public buildings for religious purposes, in lieu of having increased, there are several Mahomedan mosques situated in the town of Sylhet, that are going to decay for want of common repairs; on the other hand, several small Hindoo temples have been built in different parts of the country. Some of the merchants about the town of Sylhet seem to be changing their matted dwellings for pukka houses, and those who cannot

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1 May 1892.

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Zillah Sylhet,
1 May 1802.

cannot go to that expense, content themselves with small brick walls round their habitations in lieu of ditches or common fences, which certainly indicate in the several degrees, prosperity and ease.

18. Are you of opinion that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

18. The intercourse of Europeans with the natives must ever be of that nature to preclude their speaking freely and openly on the subject of Government; I have no reason to suppose the inhabitants of this district dissatisfied with the British Government.

19. Is the present system of police well calculated to insure the apprehension of offenders?

19. I by no means think the present system of police well calculated to insure the apprehension of offenders; in my opinion there is too much procrastination and delay; nor does the 11th Regulation of 1796, sufficiently explain the regular process to be observed against persons who are neither landholders nor farmers.

20. Are the Police Establishments, in the district subject to your jurisdiction, adequate to the duties required by them?

20. In this district the Police Establishment is certainly inadequate to the protection of the inhabitants, or for the purposes required. And I beg leave to enclose an extract of my letter to the Commissioners appointed by Government in the year 1799, from which, I trust, it will appear self-evident the alterations are indispensable, and ought to be made, although I have waved intruding my observations again on the notice of Government; in addition to which I would recommend, that during the rainy season, viz. from the 1st May to 31st October, one boat with a manglee and eight dandies, to be allowed at each thannah; otherwise the system will be still incomplete, as the robbers attack and plunder their neighbours in boats at that period.

21. Are you of opinion that the number of crimes committed annually, in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

21. The number of crimes, from the additional number of causes, as well as prisoners, have unquestionably increased; the reasons are ascribable partly to the profligacy of the natives; partly, I conceive, to the present system of collecting the revenues; but above all, to the inefficacy of the police.

22. What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

22. The crimes of enormity most prevalent in this district, are night robberies and murder; the reason, and means of suppression, have been in some measure already pointed out in the two preceding Answers.

23. Do the inhabitants in general, of the district subject to your jurisdiction, keep arms in their houses; what description of arms do they retain, and for what purposes are the arms retained?

23. Most of the inhabitants keep arms in their houses, such as matchlocks, tulwars and spears; they serve for show, and the celebration of festivals and amusement.

24. Are there any brick or mud forts in your district; in what state are the forts; and what is the nature of their construction?

24. There are a few brick buildings denominated forts, built along the foot of the Corpeeah Mountains, and lying nearly east and west of Sylhet, and one at Bonasyl; the former were erected to keep in awe the copuahs, and to prevent their attacking the low lands with impunity; they have walls, with bastions at each corner for the guards and ammunition.

25. What proportion do the Hindoos bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of the district of all descriptions?

25. I consider the proportion of Hindoos to Musselmen as two to three, and the whole population of the district five lacs. This statement has been taken as a calculation of the inhabitants, and therefore I imagine it must be correct.

26. What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

26. Adam Reza, Koorbaun Reza, Allum Reza, Assud Ul Reza, Mohamud Allu Khan, Mainckhund, Ramruttar, Gholaum Suddah, Rauje Mungul, Abdool Russeed, Jeebun Kissen, Golaum Hossan, Bridgoram, Soonder Ram, Mohamud Natur, Mohamud Batur, Eza Reza, Hurry Surrin, Kishen Gobind, Allum Keza, son of Auwar Khan. Many of the above persons have two or three servants, armed with tulwars, to attend them, when they go about in the mofussil.

27. Are there any persons, in the district subject to your authority, supposed to be disaffected to the British Government; what are their names; and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

27. There are no persons, to my knowledge, at present disaffected in the district.

28. Are

28. Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?
28. I certainly am of opinion it would be a very judicious measure, if Government were to confer titles and other marks of distinction on the native subjects; at the same time the greatest precaution, and every possible information should be procured, in regard to the character of the person on whom it may be conferred, and revocable for any misconduct.
29. What is the state of the roads, bridges, and other public works, in the district under your authority, and at whose expense are they kept in repair?
29. The only public roads and bridges in this district are about Sylhet, and kept in repair by the convicts.
30. How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?
30. I know of no better means of employing the convicts, than that above stated, and cleaning the holes and ditches about the town, on which I employ them as often as times and weather will permit.
31. What is the state of the jails in your zillah?
31. One of the jails is in a very bad state, and it is my intention to address Government separately on the subject.
32. What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions, empowering them to act as justices of the peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?
32. I would by no means recommend any commissions being granted to the inhabitants of this zillah, empowering them to act as justices of the peace. Landed property is so much divided, that there is scarcely a convict who is not a talookdar; and therefore such a measure in this district would only tend to create the utmost confusion and disorder.
33. Are there any new rules or regulations which you would recommend to be adopted, as being calculated in your opinion for the suppression of crimes in general?
33. The best rule that can be devised for the prevention of crimes, in my opinion is, to establish an efficient police.
34. What has been the operation of the last regulation respecting the tax upon spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?
34. The Abkarree Mehaul in this district is very small, and therefore it may be presumed the vice of drunkenness is not a prevalent crime; the natives have been from time immemorial so habituated to coppah, that there is scarcely a ryott in this district who does not endeavour by stealth and in unfrequented places, to cultivate a sufficient quantity for the annual consumption of himself and family; indeed this drug has become from habit as necessary to them, as tea is to the commonalty in England.
35. Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?
35. General knowledge, which may be considered as a principal, if not the only source for the improvement of morals, must be confined amongst the lower class of natives; whilst they remain so illiterate, and have so few books that can tend to improve or enlarge the ideas of the mind, I certainly think it would be beneficial to erect seminaries or schools in each pergunnah, to be superintended by the cauzy over the Mussulmen, and some respectable brahmin over the Hindoos; two days should be appropriated for the tuition of youth, and one for the perusal of the Regulations of Government; so that every person who wishes it might attend, and become acquainted with the laws enacted by the rulers of the British kingdoms.
36. In your opinion, what has been the effect of the Regulation, which declares persons convicted of the crime of perjury, liable to be marked in the forehead?
36. I think the law a good one to be held in force in terrorem, but I would only recommend the execution in particular cases, because it leaves an everlasting stigma on the culprit, who might find difficulty, even after repentance, to obtain an honest livelihood; indeed the Court of Circuit I believe coincide in this opinion, as the law has never been enforced in this district.
37. What has been the operation of the punishment of transportation introduced by the British Government?
37. Very beneficial, as the natives dread it as much as death.

No. 14.

Answers by the
JUDGES.

Dacca Division.

Zillah Sylhet,
1 May 1802.

38. Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity, or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

38. As far as I am able to judge, I think of late the criminal laws have been executed with more severity than formerly, which has tended to have a good effect on the inhabitants. If notorious culprits were obliged to give security for their good behaviour after the term of confinement, the law might prove salutary, because they generally, I fear, resort to their former mal-practices with the addition of experience, which prevents their detection. Since it is evident the minds of the natives, I mean in this district, are not sufficiently refined to admit of leniency, which is construed into erroneous motives, I think a rigid execution of the laws more likely to impress on their minds a proper way of thinking, than clemency.

39. What is the general condition of the Europeans not in the service of the Company, who reside within your jurisdiction?

39. The Europeans in this district conduct themselves with the greatest propriety, and, generally speaking, the inhabitants are satisfied with the integrity of their dealings.

40. What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for ensuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers, the punctual performance of their engagements for the provision of goods?

40. I consider the existing laws and regulations well adapted in every respect for the purposes specified in this interrogatory, both for insuring justice to the manufacturers in their dealings with the private European merchants in this district, and for enabling the individual European merchants to obtain from the manufacturers the punctual performance of their engagements.

Zillah Sylhet,
1st May 1802.

C. Roberts, Judge and Magistrate.

Extract of a LETTER written by Christopher Roberts, Esq. Magistrate of Zillah Sylhet, to G. H. Barlow, J. H. Harington, A. Macklue, and W. Blaquire, Esqrs. Fort William, under date 24th June 1799.

Para. 2. As this district differs from most others, I must take the liberty of briefly communicating the peculiar nature of it: very few of the landholders in Sylhet, which contains about 27,000 talookdars, pay on an average, an annual jumma exceeding forty cawns of couries, consequently their poverty prevents their retaining nagabauns, chokeydars, village watchmen, &c. as specified in section 13, Regulation XXII. of 1793; independent of which, their ignorance, apathy and timidity, deters them from granting assistance to the Police Officers on an emergency, so that when crime is committed, every person being anxious only for his own safety, the whole weight of the internal police devolves on the thannahdar, and I doubt not his salary and establishment, as enclosed No. 1, will appear very inadequate, either to the important trust reposed in him, or general safety of the inhabitants; at the same time it must be self-evident, that the lives and property of the community can never be secure without an adequate establishment, or from a general and local knowledge of the inhabitants; the former could not be accomplished without going to an immense expense, and the necessary information required by the latter is at present in this district more confined than elsewhere, because on consideration of the revenues being collected in couries, the currency of the district, added to the number of talookdars, Government have been pleased to alleviate them, by appointing zillahdars or tehsildars in every pergunna, to collect and remit the revenues to the sudder, by which means the generality of the people have little or no intercourse either with the Magistrate or Mufussil Police Officers.

Para. 5. The town of Sylhet, about one mile in length, two and a half in breadth, and five in circumference, suffers greatly for want of an established cutwal, which, I believe, is granted in every other principal city. Since my arrival at this station, I have kept ten additional peons to prevent the number of petty thefts and robberies that happened nightly; but I am sorry to add, the evil still exists in a very great degree, nor can the thannahdar get through the business to my satisfaction, including the separate duties of Zillah Parcool; for these reasons, I take the liberty to recommend that a cutwal with an establishment, may be granted for the protection of the town of Sylhet, and also a distribution of the thannahdars, agreeably to section 4, Regulation XXII. of 1793, as particularized in my enclosure No. 2. I have to remark, that the north-west frontier thannah is indispensibly necessary to prevent quarrels between the purchasers of lime stones and the hill people; the thannahs of Lahore and Bungong being situated near the hills, it was deemed expedient to allow those thannahdars more burgundosses than the others, in order to be guarded and prepared against sudden incursions,

(A true Extract.)

C. Roberts, Magistrate.

No. 1.—POLICE Thannah Establishment of Zillah Sylhet.

No. 1. Zillah Parcool, estimated at 11 coss; viz.												
1	Darogah	-	-	-	-	-	-	-	15	0	0	
1	Jemadar	-	-	-	-	-	-	-	6	0	0	
4	Burgundosses	-	-	-	-	-	-	-	12	0	0	
1	Mohrer	-	-	-	-	-	-	-	5	0	0	
	Stationary	-	-	-	-	-	-	-	4	14	0	
<hr/>												
2.	Zillah Latoo	-	-	-	-	-	-	-	42	14	0	
3.	- - Hingajceah	12	D°	-	-	D°	-	-	42	14	0	
4.	- - Ru-sool gunge	28	D°	-	-	D°	-	-	42	14	0	
5.	- - Nubbe gunge	12	D°	-	-	D°	-	-	42	14	0	
6.	- - Sunker passah	21	D°	-	-	D°	-	-	42	14	0	
7.	- - Taujepore	10	D°	-	-	D°	-	-	42	14	0	
8.	- - Rauje nagur	16	D°	-	-	D°	-	-	42	14	0	
9.	- - Noah collee	10	D°	-	-	D°	-	-	42	14	0	
10.	- - Abeedabad	10	D°	-	-	D°	-	-	42	14	0	
11.	- - Bunsicoorah	22	D°	-	-	D°	-	-	42	14	0	
12.	- - Luskerpore	13	D°	-	-	D°	-	-	42	14	0	
13.	- - North-west Frontier, viz-											
	1 Darogah	-	-	-	-	-	-	-	15	0	0	
	1 Mohrer	-	-	-	-	-	-	-	5	0	0	
	2 Peons	-	-	-	-	-	-	-	6	0	0	
	Oil and paper	-	-	-	-	-	-	-	4	0	0	
<hr/>												
									30	0	0	
									544	8	0	
	Thannah at Lahore and Bungong	-	-	-	-	-	-	-	157	13	4	
<hr/>												
									Sicca Rupees	702	5	4

Errors excepted.

(Signed)

C. Roberts, Magistrate.

No. 2.—Proposed Distribution of the Police Thannahs.

No.	PROPOSED ALTERATION.	Estimated extent in square coss.	Total.	Proposed increase of Thannahs.
1.	Parcool	11	11	1 Thannah.
2.	Latoo - Add increase from Hingajualr	16 4	20	2 Ditto.
3.	Hingajualr - Deduct, transferred to Latoo	12 4	8	
	Add increase from Rauje nagur		2	10 Ditto.
4.	Russool gunge - Add increase from Bunsicoorah	28 2	30	3 Ditto.
5.	Nubbee gunge - Deduct, transferred to Noah collee	12 2	10	1 Ditto.
6.	Sunker passah - Deduct, transferred to Luskerpore	21 1	20	2 Ditto.
7.	Taujepore	10	10	1 Ditto.
8.	Rauje nagur - Deduct, carried to Hingajceah	10 2		
	Noah collee	4	6	1 Ditto.

(continued.)

No. 1.

Answers by the
JUDGES.

Dacca Division.

Zillah Sylhet,
1 May 1802.No. 2.—Proposed Distribution of the Police Thannahs—*continued*.

No.	PROPOSED ALTERATION.	Estimated extent in square coss.	Total.	Proposed increase of Thannahs.
9.	Noah collee - - - - -	10		
	Add increase from Nubbee gunge -	2		
	Rauje nagur -	4		
	Luskerpore -	4		
		10	20	2 Thannahs.
10.	Abecedabad - - - - -	10	10	1 Ditto.
11.	Bunsicoorah - - - - -	22		
	Deduct, carried to Russool gunge -	2		
			20	2 Ditto.
12.	Luskerpore - - - - -	13		
	Add increase from Lunkerpossah -	1		
		14		
	Deduct, carried to Noah collee -	4		
			10	1 Ditto.
13.	North-west frontier - - - - -			1 Ditto.
14.	Lahore - - - - -			1 Ditto.
15.	Bungonge - - - - -			1 Ditto.
	Total Thannahs - - - - -		21	

Proposed Establishment for the foregoing Thannahs.

No. 1.	Sa. Rs.	Sa. Rs.
1 Darogah - - - - -	20 0 0	
1 Jemadar - - - - -	6 0 0	
10 Peons, at 3 - - - - - ea.	30 0 0	
1 Mohrer - - - - -	5 0 0	
Stationary - - - - -	4 14 0	
		65 14 0
From 2 to No. 19, as above - - - - -		1,185 12 0
No. 20. Lahore.		
1 Darogah - - - - -	20 0 0	
1 Jemadar - - - - -	7 0 0	
14 Peons, at 3 - - - - - ea.	42 0 0	
1 Mohrer - - - - -	5 0 0	
Stationary - - - - -	4 14 8	
		78 14 8
No. 21. Bongong' as above - - - - -		78 14 8
	Sicca Rupees - - - - -	1,409 7 4

Proposed Establishment for a Cutwal for the town and environs of Sylhet.

1 Cutwal - - - - -	50 0 0
1 Nail - - - - -	10 0 0
1 Mohrer - - - - -	6 0 0
16 Peons - - - - -	48 0 0
Oil and paper - - - - -	4 8 0
1 Jemadar - - - - -	6 0 0
	Sicca Rupees - - - - -
	124 0 0

Errors excepted.
C. Roberts, Magistrate.

(Signed)

(True Copies.)
C. Roberts, Magistrate.

To the Most Noble MARQUIS WELLESLEY, K. P. &c. &c. Governor General; Cawnpore.

No. 1.

Answers by the JUDGES.

Dacca Division.

My Lord,
IN obedience to a letter from Mr. Secretary Dowdeswell of the 3d ultimo, I have the honour to transmit your Excellency a copy of my letter, with its enclosure of the 20th instant to that Gentleman, and remain,

Zilla Mymensing,
the 29th January 1802.

My Lord, with the greatest respect,
Your Lordship's most obedient and humble servant,
John Stracey, Judge and Magistrate.

To George Dowdeswell, Esquire, Secretary to the Government, in the Judicial Department, Fort William.

Sir,

ENCLOSED I transmit my Answers to the several Interrogatories contained in your letter of the 13th November last, which I request you will do me the honour to lay before the Honourable the Vice President in Council.

The balance of causes in Court is drawn out to the 30th September last, in consequence of those paragraphs having been written last year; and since I wrote the paragraph respecting the few prisoners in jail without a final and specific order, two or three dekoities have occurred in Pokareah and Burbazoo, with an affray in Susung, which have increased the number of prisoners to about twenty-five, but who will be committed for trial the ensuing Circuit, which will commence on Monday next.

I am, Sir,
Your most obedient humble servant,
(Signed) John Stracey, Judge and Magistrate.
Zilla Mymensing,
the 20th January 1802.
(A true Copy) J. Stracey, J. & M.

ANSWER to the different INTERROGATORIES transmitted in Mr. Secretary Dowdeswell's Letter of the 13th November 1801.

Answer to Interrogatory 1st.—The number of suits depending before me, the Register and Commissioners, including those in appeal to me from decisions passed by the Register and Commissioners, and also those in appeal from the latter to the Register, and all the different suits under Regulations IV. and XLIX. of 1793, and VII. of 1799, to the 30th of September 1801, stand as follows:

Before me	-	-	-	-	481	} - - Total - 6,547.
Before the Register	-	-	-	-	566	
Before the Commissioners	-	-	-	-	5,500	

Answer to Interrogatory 2d.—Prior to the year 1796 no Commissioners were appointed in this district, and I can find no statement of the number of suits instituted before them prior to the year 1797; but in order to answer this Interrogatory as clearly as I can, I beg leave first to state the suits filed from the 1st of July 1793 to the 31st of December of that and each succeeding year, to the end of 1796; and then from the 1st of January 1797 to the 31st December 1800, including the suits instituted before the Commissioners in their capacity of munsiffs.

Suits filed in the Adawlut:

In 1793	-	-	-	283	} Total, in the above three years and six months, 3,153
In 1794	-	-	-	1,179	
In 1795	-	-	-	920	
In 1796	-	-	-	771	

Filed in the Adawlut before the Commissioners:

	Total.
In 1797	- - - 550 - - - 8,362 - - - 8,912
In 1798	- - - 459 - - - 11,550 - - - 12,009
In 1799	- - - 397 - - - 5,355 - - - 5,752
In 1800	- - - 443 - - - 9,086 - - - 9,529
	<u>36,202</u>

Total filed in seven years and a half - - - - - 39,355

The average, by the above statement, for the first three years and a half, previous to the appointment of munsiffs, is about 901 causes per annum; and the average for the last four years, since the appointment of munsiffs, is, within two causes, 9,051 per annum. From the above it may be observed, that although the suits filed in Court have lessened in the last years nearly one half, the proportion, including the suits instituted in the first instance before the munsiffs for the last year, is by no means decreased, but on the contrary increased. As the balance stated in the first paragraph is brought down to the 30th September last, it may be proper to deduct the number of suits filed from the first January last to that period, which being in the Adawlut 462, and before the Commissioners 3,572, making in the whole 4,034, which leaves the balance of causes filed in the period preceding the 31st December 1800 in the Adawlut only 585, and before the Commissioners, 1,928, and the total

balance 2,513, exclusive of the number which have been decided since the 1st of January, which considerably exceeded the balance of former causes, as stated at 2,513.

No. 1.

Answers by the
JUDGES.

Dacca Division.

Zillah Mymensing,
29 January 1802.

Answer to Interrogatory 3.—I arrived in this district the beginning of May 1800, and during the preceding months of that year all the duties of Judge and Magistrate were transacted by the Register, wherefore the number of causes decided last year was not as many as would otherwise have been; their number stand as follows:

Judge:	Register:	Commissioners:	Total.
93	164	8,873	9,130.

Answer to Interrogatory 4.—From observations I have made on the nature of the suits investigated by me, and those appealed to me from decisions passed by the Commissioners, and those for which applications have been made to me to enforce, I should imagine that the annual number of causes that will be probably instituted in the Court and before the Commissioners, will not exceed 400 in the former, and under 3,000 before the latter, after the present year; but this must depend on conjecture only; for scarcely a sale of land takes place, however trivial, but new grounds of litigation and dispute arise; but I should imagine, notwithstanding the above, that in the course of one or two years more, there will scarcely be a suit instituted that its investigation may not be commenced upon as soon as the pleadings of the parties are filed. The various duties which a Judge is called upon to perform, in answering precepts, executing orders of the Court of Appeal (which I believe is at present more in this District than the whole of the other jurisdictions together under the Dacca Court of Appeal), and to enforce the processes of the Collector, takes up a considerable part of his time, exclusive of the general correspondence he has to maintain with Government, the different Courts and offices of Government, and his duty as a Magistrate, which has hitherto been exceedingly laborious, so much so, that the three Circuits which have occurred since my arrival have none of them been completed under six and seven weeks, although every means possible have been used both by the Judges of those Courts and myself to expedite them. The above is the reason which appears to me to have prevented the suits in Court being brought up to such a state as I think it will probably be in the course of another year or two. I am unaware of any other reason which has prevented the Commissioners from bringing up entirely the suits filed before them, than the immense number which have been instituted, but which I think I have in some degree checked, as the number of suits filed before them this year to the end of September, which may be said to be the end of October, as no suits were instituted in that month, in consequence of the Dussarah, only amounted to 3,572, which in nine months is but a little more than one-third of the number filed in 1800, so that in future I hope they will be able to decide all suits that may come before them immediately.

Answer to Interrogatory 5.—I cannot say that I am prepared to suggest any Rules, the establishment of which would expedite the decision of civil suits, nor does it at present occur to me that any are requisite. The delay which occurs before the award is passed, is occasioned by the enormous number of vouchers delivered by the parties, and the number, and the difficulty of procuring the attendance, of witnesses, whose depositions, when taken, are frequently of little or no consequence to the subject at issue, but it serves to enhance the emoluments of the gomastahs, (or attornies, as they now style themselves) by procrastinating the final decision on the suit, as all suits, tried and decided in the first instance by the Judge, under Regulation IV. of 1793, are appealable to the provincial Court of Appeal. The not committing to writing the few depositions of witnesses he has to examine in suits appealed to him from the decisions passed by the Commissioners and the Register, would expedite but in a very trifling manner the decision of suits in general, and would in no degree compensate for the advantage and regularity of having them as records of the Court.

Answer to Interrogatory 6.—The number of suits which have been instituted in the last four years before the munsiffs, as appears by the statement contained in answer to Interrogatory 2, has been occasioned by the predecessors allowing the munsiffs to receive suits of whatever nature, not above fifty rupees, however strained, that could possibly be denominated personal property; the consequence has been that a very large number of suits have been instituted before them for slaves and hoormut, and the mode in which the munsiffs decided them had not only proved an extreme hardship on several individuals in the former, but also in the latter case, and had excited the meanest individuals, for the most trivial cause possible, to institute suits in hopes of damages, which they but too frequently obtained, to the often total ruin of the individuals against whom they were passed, who, through poverty or other cause, were prevented from appealing. In order to prevent this, with the knowledge of the Südder Dewanny Adawlut, who left it optional with me, I directed they should not receive or try any suits of the kind at the commencement of the present year, excepting what was referred to them by me, agreeably to Regulation XL. of 1793; the good effects of which, I think, will generally be felt, as the number of suits before them this year will not probably exceed one half they were last: the suits for revenue, balance of accounts, and others really personal property, will at least for a considerable time to come, not above fifty rupees, be as many as they can properly investigate and decide; I cannot, therefore, by any means recommend their jurisdiction to be extended. In regard to the Register, the number of suits he has at present before him are more than he can with expedition decide; particularly as, when the duties in the criminal Court will admit, which has latterly occurred sometimes, it is with great difficulty that I can contrive to allow of his sitting to decide the suits before him while

I am sitting in the Dewanny, in consequence of the same vakeels being frequently engaged in the different suits depending before us both: an extension, therefore, of his jurisdiction would not tend, on the whole, to promote the object of Government in accelerating the decision of suits in general.

Answer to Interrogatory 7.—Litigation has certainly been checked by the establishment of the different fees mentioned in this Interrogatory; but at the same time they have occasioned, there being no defined rule of punishing the parties in consequence of the comparatively small expense, several complaints of dispossession by force and violence to be filed under Regulation XLIX. of 1793, in the hopes of obtaining a judgment in their favour, which, on investigation, prove entirely the reverse, and that no force or violence has occurred, but that the point at issue rests on an investigation into the respective rights of the parties. From the number of unnecessary evidences and witnesses filed and summoned by the parties, I cannot think the fees are by any means too high, particularly as those who really do not possess property are admitted at all times as paupers, and there can be but very few cases indeed in which persons, who do not come under the exact description of paupers, are not able, if they chuse, to pay them; at the same time I could not at present venture to recommend their being increased; for although that might be, in some respects, an advantage in regard to unnecessary evidence and witnesses, it might tend to prevent those who have now the power of paying them for complaining for their just rights, and would likewise exclude the lower order of the defendants from procuring security to be at large during the period the suits may be pending.

Answer to Interrogatory 8.—The emolument derived by the vakeels from the fees is, I believe, sufficient maintenance to all, and to those who are more generally engaged in the various suits an handsome income, it amounting, on an average, from 200 to 300 rupees per month, I am given to understand, which certainly may be considered as a sufficient inducement for men of character and proper qualifications to apply for them. The number of vakeels altogether belonging to my Court are only eleven; they were appointed on the publication of the Regulations of 1793; among whom there are three or four very respectable persons, and tolerably well qualified for their situations; for the remainder I am sorry I cannot say so much, although I am unacquainted with any thing against their private or public character; they are in general acquainted with the Regulations, at least with particular parts of them.

Answer to Interrogatory 9.—Judging from the suits which come before me, I do not think the establishment of licensed vakeels has contributed to bring forward more immediately the merits of the cause; but this does not proceed so much from the ignorance or neglect of the vakeels as from the parties themselves, or their gomastahs, or their attornies; for in most suits the parties file their plaint and answer themselves, and if they are filed by a vakeel, they are not drawn out by them, but a vekalatnumah is given them, merely to authorize their filing or presenting them, and when the suit comes to an investigation, the vakeels have never the vouchers lodged with them, or are ever acquainted with the evidence intended to be produced, or in the least with the merits of the case, but on every question being asked, are forced to refer to the attorney, who in general is near for the purpose; whether this proceeds from a distrust in the parties towards the vakeels, or from the intrigues of the attornies, or from both, I cannot possibly assert; the vakeels say it is from the former, but I am rather inclined to imagine it is from the latter, as were the parties to trust the particular vouchers, &c. of their suits to the vakeels, there would be no necessity for the attornies, who consequently, through selfish motives, endeavour to render the vakeels as much cyphers as possible.

Answer to Interrogatory 10.—Not having heard of any impropriety of conduct against the vakeels, excepting in one trifling instance, or any charge brought against any of them, it is but justice to them to say that I believe, as far as their clients trust them, they act with propriety.

Answer to Interrogatory 11.—Excepting Mahomed Ghose, the zemindar of Curreky, and two or three others, I scarcely imagine there is one man of property that is acquainted with his own concerns, much less with the Regulations, Shaster or Mahomedan law; their education is entrusted to the lowest race of people, and their property to persons denominated mocktears, who find it to their advantage to keep them in total ignorance, and to excite disputes and quarrels; in short, the zemindars in general appear to me completely unacquainted with every thing, except the customary forms of address, and without the aid of the persons who attend, are scarcely able to converse on the topics that are to be imagined they must have a competent knowledge: there are, however, a number of pundits who are not to be considered as wealthy, at the same time above poverty, who, I understand, are educated in the Shaster, and are to be found almost in every village, to whom references are frequently made by individuals for information on questions relating to the Hindoo law; and it is from these people the parties in suits are supplied with the putteeahs, or expositions of the Hindoo law, which they so frequently present in different causes in the Courts.

Answer to Interrogatory 12.—The delay in the trial of civil suits, does not appear to be occasioned in the forms prescribed by the Regulations, but through the want of activity and knowledge in the parties really engaged, who are themselves totally ignorant of the merits of the cause at issue, and the disinclination of their managers, through private interested motives,

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tives, to have most of their suits brought to a final decision. The present forms appear to me necessary for the trial of suits in general, and in the course of time, I think, by an adherence to them, justice will be better administered than by curtailing them.

Answer to Interrogatory 13.—In consequence of the necessity of having the large room in the house taken by the Company for the Court of Circuit, on their arrival at this station, I have erected a large bungalow packa at bottom for myself and the Register, of ninety feet long by forty broad, in the centre of which I have railed round two oblong squares of thirty feet by twenty feet each, in the centre of one of which I seat myself on the platform about three feet high, on which is the table at which the requisite officers stand and sit, according to their situation; and in the other the Register sits at the same time on a similar platform, and attended by his requisite officers, and at each end there is room, one for the Mohirrsers of the Dewanny, the other for the Fouzdarry; and for all persons who may come, there is an enclosed veranda, one in front, the other behind, of seventy feet in length each, and upwards of ten in breadth; for the vakeels whose business may not be actually on investigation, or whose immediate presence are not required, I have erected another bungalow containing two rooms, one of which is appropriated for them, the other for witnesses. The forms adopted by me in opening and sitting in the Court, are at ten at this season of the year, but earlier in the hot weather; the nazir reports to me that the aumlah and vakeels are assembled in the Court, to which I immediately repair, attended by the nazir and a suitable number of peons, and on my arrival every person rises, the aumlah at the table, and the vakeels in front, and after they have paid their obeisance and sit down, the parties whose suit comes first to a hearing are called, the rest of the vakeels then retire and pay the same respect to the Register, as none are allowed to make any noise. All who have any applications to make, hold their petition in their hands, and an officer, on receiving an order from me for that purpose, collects them in my presence, and brings them to me, when, should time and other business admit, they are immediately read, and the requisite orders passed. Should it so happen, which is frequently the case, that through there immense numbers, or their references to other papers, that they cannot be all read till it is dark, those that remain are postponed unavoidably to the next day, when they come first to a hearing. In the Fouzdarry I adopt a similar plan in regard to receiving petitions, &c. but as the circumstance of the same vakeels being frequently engaged in suits before myself, and also those referred for investigation before the Register, will not admit of us both scarcely ever sitting in the Dewanny at the same time, I have deemed it proper, excepting in particular cases, to sit two days myself in a week in the Fouzdarry for the hearing of all cases of a serious nature, and to direct the Register to sit four for the decision of trivial ones; the same *vice versa* in the Dewanny, myself four days, and the Register two; by which means, I am happy to say, although my calendars for the Court of Circuit have been and will be the next Circuit very heavy, I have at this time only one person in confinement, without a specific and defined order, and he has been so only four days, in consequence of the non arrival of the witnesses to substantiate the charge of a most atrocious murder against him.

Answer to Interrogatory 14.—I cannot hear of any seminary whatever or institution of the kind within the limits of my jurisdiction for the teaching of the Mahomedan law; there are some, I understand, not far from the borders, within the District of Sylhet. For the education of the Hindoo law, there are two or three in each pergunnah, but more I am informed in that of Serrial than any other, the pundits to which have received grants of free land from the zemindars, from which they maintain themselves, and find provisions for the scholars, who in general, excepting in a very few instances, never exceed 10 or 12, and for or from whom they receive nothing in return, deeming it a disgrace were they to do so.

Answer to Interrogatory 15.—I arrived in this district in May 1800; what the moral character of the inhabitants was antecedent to the present system for the administration of the laws, I must of course be considerably in the dark, and unable to state correctly whether it is improved or otherwise; and the opportunities I have of observing it being from the business which comes before me, are probably the most unfavourable; judging however from that, I am almost doubtful whether they possess any qualities that entitle them to an opinion of their being guided by any moral rule whatever. Some of the Hindoos are tolerably rigid in the execution of the external forms prescribed by their religion, but this, excepting with Rajah Raje Sing, and one or two others, is merely ostentation. The zemindars in general are merely cyphers, and their agents and managers are men not of the best characters, but appear to be prized by their ability in committing acts of chicanery towards their masters or the riots of their zemindarry. The lower sort are extremely ignorant, but seem to be actuated by the same principles as the managers, as far as their abilities will admit, and in their disputes with each other extremely violent, so as not unfrequently, for the most trivial cause, to commit manslaughter, or other enormity.

Answer to Interrogatory 16.—It is at all times difficult to ascertain the real opinions of individuals, and probably more particularly in situations wherein the Judge of a District is placed, who has no opportunity of knowing that of the natives but in his public capacity, as he sees them no where else but in his Court, excepting in the formal visits paid to him from the zemindars, who, as I have before stated, are extremely ignorant; judging however from the innumerable complaints made of every description, I think the inhabitants conceive, by the present establishments for the administration of justice, that their rights are preserved from infringement, either by individuals, the executive officers of Government, or Government

ment itself, at the same time that many of their complaints are instituted not with an intent to obtain redress, as many require none; but with a view of harrassing and distressing their opponent in order to answer some private purpose totally irrelevant or nearly so, and which only appears on minute investigation.

Answer to Interrogatory 17.—From the best information I have been enabled to collect, I have every reason to think that the district in general is in a state of improvement, that its cultivation and inland commerce has considerably, and is daily increasing; its buildings or other works for religious, domestic, or other purposes, are increased in numbers, and are improved in the manner and style of building; one considerable branch of the commerce of the district being in muslins and fine cloths, has of course felt the effect of the war in Europe as well as other places. I am necessitated to ground this opinion, however, from information collected from different individuals in conversation, as my own personal observations, in consequence of not having had an opportunity to quit this station since my arrival, only extends a few miles around, which in cultivation or population is by no means deficient, but rather abundant, although ten years since it was a complete waste, and a haunt for dekoits, who infested the whole of this river the Bherhampooter, for upwards of 100 miles from Bhermy to Gwalpareh, and now there is nothing of the kind occurs.

Answer to Interrogatory 18.—As far as my observations, drawn from the usual conversations I have at all times held with some of the most intelligent of the inhabitants, and who may probably reflect on the present situation of the people at large to what it formerly was previous and some time since the British Government has been established, I conceive that they, as well as the general mass of the inhabitants, are satisfied with Government.

Answer to Interrogatory 19.—Having in most instances of a serious nature which have occurred since my arrival, and the perpetrators thereof have been inhabitants of this district, been successful in procuring the apprehension of them, either sooner or later; I think, therefore the present system of police is well calculated for the apprehension of offenders in general; decoity has not lately occurred, and when it has, has been done in most instances by inhabitants of surrounding districts, where I have understood it to be the same; and that inhabitants go from hence to plunder as far as Jessore, Burdwan, and Beerboom, which it appears to me the present system is as capable, if the darogahs do their duty, of checking, as probably any other system may be that can be devised.

Answer to Interrogatory 20.—The number of tannahs in this district is 12, and the limits of each in tract of country, exceed what is prescribed by the Regulations, notwithstanding which, with attention on the part of the Magistrate to the darogahs, the latter are competent to perform the general duties required of them. Occasions may and have occurred since my arrival here, wherein I have found them incapable of it, and have consequently assisted them from hence, or have directed the zemindars to do it, but these are extraordinary cases, and which I think will but seldom occur again.

Answer to Interrogatory 21.—On a reference to the different calendars from 1793, presented to the Courts of Circuit previous to my taking charge in May 1800, taking one year with another, they are nearly equal, but from January 1801, to the present period, the number falls short of last year, including the two circuits of both years, about eighteen; but this is scarcely a fair mode of judging, as crimes may be committed and the offenders not apprehended, consequently no cause appears on the calendar; but allowing that a similar number escaped in the preceding years, as have done this, (only two instances of the nature do I recollect this) the diminution is considerable, and may in some degree I think be attributed to the darogahs having in every instance been required to use their utmost endeavours to apprehend the perpetrators of any act of enormity, and never to lose sight of them should they abscond in the first instance, by which means I have apprehended every dekoit of note who were in the district on my arrival, some of whom are confined, and some hung; another of my guard-boats going one up, the other down the river of a night, with four sebandeys in each for four coss, and keeping men to patrol the bazar here, which used to be a scene of riot and robbery, but for this last year there has scarcely been more than three petty thefts, and no other offence whatever, which for a bazar so large as this, I suppose to be as few as have happened in any place in the country. In regard to decoity, another cause may be assigned, which proceeds from the more general division of wealth than formerly, in consequence of the present system for collecting the revenues, which prevents any great transfers of specie from one place to another, so that the dekoits do not find it scarcely worth their while to pursue their former practices.

Answer to Interrogatory 22.—Among a people who appear almost prone to every vice, excepting that of drunkenness, which prevails amongst the very lowest order, and that only in a slight degree, I find it difficult to define what crimes are most prevalent, as they are adepts in all; and perpetrate that at each time which appears to them to be most likely to answer the object in view; but to select I think perjury, robbery, decoity, and affrays respecting lands and crops, exceed the rest; the first occurs throughout the year, the second more generally in the rains, but sometimes in dark nights throughout the year during the rains, but more so at this season accompanied with the fourth; this being the period for cutting and collecting the largest harvest. The first I shall enter upon in my Answer to Interrogatory 36, the second and the third are of that nature, that some occurrences of the kind must, I think, unavoidably occur; although by an active and unremitting search after the perpetrators by the police officers and the Magistrate, they will I trust be considerably lessened; and

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and I am happy to say this year are so, in comparison with any former year. The latter, affrays are in all instances headed, or occasioned by the agents or subordinate officers appointed to superintend mahauls by the naibs and peshkars of the zemindars and talookdars, in which they sometimes proceed to such lengths as to use fire-arms; the persons mentioned in my Answer to Interrogatory 13, is charged with this, with several others, in which one man was killed, and another the ball passed through his thigh, the body of the former with the latter (who the surgeon has informed me is in a fair way of recovery) were both brought to me, although the affray happened nearly 30 miles from hence, so that there can be no doubt of the fact, whatever may be at an end of the prosecution against him and the others, some of whom I have now accounts of being apprehended, and the remainder I hope will be in a few days. For the punishment of these enormities, Regulation XLIX. of 1793 was passed: the penalties therein annexed are sufficiently severe when the fact is proved against the aiders, contrivers, or abettors, but the proof required to substantiate guilt against the zemindar or his naibs or peshkars, is of that nature, as they never appear as actors in these crimes; that it amounts to almost an impossibility of proving any thing against them so as to render them liable to punishment, although it is equally as evident that the managers of the mahauls in the mofussil would never be guilty of them, without the concurrence or if they had positive orders from their superiors not to do so: as a check to this evil, I would recommend that the zemindar and talookdar, with their naibs and peshkars, on the fact being proved, and that the perpetrators thereof, were their servants, or in any shape their dependants, that the zemindar, talookdar, naib and peshkar, be all subject to a heavy fine to Government, in proportion to their ability to pay, at the discretion of the Courts by whom the final orders or futwa are passed or issued: this I am convinced would entirely prevent, after one or two had been punished, an evil of the kind occurring. There is also another crime extremely prevalent, that of instituting a complaint, not unfrequently for murder or some other capital offence, without the least grounds, solely with the view of procuring the apprehension of individuals from their occupations in the mofussil, and their confinement pro tempore, in order to satisfy some private motive, under the plea of the absence of the witnesses to substantiate the charge: for this offence, I am unaware the Regulations provide. Section 10 of Regulation IX. of 1793, which is again repeated in section 12 of Regulation VII. of 1799, goes to the punishment only of litigious suits in cases wherein the Magistrate is authorized to punish when the charge is proved; but not to the punishment of litigious prosecutions, wherein the crime alleged is of a capital nature; and consequently the punishment rests with the Court of Circuit; nor does the penalty the Magistrate is able to inflict appear to me to be sufficient to the offence, for in consequence of delays proceeding intentional on the part of the plaintiff or his instigators, an innocent individual may unavoidably be confined for two or three months; when the plaintiff, who is guilty of gross perjury in the first instance, be confined only one month in return; with this opinion, in one or two instances which have occurred since my arrival, I have acquitted the defendant, and directed the vakeel of Government to prosecute the plaintiff before the Court of Circuit, where they have met with their merited deserts; and only mention it here, as it appears to me the Regulations do not mark the line of conduct to be adopted by the Magistrates in such cases.

It may not be altogether improper here to mention, although I can suggest no remedy further than what is provided in the Regulations, an observation which I have made since my arrival here, and which may in some degree show the violence and jealousy of the lower orders of the inhabitants:—In almost all cases of actual murder which have come before me, not committed by decoits in villages, they have been occasioned by disputes originating respecting the office or duty of putwarry, who are generally in the first instance elected by the ryots and approved by the proprietor of the soil, and some time inherit the office; they exercise a most despotic and tyrannical authority over the ryots, who in some instances elect another, should they disapprove of the one holding the office, and the proprietor in general approves of the person newly elected; but when this happens, either the new or the old putwarry is not unfrequently destroyed: four instances of this have occurred since my arrival, and a fifth, the putwarries murdered a ryot, which was transmitted to the Sudder Nizamut; the ostensible cause of that murder was, the deceased becoming security, and thereby releasing some attached cattle belonging to a ryot, to pay the revenue the next morning, but the origin of the grudge which the putwarries bore the ryot, was occasioned about two years before, by his obtaining the permission of the zemindar to pay his revenue direct into the Sudder Perguanah treasury, which rendered him independent of the putwarries, who never forgave it, but availed themselves of the opportunity of the deceased becoming security, which they considered as a defiance to their authority, to gratify their revenge, which they did by breaking the arm of one woman, severely wounding in the head another, both belonging to the family of the deceased, and murdering him; all of whom were nearly related to them.

Answer to Interrogatory 23.—Most of the inhabitants have some weapons, such as swords and spears, which they keep for defence, but seldom use them, the cudgel, or hard bamboo, being in general what they settle their disputes with, excepting in some cases when they get their antagonist down, when they beat him most unmercifully with the elbow, without consideration of the part or consequences; several of them have also other weapons which they use either offensively or defensively, but they are kept ostensibly for sacrificing animals, such as young male buffaloes, goats, pigeons, &c. on the banks of the river, particularly on the 8th of Cheyt at Byeonbarry, when some hundreds of the two latter are destroyed by the Brahmins, to the no small entertainment of the lowest order of the inhabitants, who feast on the bodies.

Answer to Interrogatory 24.—There are no forts of any description in the district, that I have been able in all my enquiries to hear of.

Answer to Interrogatory 25.—The number of Hindoos or Mahomedans I believe may be calculated at about five to three in favour of the former, but this is drawn greatly from conjecture, formed from the attendants of every description who come to the catcherry. The information to be obtained from the natives, respecting the number of the inhabitants, is so vague, that I have found myself totally unable to form an opinion from it, I have therefore drawn out the following table from accounts in the collector's and my own office, and which I think may be considered tolerably correct, particularly as the number of ryots is nearly the same in that, as by calculating by what I have observed from the putwarries accounts taken before me, that the revenue collected from ryots possessing 200 houses, exclusive of the mofussil collections, is about 500 Rs. per annum, at which calculation, as this district pays about seven lacks fifty thousand rupees per annum to Government, allowing five persons in each house, including men, women, and children, make the number of souls about lack, exclusive of the zemindars and others included in the following table, which make the number in the whole 1,928,531.

The number of possessors of lackrage lands amount to - - - - -	8,600
Those who pay their revenue to the collector or to his teshseeldars - - - - -	4,777
Dependant talookdars, as per quitquennial Register, who pay their revenue to the zemindars - - - - -	1,084

14,461

As the families and dependants of the above are in many cases very numerous, they may be fairly multiplied by 10 to include their women, &c. - - - - -

10

144,610

The number of putwarries, as per list delivered into the Court, amount to 9,563. Some of these keep the accounts of four and five hundred ryots, and downwards as low as 15 and 20, but the average I believe to be from 70 to 80 ryots to each putwarry; but as there are generally two putwarries to the same ryots, one to keep the accounts for house-rent and bete-land, or that which immediately surround the houses; the other for the cultivated lands at a distance, not included within the fences around the habitations; it will be I believe tolerably correct to allow to each putwarry about thirty-five ryots. Upon this calculation 9,563 putwarries keep the account of 334,705 ryots: these multiplied by five, to include the men, women and children, amount to - - - - -

16,73,525

The number of putwarries, as stated above - - - - -

9,563

From these deduct small talookdars, who act as putwarries themselves, as stated in the accounts, but who being holders or proprietors of land, are included in the first set with the zemindars, &c. - - - - -

935

Balance - - - - -

8,628

The number of putwarries multiplied by seven, to include the whole of their families - - - - -

7

60,396

Barkandosses in the employ of the zemindars, and not intended to be included in their families, faquirers, mullahs of certain descriptions, and other persons who are not included in the putwarries accounts, and many of whom are not natives of the district, but who at present reside within it, but respecting whom I can obtain no account to form a calculation - - - - -

50,000

19,28,531

In making the above calculation, I have stated every description of persons as low as it appears to me I could with any degree of correctness, yet the product is so immense, that I am myself astonished at it, but am unacquainted with any other mode of computing the inhabitants that is more likely to be correct.

Answer to Interrogatory 26.—The names of the persons possessing the highest rank and largest landed property, are as follows:

Rajah Raje Sing, zemindar of 14 annas of Pergunnah Susung, alias Nusserutshye; Bohinduarain, nominally proprietor of only six annas 15 gundas of Pergunnah Pokariah, but really of the whole; resides in the district of Rajeshye.

Mahomed Ghose, zemindar of Curreky; Sam Chund, Chowdry, zemindar of four annas of Pergunnah Momensing; and Zynshye Narainny, Debea of a similar share in each of those pergunnahs.

Pertaubnarain, Chowdry, zemindar of four annas and a half of Pergunnah Sheerpore.

Birgenaut, Gobind Persaut, and Ramanaut, Chowdries of seven annas of Pergunnah Sheerpore.

Raje Chunder, Chowdry, proprietor of four and a half of Pergunnah Sheerpore.

Gunga Debea, Bemilla Debea.—Proprietors of eight annas of Pergunnah Alepsing.

Hirenaut, Kishen Count.—Proprietors of four annas of Alepsing.

Ram Acharge, Sam Acharge, Birje Kissore Acharge, Nob Kissore Acharge.—Proprietors of four annas of Alepsing, and five annas of Pergunnah Nusserogoale.

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Cojah Arratoon, an Armenian, zemindar of Pergunnah Hesseinshye; resides generally at Dacca.

The above are the zemindars of the most note, and possessing the greatest property in the district; there are some few others who have considerable landed estates, but have no consequence in the district: of the above, Bobindnarrain and Cojah Aratoon are undoubtedly the most wealthy, but they do not reside within the district; and excepting Rajah Raje Sing, Cojah Aratoon, and Mahomed Ghose, they are all engaged in family disputes, or in disputes with their under-talookdars and renters: they almost all, more particularly Ram Acharge, and the other three connected with him, as do the other landholders whom I have not mentioned, keep a considerable number of Burkandosses, natives of Bahar, Benares and Oude, whose numbers are computed at about 70 or 80, in their service, under the plea of guarding their treasuries; when abroad, I have never seen any of them attended with more than five or six, or ten at most; and excepting the two I have mentioned as wealthy, and the zemindars of Alepsing and Cureky, and Narrainny Debea, the others, although possessing large tracts of cultivated and populous land, are really in needy circumstances through their family disputes and mismanagement of their naibs or gomastahs. Rajah Raje Sing resides close to the Susung Hills; he has not since my arrival been at this place, I have consequently not seen him; he trades, I understand, considerably in many articles, but particularly in elephants; he is represented not to be a man of ability, or in possession of wealth; he manages his concerns in a very orderly and proper manner, and the inhabitants in general speak of him in the highest terms.

Answer to Interrogatory 27.—There are no persons that the slightest hint has ever been given to me, as being supposed disaffected to the British Government, or is there one that I have the least suspicion of being likely to have turned a thought towards it; and I am well aware there are none, if they are really disaffected, that have either ability, influence, or wealth, at present, to be of any consequence.

Answer to Interrogatory 28.—The natives in general being pleased with every mark of distinction, I should think those for whom titles may be conferred would be qualified; but whether Government declaring itself to be the sole source of honour within its territories, might tend to strengthen the attachment of the natives in general towards the British, is a question that I am really at a loss to answer; and speaking of the natives in this district, who I suppose are as little accustomed to the manner of Europeans as any in the Company's provinces, in consequence of the short period of any gentleman residing within it, in comparison with others, I really do not think there is one, unless it be Rajah Raje Sing, who I have not yet seen, from the propriety of his conduct, or Mahomed Ghose, zemindar of Curteky, who merit the least favour or mark of honour from Government.

Answer to Interrogatory 29.—There are no roads, bridges, or other public works within the district, excepting those which I have made since my arrival; the roads are about five miles in length, and the pukka arches are in number ten, which I have made with the prisoners.

Answer to Interrogatory 30.—The convicts since my arrival have been employed in making the above roads and arches, in making and burning the bricks, burning the shells for chumam, and preparing the soorky and sand for the jail, in the erection of which they worked also as coolies; since that has been finished they have repaired and risen the whole of the above road, which had sunk and had been injured by the rains; they have made and slacked fit for burning the whole of the bricks intended for the hospital, besides having prepared the whole of the chunam; but as this last work has not employed them, all the weak and old, and those whom I am necessitated to put irons on their wrists, have been engaged in cutting the grass for thatching the hospital. I am unaware that the prisoners could have been employed to more advantage than they have, as above stated, but in future when the hospital is finished, and the roads made to extend between three and four miles to the east and west of this station, which will probably be effected by the next rains, I shall be at a loss how to engage them, as unless moveable places of confinement are made, it will not be possible to continue the road on either side, as they cannot walk out in the morning and back at night beyond that distance; judging from the expense of feeding the prisoners at this station, I imagine the monthly amount of the whole within the Dacca Circuit does not amount to less than three thousand rupees per month, exclusive of guards and jails at the different stations, which might probably be considerably saved, were the whole of the prisoners of each circuit collected into one spot and made to cultivate the whole of such land within two miles of the place of confinement, which should be central: the product of such a spot would considerably, I conceive, exceed what they could consume with proper management, which would save the present cost of their keep, and also supply the Company's golahs considerably with that sort of rice which the lower sort of natives live on.

Answer to Interrogatory 31.—The jail was finished in June last, and for a choppah jail, is in as good a state as it can be.

Answer to Interrogatory 32.—The zemindars and other people of property, trusting their private concerns to individuals, it is scarcely to be expected that they would attend to public complaints themselves: were they entrusted with the office of Justice of Peace in the most limited manner, the duties would consequently be performed by their naibs or peshkars, who
instead

Instead of endeavouring to suppress crimes in general, or to be of service to the inhabitants at large, would, I am fearful, turn the authority to a source of private emolument to themselves, oppression and extortion on the lowest orders of people, if not increase crimes in general by harbouring and employing persons to plunder beyond the limits of their masters jurisdiction. In giving so decided opinion against a system which has so long been adopted in Europe, and attended with such success, I am guided by what I observe of the conduct of the zemindars in general, and the total want of principle in their managers, the ill use the police officers make of their authority, were they not rigidly looked after by the magistrate, and the extreme improper manner in which the Commissioners in general in their capacity of munsiffs would use the civil authority they now possess of receiving and deciding suits under fifty rupees; what I conceive to be the characters of the zemindars in general, and their managers, I have mentioned in other paragraphs; and I am convinced from the experience I have had in this district that were the zemindars or their naibs inclined, scarcely a dekoit could exist or reside for any time within it. The derogahs are not unfrequently guilty of intrigues with the landholders in whose estates their tannahs are established, but also in some cases of extreme improper conduct to the injury of either the prosecutor or the defendants, and the munsiffs, I have strong grounds to suspect, through the immense numbers of suits filed before them, and the nature of many of them for which application have been made to me to enforce, that they would excite litigation in order to derive emoluments from the institution of fees.

Answer to Interrogatory 33.—I am unaware, at present, of any rules that I would recommend to be adopted for the suppression of crimes, further than what I have stated respecting affrays, the Regulations appearing to me to provide for most cases, at least such as hitherto have come before me.

Answer to Interrogatory 34.—The natives of this district, excepting towards the hills, where they make an intoxicating liquor from coarse rice, are very little addicted to the vice of drunkenness, in so much as the operation of the late Regulation respecting it is not perceivable.

Answer to Interrogatory 35.—Unless the system of education of children is totally changed I do not think that any measures can be adopted that will tend to the improvement of the moral character of the natives; this I conceive they will in the course of time effect themselves, as they become better acquainted with their own rights, and the wisdom and mildness of the British Government, and the advantages of a liberal and good education.

Answer to Interrogatory 36.—The witnesses who give their evidence in Court are in almost all cases tutored; they are summoned at the desire of one of the parties, who probably purchase them; they swear to certain facts, which, from the nature of the case, appear nearly impossible; and although it may be evident to the Judge that the truth has not been asserted, it is, excepting in a very few instances, impossible to find the witnesses guilty of perjury in the eye of the law; the Regulation appears to me therefore to have scarcely had any effect. The persons who give their evidence are generally the most indigent, and dependants of the party who have occasioned their attendance, and have probably been forced to assert what they really know nothing about; the punishment therefore prescribed in the Regulation can have but little if any effect, as to disgrace; as it is inflicted on those whose rank in life seldom partake of so nice a feeling as shame, and the rich and wealthy, who have occasioned the crime and subsequent punishment, go untouched. In the Criminal Court the Plaintiff swears to his charge, and the Defendant of course is apprehended and brought before the Magistrate; if the suit is litigious, the Regulations for certain cases point out the punishment, which for those cases is sufficient, did it fall on those who merit it; but the Plaintiff is frequently a poor and needy individual, forced to make the complaint by others, who scarcely appear if the case is tried; the Plaintiff cares not for confinement for fifteen or thirty days, is unable to pay the fine, while the concerns of the Defendant or Defendants have been materially injured by being prevented from carrying them on. As this is in some instances of serious evil to the Defendants, and does not appear to me to be likely to be checked, unless the party to whom the Plaintiff belongs is in some manner made responsible, I think it could not possibly be of any harm, as the Magistrate from the nature of complaints instituted must be considerably aware whether there is a probability of its being well founded or otherwise, if he had the authority, in all cases which he considered of this nature, to require *malzanna* for the amount of the fine he is enabled now to levy in cases which may prove litigious, from the Plaintiff, previous to issuing the warrant; this appears to me most likely to check the evil, by the persons who occasioned the complaint being forced to become themselves, or find, security for the Plaintiff; and the fine, should the suit be litigious, would either directly or ultimately be levied from them.

Answer to Interrogatory 37.—From the experience I have had in this part of the country, I believe that transportation has more effect than any other punishment whatever, the dekoits appear to dread it more than hanging, and dekoity has certainly decreased, which may in some degree be attributed to it.

Answer to Interrogatory 38.—The general disposition of the inhabitants appears to me almost prone to chicanery and fraud; they are extremely implacable, violent and irascible, which frequently, on the most trivial occasions, produces manslaughter, if not murder; such a disposition, I conceive, is only to be kept in subjection by fear of the law, and the certainty of receiving punishment in proportion to their crimes. I am therefore of opinion that the Mahomedan law, with the alterations made by Government, is not in any respect administered with too much severity; at the same time the present lenity with which it is distributed, it is to be hoped, will ultimately tend to general good, and meliorate the dis-

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Answers by the
JUDGES.

Dacca Division.

Zillah Mymensing,
29 January 1802.

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Zillah Mymensing,
29 January 1802.

Sic in orig.

position of the inhabitants at large, but this must be a work of considerable time before its operation will be visible; the punishment of the corah is really trifling, and the confinement, I believe, as they are fed at the expense of Government, they like; and were it not for the work they would sooner be in jail than out of it.

Answer to Interrogatory 39.—There are no Europeans in the district out of the service, excepting one Frenchman, who carries on a trifling trade, and is a very quiet well-behaved man.

Answer to Interrogatory 40.—As far as I have seen, the condition of the weavers and manufacturers is tolerably good; agreeably to the custom of the country, advances being always made to them for the provision of articles or goods, they can but seldom, and I have as yet met with none where a weaver or manufacturer has been the prosecutor, they have consequently the advantage, and in the few instances which can occur, the Regulations appear to me to be fully sufficient to ensure them justice; the hardship, if any, lies on the side of the Officers of Government, and the individual traders, to ensure the punctual performance of engagements entered into by the weavers and manufacturers; and this appears to me to be obviated by the Regulations as far as the unavoidable delay of prosecutions in general will with justice admit.

(Signed) John Stracey, Judge and Magistrate.
(A true Copy.) John Stracey, J. & M.

To His Excellency The Most noble the Marquis WELLESLEY, K. P. Governor
General, &c. &c. &c.

My Lord,

I HAVE the honour to transmit for your Lordship's perusal, a copy of my Answers to the Interrogatories of Government regarding the internal state of the country, as directed by the Honourable the Vice President in Council.

I have the honour to be, my Lord,
Your Lordship's most obedient, and most humble servant,
Zillah Chittagong, 27th March 1802. L. Molony, Judge and Magistrate.

INTERROGATORIES to the Zillah Judges and Magistrates, with the ANSWERS by the Judge and Magistrate of Chittagong.

INTERROGATORIES:—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

ANSWER:—I. On the 29th of October 1801, (the date of the judicial Secretary's letter, which accompanied the Interrogatories of Government,) the number of causes depending before the Judge, including appeals from the Register and Commissioners, was - 1,094

Number depending before the Register, including appeals referred to him under the second section of the third regulation of 1800	858
Numbers referred to and depending before Commissioners	2,050
Numbers referred to and depending before Commissioners appointed under the 40th regulation of 1793	84
Number depending before them in their capacity as Munsiffs	5,776
Total depending before the three Tribunals, on the 29th October 1801	9,862

2. What proportion does the number of causes now depending before the three Tribunals of the Judge, the Register, and the Native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793, to the present period?

2. The following statement will show, when compared with the above number of causes depending on the 1st of January 1794

Number of causes depending on 1st January 1794	17,560
D ^o - - D ^o - - D ^o on 1st January 1795	18,079
D ^o - - D ^o - - D ^o on 1st January 1796, including causes depending before Native Commissioners in their several capacities, as per their quarterly report	26,828
D ^o - - D ^o - - D ^o on 1st January 1797	25,617
D ^o - - D ^o - - D ^o 1st D ^o 1798	19,929
D ^o - - D ^o - - D ^o 1st D ^o 1799	10,204
D ^o - - D ^o - - D ^o 1st D ^o 1800	5,860
D ^o - - D ^o - - D ^o 1st D ^o 1801	7,709

No Commissioners were appointed in this district till 1795; immediately on their being appointed the number of causes multiplied, and the reason of so considerable a decrease appearing between the 1st of January 1798, and the 1st of January 1800, is attributable to a Purwannah issued by the then Judge of the district, prohibiting the Commissioners acting as Munsiffs from receiving petitions whenever there were 300 causes undecided on their respective files. The Commissioners in consequence, always stated their balance of undecided causes as not exceeding 300; but I believe they seldom sent away a complainant who offered his fee, though the number of causes really depending before them might have ever so far exceeded that specified in the Purwannah. The increase which appears between 1st January 1800 and October 1801, is attributable to that Purwannah being considered as no longer in force.

3. What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

3. In the year 1800, 1,128 causes were decided by the Judge, 548 by the Register, and 15,045 by the Commissioners.

4. What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals, respectively is not reduced as low as you think it might be reduced?

4. I am of opinion that the same number of causes that are now, must always be depending before the several Tribunals of the Judge, Register, and native Commissioners, with such trifling variation as adventitious circumstances may occasion, unless some rules shall be established, calculated both to check litigation and expedite the decision of suits; and that the number of causes depending before those Tribunals respectively is not reduced as low as it might be, I attribute to the extreme spirit of litigation which pervades all classes of people in this District, to the number of landholders, and land being divided into such small portions, and to the necessity which the Judge is under of admitting as many witnesses as the parties in suits please to name.

5. Are you prepared to suggest the establishment of any rules which (consistently with a due administration of the law) would expedite the decision of suits—Are you of opinion that this object would be in any degree promoted by leaving it optional in the different Tribunals to commit the depositions of witnesses in causes not appealable to a higher tribunal to writing, or not, as the Judges might think proper?

5. I am of opinion that it would expedite the decision of Suits, were the Judge and Register empowered to object to more witnesses being summoned than appear to them necessary; and I think it more advisable that they should be vested with a discretionary power in this respect, than that the number should be fixed and limited by a regulation of Government; because in the latter case parties will frequently, if not generally, summon witnesses to the extent of the Regulation, when no such necessity exists; and in some few causes, wherein many particulars are involved, the testimony of a greater number may be requisite than the Regulation may admit of. But I am far from recommending that this or any other discretionary power should be vested in the native Commissioners; on the contrary, I am satisfied that it would be abused if it were, with respect to leaving it optional in the different Tribunals to commit to writing, or not, the depositions of witnesses in causes not appealable to a higher Tribunal. I think it highly advisable, inasmuch as it would tend to expedite the decision of suits, to allow this discretionary power to the Judges and Registers; and I know of no objection to the measure, except that witnesses, knowing that their depositions were not to be recorded, might be even less scrupulous than they are in committing the crime of perjury; and the great responsibility which must necessarily attach to those Officers, and the dangers they would lie exposed to from complaints preferred against them under the present existing regulations of Government. They could then produce no written proceedings to exculpate themselves; and in a country where perjury is so general a crime that false witnesses are procurable at 4 annas each, their characters and prospects in life might be blasted without the possibility of refuting the calumny. I am of opinion that the discretionary power alluded to here should not be vested in the native Commissioners at all events.

6. Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding Sicca rupees—What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners, and of the Registers, should be extended, and to what degree would the general administration of justice in the district, subject to your jurisdiction, be expedited by the adoption of this arrangement?

6. I am of opinion that it would be advisable to extend the jurisdiction of the native Commissioners appointed under the 40th Regulation of 1793, to 100 rupees in suits for personal property, and to extend the jurisdiction of the Land Commissioner appointed under the 18th Regulation of 1797, to suits for landed property, the annual produce whereof, if Malguzary, shall not exceed 100 rupees, or if Lackeraji, 10 rupees per annum, all suits decided by them being still appealable; and I would recommend a different arrangement from the present for these tribunals, and have none but such as are or shall be established at the Sudder Station. The natives of this district are, in my opinion, both litigious and corrupt, and by the Commissioners Courts being held at a distance remote from the Judges, both these propensities have fuller operation; the litigious man finding litigation made easy, and a tribunal at his door, institutes a suit without any just ground, perhaps wholly unconnected with justice, and I believe he is frequently instigated to do so by means of the Commissioner before whom it is to be tried. I would recommend, that the jurisdiction of the Register be considerably extended; that causes for personal property, the amount or value of which shall not exceed 500 rupees, be made cognizable by him; and that his decisions in all suits of this nature, for sums not exceeding 200 rupees, be made final, whether referred to him for trial in the first instance by the Judge, or tried by him in appeal from decisions of native Commissioners. I would recommend that in all suits for landed property the annual produce of which, if Malguzary, shall not be above 500 rupees, or if Lakeraje, 50 per annum be made cognizable by the Register; that his decisions in suits for Malguzary land be made final, where the annual produce of such land shall not exceed 50 rupees

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rupees; and in suits for Lakeraje land, where the produce of the land shall not exceed five rupees per annum, the discretionary power now vested in the Judges by the 6th Section of the 8th Regulation of 1794, remaining still in force in all cases. It follows of course, that I conceive the Judge's jurisdiction should be extended as far as that of the Register; how much farther, it belongs to a higher tribunal to recommend; the general administration of justice, would, I think, be considerably expedited by these measures; and I do not conceive that the due administration of the laws would be endangered thereby, particularly as the junior part of the civil servants have now the great and important advantage of an education calculated to qualify them for the public duties to which they may be called. It may, perhaps, appear that I have recommended too great an extension of the register's power; in proposing that his decisions shall be made final in suits for landed property; but I think the adoption of this measure highly expedient as far as respects this particular district, though it should be made applicable to Chittagong alone, because the number of causes instituted in the Court for landed property, the annual produce of which exceeds not 50 rupees, is so many, that the power of appealing them considerably impedes the higher tribunals in their more important duties.

7. Has litigation been checked by the establishment of the fee paid to Government on the institution of suits—of the fees paid to the Vakeels—of the fees paid on exhibits,—in the Courts of Judicature—and of the Stamp Duties—Do you consider these several charges attending the institution of law suits to be too considerable, or otherwise?
7. Litigation has certainly been checked by the several fees alluded to in this interrogatory; and I think them neither too considerable, nor otherwise.
8. Do the fees paid to the licensed Vakeels on suits instituted or defended by them constitute a sufficient inducement to men of character, and of proper qualifications to undertake those situations—Are the Vakeels attached to your Court persons of the above-mentioned description; and are they, in general, well acquainted with the printed regulations?
8. The fees paid to the licensed Vakeels on suits instituted or defended by them in this Court, do not constitute a sufficient inducement to men of character, and proper qualifications, to undertake those situations; because the property sued for, in general, is small, the Vakeels attached to this Court are not men of the above-mentioned description, nor are they in general well acquainted with the printed regulations.
9. Has the establishment of licensed Vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court, the merits of the suits instituted?
9. The establishment of licensed Vakeels has contributed to expedite the decision of suits, by bringing them before the Court in a more regular manner; but I think it has tended to increase litigation, because they make their livelihood thereby.
10. Do the Vakeels in general discharge their duty to their clients with honour and fidelity?
10. I think they do all in their power to gain their clients cause, where the property sued for is considerable; but not in the smaller suits.
11. Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?
11. I do not think the principal inhabitants of this district are as well acquainted as individuals in general can be supposed to be informed of the laws of the country.
12. Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits without endangering the due administration of the laws?
12. I would recommend that only a petition of plaint and answer be received in civil suits; that the replication and rejoinder at present delivered in be not admitted; and that the Judge and Register be empowered to object to the parties summoning a greater number of witnesses than from the nature of their respective allegations appear requisite.
13. Have you in your Court Room any place allotted for the bench of the Judge, for the public Officers, for the parties or their Vakeels, for the witnesses, and for all persons who attend your Court, and what forms or ceremonies do you observe in opening your Court, or sitting in it?
13. I have a raised platform for the Judge's bench, on which is also a seat for the Molair or Pundit; and one for the Darogah of the Adawlut; in front of this is a table, with benches on each side, on which the other public Officers sit, and in front of this table stand the parties, their Vakeels, and the witness under examination, all other persons are kept at some distance from the bench by a rail. I observe no forms or ceremonies in opening my Court beyond causing the Nazir to call out with an audible voice the names of the parties whose cause is first for trial.
14. Are there any private Schools or Seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?
14. There is a Seminary in Islamabad, maintained by the heirs of Meerdhyan, agreeably to a sunnud which they hold; several young persons attend there for the benefit of instruction, but I fear few benefit by what they read or learn. Exclusive of this Seminary, many Mussulmans keep schoolmasters in their house, to teach the young part of their own and their neighbours families, to read and write.

15. What is your opinion regarding the general moral character of the inhabitants of your district—Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

15. Nothing can be worse, in my opinion, than the moral character of the inhabitants of this district; and I believe the inhabitants in general have become more depraved under the system established by the British Government. Instead of turning to fair advantage the laws and privileges enacted, and granted them by the English, their whole study has been, and is, how they shall avail themselves of these laws and privileges, either to exact more than they have a right to, or evade the payment of just dues, and to over-reach each other on every occasion.

16. Are you of opinion that the inhabitants in general of the district under your jurisdiction consider their rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

16. I am of opinion that the inhabitants consider their private rights and property secured against infringement, either by the executive officer of Government, or by individuals; but the many measurements of land which have been made in this district have, I believe, impressed them with an idea that they are not secure from infringement by the supreme executive authority.

17. Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation, and commerce, and its buildings or other works, for religious, domestic, or other purposes; and on what grounds do you form your opinion?

17. I am of opinion that this district is in a state of improvement, with respect to its population, cultivation, and commerce. I am led to think the population greater than formerly, from a knowledge that many persons have of late years emigrated into and settled in this district from other parts of the Dacca province, and from the Arracan country. The appearance of the country tells me that cultivation improves; and the number of vessels built and building at this port makes me conclude that the exports are greater than formerly, and commerce in a state of improvement. The buildings and other works are very few.

18. Are you of opinion that the inhabitants of the district, subject to your jurisdiction, are in general satisfied with the British Government?

18. I am of opinion that the inhabitants of this district are in general satisfied with the British Government.

19. Is the present system of police well calculated to ensure the apprehension of Offenders?

19. I think the present system of Police as well calculated to ensure the apprehension of offenders as any other that can be substituted in its place, the nature and disposition of the inhabitants considered.

20. Are the Police Establishments in the district subject to your jurisdiction adequate to the duties required of them?

20. I do not think they are; and I am of opinion that there should be double the number of Jannahs that are.

21. Are you of opinion that the number of crimes committed annually in the district under your jurisdiction has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

21. I believe that the number of crimes committed annually has diminished of late years. A review of the several calendars, exhibiting the commitments made, enables me to form this opinion; and I attribute the diminution to the Police being wholly under the Magistrate.

22. What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you recommend to be adopted for their suppression?

22. Perjury is the most prevalent crime, and the support and maintenance of every other, and I would recommend the punishment of Transportation as the means of suppressing it.

23. Do the inhabitants in general of the district under your jurisdiction keep arms in their houses; what description of arms do they retain; and for what purposes are the arms retained?

23. The inhabitants in general of this district do not keep arms in their houses.

24. Are there any brick or mud forts in your district—In what state are the forts, and what is the nature of their construction?

24. There are not any brick or mud forts in this district, at least there are not any that in my opinion deserve that appellation.

25. What proportion do the Hindoo bear to the Mahomedan inhabitants, in the district subject to your authority; and what do you suppose to be the number of inhabitants of your district of all descriptions?

25. The Hindoo inhabitants bear a proportion to the Mahomedans as six to ten, and the inhabitants of all descriptions may be in number about twelve lacks.

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26. What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction; what number of followers armed, or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?
26. There are not any persons of high rank or opulence in this district. The principal persons have a few dependants, but no armed followers whatever in their service.
27. Are there any persons in the district subject to your jurisdiction supposed to be disaffected to the British Government; what are their names, and to what means do you resort for superintending their conduct—Have these persons any influence in the division, and to what extent?
27. There is not at present any person in the district whom I suspect of being disaffected to the British Government. There was a man resident here some time ago, by name Pehla Ghazze, whom I suspected of being in the interest and pay of the Rajah of Arracan. In consequence of an affray which he got into at Ramoo, I required security from him in the sum of 500 Rupees, that he should not leave the town of Islamabad without my permission. He took opportunity when I was last in Calcutta to visit the frontier, contrary to this engagement; on my return I had him arrested, levied the amount of his recognizance, which he had forfeited, and put him under restraint again for fresh security. The envoys who lately arrived here from Arracan interceded in his behalf, without having been informed by any person belonging to me of the motives which influenced my conduct towards him; and I released him on his executing an engagement to evacuate the Province, and never return to it again. The envoys having interested themselves about him is some proof that I was not altogether mistaken in my conjectures respecting him.
28. Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?
28. I think it would strengthen the attachment of the natives to the British Government, were that Government to declare itself to be the sole source of honour within its territories, and confer titles and other marks of distinction on its native subjects; but it appears to me to involve the important question, whether the English shall declare themselves the sovereigns of the country.
29. What is the state of the roads, bridges, and other public works in the district under your authority; and at whose expense are they kept in repair?
29. The road leading from Islamabad to the Tenny is the principal, and may be considered the only road in the district, the few roads immediately about the town of Islamabad excepted. The Bridges on this road are all broke down, and cannot be repaired without considerable expense; in other respects the road is remarkably good as far as Meerkaseerie. The bridges of this road have been once repaired at the expense of Government since the Decennial settlement; and no troops can pass to or from this district in the rains until they shall be again repaired.
30. How are the convicts in the district usually employed—and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?
30. The convicts are but few, and they are mostly employed in keeping in repair the roads about the Town of Islamabad; and I know of no other way in which they can be employed, as they must always return to the jail by evening.
31. What is the state of the jail in your zillah?
31. The jail of this zillah is made of mats and bamboos, and is very insecure and bad.
32. What is your opinion of the expediency of granting to Zemindars, Farmers, and other persons of character in your Zillah, Commissions empowering them to act as Justices of the Peace—Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of Offenders—By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates, or farms of the persons to whom the Commissions might be granted, or otherwise.
32. Granting to Zemindars and Farmers, Commissions empowering them to act as Justices of the Peace, is no doubt, admirably well calculated in theory for the suppression of crimes, and to facilitate the apprehension of Offenders; and it would, I think, be attended in some measure with these good effects; but I am satisfied that it would be very much abused. The Zemindars would on every occasion hold up in terrorum this authority to extort money; and exercise such oppressions as would more than counterbalance the good resulting from such a measure.
33. Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?
33. I would recommend transportation as the punishment of perjury.
34. What has been the operation of the last regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness—Are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered the vice

vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

34. The last regulation respecting the tax on spirituous liquors has, I believe, had the desired operation in the cities, and in many zillahs; but in this district there never was much liquor manufactured, nor is the vice of drunkenness prevalent.

35. Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

35. The rigorous measure recommended by me in my answer to the 33d interrogatory, severe as it may appear, is the only one that occurs to me, as calculated to regulate the moral conduct of the Natives of this district; and I believe ages must pass away before this or any other will be found effectual.

36. In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead?

36. I am of opinion that it has had some, though but little, good effect.

37. What has been the operation of the punishment of transportation introduced by the British Government?

37. The punishment of transportation has had a very good effect; and I am not sure that the natives do not dread it as much as death.

38. Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity—And what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

38. I am of opinion that the alterations of the Mahomedan law made by the British Government are highly calculated to ensure the administration of the original law, on principles of lenity and justice; and I believe that the operation of the spirit in which the law is administered is such as gives general satisfaction to the people we govern; but were it further modelled wherein it respects the crime of perjury, I think such alteration would be attended with beneficial consequences.

39. What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction?

39. They have conducted themselves heretofore, in general, with great propriety, and much to my satisfaction.

40. What is the general condition of the weavers and other manufacturers in your jurisdiction—Are the existing laws and regulations well calculated for ensuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants; and also for enabling the Officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

40. The weavers and other manufacturers are poor; the existing laws are, in themselves, I think, well calculated for ensuring justice, and the punctual performance of reciprocal engagements between the manufacturers and their employers; but, in some districts, and particularly in this, the latter class suffer from the delays of the law.

L. Molony, Judge and Magistrate.

(Copy)—To GEORGE DOWDESWELL, Esq. Secretary to the Judicial Department, Fort William.

Sir,

I BEG leave to transmit my replies as required in your Letter of the 29th October last.

Called upon to answer Interrogatories so connected with the welfare of the inhabitants of these Provinces, and containing matter which embraces so large a field of inquiry, it is with real diffidence I proceed in the performance of this important duty; but, I hope my zeal to meet the wishes of Government, and the sincerity which guides my pen, will avail in excuse for my imperfections.

INTERROGATORIES;—I. What is the number of causes now depending before you, before your Register, and before the Native Commissioners?

ANSWER:—1. Before the Judge :				Before the Register :					
In appeal	-	-	-	109	In appeal	-	-	-	51
Regular causes	-	-	-	181	Regular causes	-	-	-	764
Regulation 7th of 1799	-	-	-	451					
- D ^o - 49th of 1793	-	-	-	124					
				955					815
					Before the Native Commissioners :				
					Regular causes	-	-	-	1,452

2. What

No. 1.
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 JUDGES.
 Dacca Division.
 Dacca Jelalpoore,
 28 July 1802.

2. What proportion does the number of causes now depending before the three Tribunals of the Judge, the Register, and the Native Commissioners, bear to the number of causes usually depending during the several years commencing from the years 1793 to the present period?
2. In answer to this article, I subjoin No. 1, Appendix, a statement of the causes standing upon file of each year, from 1793, the number decided, and the amount of those instituted in each year, observing that in the year 1797, the division of the Zelah took place, which separated Backergunge and its present dependencies from this jurisdiction.
3. What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?
- | | | | | | | | |
|--|---|---|---|--------------|---|---|-----|
| 3. Decided by the Judge in the year 1801 | - | - | - | Total causes | - | - | 258 |
| Decided by the Register in the year 1801 | - | - | - | Total causes | - | - | 683 |
| Decided by the native Commissioners in the year 1801 | | | | Total causes | - | - | 678 |
4. What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the Native Commissioners; and what is the reason that the number of causes depending before those Tribunals respectively is not reduced as low as you think it might be reduced?
4. To this interrogatory I cannot give a positive definite answer, but, from the average of the last three years, should suppose that the aggregate of causes pending annually before the three Tribunals cannot be less than 1,650.
- The influx of summary causes under the 7th regulation of 1799, and 49th of 1793, must ever prevent the reduction alluded to.
5. Are you prepared to suggest the establishment of any rules which (consistently with a due administration of the laws) would expedite the decision of suits?—Are you of opinion that this object would be in any degree promoted by leaving it optional in the different Tribunals, to commit the depositions of witnesses in causes not appealable to writing, or not, as the Judges might think proper?
5. I am of opinion, that no measure would contribute to expedite the decision of suits, (consistently with the due administration of the laws) more than the separation of the offices of Judge and Magistrate; the attention of the Judge being confined to one department, he would be enabled to do the business of two zelahs if required, with the assistance of an able Register, while the Magistrate, unembarrassed by civil causes, could give his whole attention to the police of the country.
- I do not think that the object would be much promoted by leaving it optional in the different Tribunals to commit the depositions of witnesses in causes not appealable to a higher Tribunal, to writing or not, as the Judge might think proper. I think such permission, might be liable to many objections, from the universal corruption of all ranks of natives.
6. Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding Sicca rupees 200—What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice in the district, subject to your jurisdiction, be expedited by the adoption of this arrangement?
6. I do not think it advisable to extend the jurisdiction of Native Commissioners beyond its present limits, from the known proneness of the natives to abuse the trust committed to them (at least with regard to this district). I should not consider it as safe; but I see no objection in extending that of the Register to 500 Rupees, and conceive it would much contribute to expedite the general administration of justice.
7. Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law suits to be too considerable, or otherwise?
7. I do not consider litigation to have been checked on account of the expenses attending the institution of suits; the number of those who sue as paupers has alone been increased, and those only have been restrained whom the shame and dread of appearing as paupers before a Court, and taking the required oaths, has deterred. The natives consider the tribunals of appeal as an encouragement to litigation, since the appeal suspends the execution of the decree appealed against. Thus entrenched behind the law, wealthy and litigious defendants contend from tribunal to tribunal: if for a landed estate, when they are arrived at their last resource, they withhold the revenues till it is sold by the collector, and then purchase it again themselves under another name.
- If the suits be for money, after the defendant has fought through all the tribunals and has no other chance left, he defeats the operation of the last decree by a fraudulent conveyance of his property, the proving of which will require a new and intricate investigation. The imprisonment of his person he considers as nothing; on the contrary, he converts it to the purpose of adding to the plaintiff's perplexity, by making him pay for his maintenance. I consider the charges too considerable; at all events they ought not to be increased.
8. Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the vakeels attached to your Court persons of

of the above-mentioned description, and are they in general well acquainted with the printed Regulations?

8. The emoluments of a licensed vakeel depend upon his reputation for abilities, fidelity, and exertion; possessing those qualifications, the earnings of a vakeel are very respectable, and he may rise to eminence in his profession; the office is held in respect. The vakeels of this Court are men of abilities, and are in general well acquainted with the printed Regulations.

9. Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court, the merits of the suits instituted?

9. I do not think that the end proposed has been so completely obtained as could be wished; the imperfect mode in which instructions are given to the vakeels, is one reason a native considers a fair and clear statement of his case, as furnishing his adversary with arms against himself; hence every thing is brought forward piece-meal, and contributes to lengthen the cause, and render the matter intricate; the vakeels themselves are not exempt from this mistaken policy, as their reputation for abilities depends upon the ideas the natives have of their address.

10. Do the vakeels in general discharge their duty to their clients with honour and fidelity?

10. I have not seen any reason to suppose any of the vakeels of this Court deficient in fidelity to their clients.

11. Are the principal inhabitants of your jurisdiction, as well acquainted as individuals in general can be supposed to be informed, of the laws of the country?

11. The zemindars are, for the far greater part, puppets in the hands of their agents; uninformed either with respect to the Regulations or their own affairs; but the class of gomastahs, &c. and the natives in general, are sufficiently acquainted with the Regulations to render them subservient to their purposes, to convert that to poison which was intended to heal, and to make the law a stalking horse for the purposes of fraud and oppression.

12. Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

12. I see no necessity to alter the forms established for the trial of civil suits.

13. Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

13. The Court-room is adapted for all the purposes mentioned in this article; no particular forms or ceremonies are observed in opening the Court, or sitting in it; adjournments are notified by proclamation, and the resumption of business after a recess, is previously advertised; places are appropriated to the officers of the Court, the vakeels and witness upon a raised platform; the rest of the catchery is allotted to all others who choose to attend.

14. Are there any private schools or seminaries, in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

14. The idea of a school where the expenses are defrayed by the contribution of the scholars, as in European schools, is totally unknown here; but in general, where it is not a public endowed foundation, the master maintains the scholar; hence the answers from the natives upon this subject universally state, that there is no such choapary for the Hindoos, where the shaster might be taught in the whole zelah, that some private Bramins maintain and teach a few scholars the sciences of grammar and syntax at their own expense. The answers from the Mahomedans with regard to madressas, are nearly the same; people who can afford it, keep a mollah in their house to instruct their children; but in the case of there being only one person in a country village who may have learned to read, the neighbours subscribe one or two annas each for the maintenance of the man, and to retain him as an instructor for the children of the village. All schools and seminaries formerly were endowments either royal or private, where the scholars are boarded, clothed and maintained; of this description there are none in this zelah.

15. What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

15. I have already expressed my opinion of the general character of the inhabitants, in my Report on the Police, transmitted to the President and Members of the Police Committee, on the 30th August 1799, and have detailed what I conceive to be the causes of that depravity. I beg leave, therefore, in answer to this part of the interrogation, to subjoin an extract, Appendix, No. 2. "I am not of opinion that hitherto the system established by the British Government has had any perceptible effect upon the morals of the inhabitants,

No. 1.

Answers by the
JUDGES.

Dacca Division.

Dacca Jelalpore,
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Dacca, Jelalpoore,
28 July 1802

which may arise from the difficulty of fitting those laws to a people blinded by prejudice and enslaved by custom, and with whom low cunning, artifice and intrigue, hold the place of merit, genius and ability."

16. Are you of opinion that the inhabitants in general, of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country, against infringement either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

16. Those who themselves frequent the Courts of Justice, or by their connections with those who do, and are enabled to form a judgment of the principles upon which the Regulations are framed, acknowledge the security of the private rights and property; those who have not that intercourse (which is the greater mass of people) still entertain their old jealousies and prejudices, nor will it be easy to inspire them with confidence in that security, which the institutions of the Government are intended to afford, as they have no idea of power but what is absolute and arbitrary, and under the notion, consider the Regulations of the Government as temporary only, liable to be rescinded and altered at pleasure by the same authority which enacted them; it must require a long experience to change those sentiments: the idea of a supreme executive authority prescribing laws and limits for itself, is not easily conceived by them.

17. Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings or other works for religious, domestic, or other purposes; and on what grounds do you form your opinion?

17. When I look back to the effect of the famine of 1787, I cannot but conclude that the district is in a state of improvement, with respect to cultivation and population. With regard to commerce, the war had had a fatal effect upon it, and the misconstruction of the Regulations for collecting the town duties and government customs, seems to prevent its rising again from its state of depression.

With regard to building, or other works, religious or domestic, there is no perceptible improvement, or otherwise. There are however large tracts of this zelah which still shew the effects of the above-mentioned famine. Bowal, Cassimpore, and Taleebabad, from the vast depopulation occasioned by the scourge, are overrun with jungle, and annoyed by elephants and other wild beasts, that they have become almost deserts; and without the erection of kiddahs, I do not see a prospect of rendering the cultivation safe or secure, particularly in Bowal.

A country so intersected as this, and of which the soil for the greatest part is a light sandy earth, must be subject to changes arising from the alteration of the courses of the great rivers; great tracts are either gradually encroached upon, or suddenly carried away, and others covered with sand, which renders them, for a time unfit for cultivation. These are events which human prudence can neither prevent nor elude.

Extensive plains of the most fertile soil are thrown up in other places; but a law is necessary to define the nature of claims to new formed soil, and to regulate the assessment of the revenues thereof.

This will ensure many individuals from ruin, put a stop to armed affrays, and preserve the revenues of the state from diminution; for the proprietor or possessor of a new raised cher is not at present assessed in proportion to its increase; every addition to it is so much clear gain; hence they are, a continued bone of contention. The proprietor of lands carried away by the rivers, on the other hand, is generally ruined, and the revenue of such land stands as a balance in the books of the collector.

18. Are you of opinion, that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

18. The mass of raiatts are satisfied in as much as they are not exposed to the outrages to which they were formerly subject, in the collection of the revenues, nor to the depredations of those hords of Saniaissies and Fakeers, which used to overrun the country. The Hindoos in particular are satisfied, on account of the security of their religious prejudices from molestation. But the zemindars, &c. consider the rigid exaction of interest from the first day of the ensuing month, a hardship, as it does not allow for the time which must necessarily elapse in bringing the remittance from the moffussul, the subsequent shroffing of it, and the final payment of the same into the treasury, although clause the 2d of the 23d section of Regulation VII. 1799, refers to the 3d section of Regulation the XIV. 1793, which allows for such time; they conceive it a hardship to be obliged to pay interest for that time which the regulation deems necessary to convey the revenue to the public treasury.

The humanity of Government has abolished the former mode of collecting the revenue, and substituted the sale of the defaulter's estate; but the natives consider these sales as a political manœuvre to crush the influence of the zemindars and considerable landholders; that while Government is thus exact in enforcing the payment of its own rights, the hands of the landholder are tied, with respect to his raiatts and under-tenants; that his authority over them has been annihilated, that his difficulties are increased in the collection of his rents. How far these are real or imaginary hardships, or whether they arise from improvidence in the landholders themselves, and the jealousy and want of confidence of the raiatts, I shall not take upon me to determine; certain it is; that the difficulty of collecting from the

the riatts, will be in proportion to their apprehension of the rapacity of the landholder. If punctuality in their payments subjects them to an increase in the demand against them, they will naturally endeavour to withhold their just revenue. A Bengally considers only the present hour, he is improvident of the future, and the most of the landholders are mere puppets in the hands of rapacious and unprincipled gomastahs; it is no wonder that they find themselves involved in difficulties from which they are unable to extricate themselves, and that their estates are sold; but they impute their ruin to the strictness and punctuality of Government in the exaction of its revenue.

An arrear becoming due from an estate under temporary attachment by officers on the part of Government, is sold, or part of it, to liquidate that arrear, which possibly might have been occasioned by the embezzlement of the tasildar or sesawal, whose unexamined accounts are the vouchers on the faith of which the sale is made. It is probable that these sales of a zemindar's lands, for balance accruing during the time of the tasildar's management and collections, may have been owing to a mis-use of the words sesawal, which is employed here in a sense different from its usual acceptation. It is here confounded with the office of coork tasildar: it is of importance to point out the distinction.

The appointment of a sesawal does not deprive the zemindar of responsibility, because it is not the duty of the sesawal to take the management out of the hands of the zemindar: the zemindar and his own people make the collections, but the sesawal is to take care that the revenues are not dissipated or embezzled, but duly brought to the public treasury.

The coork tasildar on the contrary completely supercedes the zemindar in the management, and the collections are made by himself and officers of his own appointment; of course the zemindar can in no sense be considered as responsible for arrears accruing under the management of another person. But a coork fasildar is here termed a sesawal, and the Board of Revenue, not being aware of this local error, may have been led by it to consider the zemindar as responsible, when in fact he had been totally dispossessed and superceded in the management of his estate. If this mistake had been sooner discovered, many sales would probably not have taken place. I was not myself aware of it till the course of the zemindars of Scrampore against Mr. Armstrong, was brought before this Court; when I found that not only the usage of the country, but the usual official style of the collector's catcherry, indiscriminately called an officer deputed by the collector, sesawal, whether sent to attach an estate in toto, or only to preserve the revenue from being dissipated or embezzled by the zemindar.

With respect to purchasers at public sales, from the intricacy and confusion in all revenue matters in this district, they find themselves likewise in an awkward predicament; sometimes the sale is undefined. The name of a Marshal with the word ogheca annexed, without particulars; the Judge when called upon to put him in possession of his purchase, is perfectly at a loss what to do he cannot give a general undefined order, the collector cannot from his office furnish the particulars, the purchaser is unable to get possession, and in the mean time is obliged to pay the revenues of his purchase, which if he fail to do, it is put up to sale and he finds himself ruined; sometimes when the purchase is of a share of an estate belonging to one proprietor, for arrears due from another, the man conceiving himself injured, refuses to deliver his share of the estate up to the purchaser, and resists the process, which is a source of vexation to the purchaser and trouble to the Judge; the principal of such a sale is, that every part of an undivided estate, even if purchased at a Government sale, is liable to be sold for any deficiency in the revenues due from the whole joint estate, for such it is considered if registered under one head at the Sudder Office; but it is often the case that the division in the mofussal is complete and distinct, and that the sharers pay respectively the revenue of their shares separately to the native zeladars, and receive separate receipts for their respective payments. They conceive that the Collector might have been able to discriminate by the accounts of the native zeladars, and by the receipts in their possession, who was the real defaulter.

But the business of this zillah is in the extreme multifarious and intricate; it consists for the far greater part of small talooks, divided and subdivided into almost endless distinctions; to be master of the clue of this labyrinth no collector can expect; he must depend upon his officers, let his abilities or exertions be ever so great. These people find it their interest to render the intricacy more impenetrable; they alone are masters of the detail; the making out the lots for sale, important as it is, must therefore depend upon them, and it is probable that most of the confusion is owing to this circumstance.

Sometimes the lands of a talookdar (a real proprietor of the soil) are sold in satisfaction of arrears due from his zemindar, because it had not been separated from the zemindary notwithstanding his applications for that purpose, and he is reduced to the necessity of purchasing his own property, or is completely ruined. Till the actual separation, which may be delayed by many accidental circumstances, it is considered as part of the property of the zemindar. In all these cases, the distant prospect of redress by a decision in a Court of Justice, is in their minds a poor satisfaction. Some regulation is, in my opinion, absolutely necessary to obviate this confusion. Exclusive of the injustice to individuals, I much question whether it is not detrimental to the revenue of Government in a great degree, by the perplexity it introduces into the system, and the diminution it occasions in the value of landed property from the idea the natives imbibe, of the insecurity of it. A sale may be reversed by the sentence of a Court of Justice, and exclusive of the vexation and disappointment of the purchaser, the ultimate loss resulting from these irregularities, must eventually fall upon the Government.

I have not mentioned yet the intricacy and confusion occasioned by local circumstances, and the tricks of the zemindars.

No. 1.

Answers by the
JUDGES,

Dacca Division,

Dacca Jolapora,
28 July 1802,

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 Dacca Division.
 Dacca Jhalpore,
 28 July 1862.

It was formerly a custom for people who were possessed of rent-free lands, to obtain the protection of a great zemindar, to enroll their names as talookdars, or the name of one of their ancestors at a small jumma. It appears in the zemindarry accounts, the talook of such a one without any description of situation, the zemindar knows no more of the talook than the above-mentioned jumma, which they call here tuckmeena jumma; there is not a foot of land however belonging to the nominal talookdar in the whole zemindarry, but as it stands in the accounts of the zemindar, it is liable to be sold as his property, and the purchaser finds he has purchased nothing but the right of paying the assessment as it stands in the books of the zemindar.

A zemindar finds in the separation of talooks from his zemindarry, an opportunity of lessening the public demand against his own neez talooks, either by overcharging the talooks to be separated from him in proportion to that diminution, or in occasioning separations to be made of nominal talooks, the revenues of which are paid for two or three years by an ideal talookdar: payment at length is stopped, and the supposed talook is put up to sale, without the collector or purchasers being able to discover the property sold. In a case of this kind, the zemindar, from whom the separation was made, ought either to be obliged to point out and ascertain the property or be made answerable for the arrears of revenue.

In the case of over-charged rents of actual talookdars, many persons have thrown up their rights, not being able to answer the demand; their talooks are sold with its overrated assessment, and the purchaser, not finding assets to enable him to discharge the revenue, falls in arrears, and the estate is sold again, decreasing in price at each sale. The intrigues of the officers employed in the collection have often occasioned great confusion in the management of the revenues, and too often serious loss to individuals; the address with which these are carried on requires great experience in the collector to detect; for it generally happens that the whole of his amlak are closely united to deceive him. If the collector sees only his own people, and shuts his door against a liberal communication with respectable natives, from whom he might derive information and instruction, he must never hope to be undeceived.

The natives represent that plausible but vexatious delays in receiving the money into the public treasury are often invented, till a *douceur* softens the officers concerned, into compliance, and the money before objected to, is received without further objection; that if the *douceur* is not forthcoming, the party is represented to the collector as a defaulter, and his lands are advertized for sale; that by mistaking the sense and intention of the 2d section of Regulation I. 1801, a fine is exacted, together with the interest, although by the Regulation, the option rests only with the Board of Revenue in certain cases specified in the Regulation.

The natives complain loudly of the system of collecting the town duties and Government customs; they assert that trade has been destroyed, and the prices of all articles, whether taxable or not, have risen enormously. The reasons assigned by the natives for this latter effect are, that articles taxable are detained for several days at the *moffussul ghauts*, under pretence of searching for concealed articles. The expenses attending these detentions are added to the price, and as these restraints contribute to lessen the importation, the price will of course be further enhanced, in proportion to the scarcity of the article.

They represent, that before the collector of the town duties and Government customs took place, the choke of the city thronged with inferior *delolls*, who sold cloths of all sorts for the weavers at a fixed brokerage, from which they derived a subsistence; that the amount of cloths thus sold could not be estimated at less than thirty or forty thousand rupees per month.

That this trade is completely destroyed; that most traders of small capitals are ruined.

At *Nolucky Hant* in the *pergunnah* of *Bowal*, was holden for nine days an annual fair, where the weavers used to assemble to purchase their annual stock of trade. The business carried on there was never less than three lacks of rupees, but this year the weavers have returned without being able to purchase any thread or any article whatever. According to the Regulation, the articles were not taxable in that stage, being brought from within the line of *chokies*: this great desertion the natives attribute to the dread which the *chupprassies* and native officers of customs excite; that these seem to consider every change of proprietor as subjecting the article to a new tax. That the line of *chokies* referred to in the Regulation, is not defined; that the *shabhander chokies* were not stationed upon the principle expressed in the Regulations, of a boundary line to the authority of the collector, but at principal and populous *gunjes*, without regard to situation; that of course no application of the principle of the Regulation to the present situation of *chokies*, can be made; that this circumstance creates great confusion and uncertainty. The extent and limits therefore of the collector's jurisdiction ought to be settled and defined, in order to ascertain the line of the *chokies* referred to in the Regulation.

That as the Regulations do not state any precise quantity of an article which might be exempted from the tax, the *peons* of the *ghauts* arrest every thing, let the quantity be ever so small, or article ever so trifling; they contend that some distinction ought to be expressly made between the purchaser for private use, and the trader; that this falls particularly heavy on the poor, subjecting them by the detention, to an expense perhaps exceeding the value of the article.

A sufficient number of copies of the Regulation has not been dispersed, for the generality of the people to know what is or is not the order of Government; and the style of the Regulations, although legally accurate, becomes in the translations, difficult to be comprehended by the mass of people who are to be affected by its operations: references to clauses and sections of Regulations of former dates, bewilder and perplex those who have not made themselves masters of, or have not been able to procure, the Regulations referred to.

They

They complain of another cause of delay, that there are only two Jachendars in the custom house; that the valuation of all kinds of articles, whether of produce or manufacture, depends upon these men; that of course it must be liable to practices which may injure the private individual, or materially affect the public revenue, either by extortion, or over-rating in one case, or conniving at an under-valuation in the other.

I have not mentioned the insolence of chapprassees, because it is the natural consequence of arming low natives with authority.

The higher ranks of natives feel their prejudices hurt at the equality which they suppose our Government to have introduced amongst the lower orders, by giving them a consequence in the scale of humanity, to which neither their birth nor cast had entitled them.

Whether all these real or supposed causes of dissatisfaction exist or not, it is of consequence to the Government to know, and guard against the probability of them.

A small acquaintance with the character of the natives will be sufficient to prove the possibility of the abuses complained against.

19. Is the present system of Police well calculated to ensure the apprehension of offenders?

19. I do not think the present system of Police well calculated to ensure the apprehension of offenders.

The tannahs are much too expensive; some are in extent equal to, if not larger, than a great county in England. What can a tannadar effect with ten men, in such an extent, and where the zemindars are in habits universally of protecting and concealing robbers.

20. Are the Police Establishments in the district subject to your jurisdiction adequate to the duties required of them?

20. I think the tannahs are too extensive, and of course too few in the zillah to effect the purposes for which they were intended; besides that the different surrounding zillahs are so intermixed, that there are many places included in the zillahs of Mymensing, Tipperah, Jessore, and Rajshahy, which are in the heart of this zillah; and many places included in this zillah situated in the midst of those four zillahs, at a great distance from the catchery of the tannah, to which, according to this arrangement, they belong. As it would cause great confusion and expense to the proprietor of those places, if the revenues thereof were ordered to be paid in and annexed to the zillah in which they are situated, they might, with respect to the payment of their revenues, be continued as they are; but with respect to the operation of the Dewanny and Foujdarry authority, I would advise that the several zillahs be limited by certain known boundaries; and places within those boundaries should be considered and declared as amenable to the court of the zillah in which they are situated, notwithstanding the payment of the revenues in any other zillahs.

In order to explain the inconvenience which proprietors of these insulated places would experience, if their revenues were to be annexed to the zillahs in which they are situated, it is necessary to observe, that these places are parts of zemindaries belonging to proprietors, who reside in, and are amenable to the zillah where the principal part of their estate are situated, they would therefore have as many new sets of amlah to pay as there were zillahs to which these detached parts were annexed; and probably the expense of those amlah would equal, if not exceed, the produce of the villages to which they appertained. It is not so with respect to the operations of the Dewanny and Foujdarry Courts; and the advantage in the Foujdarry is obvious, as it would prevent these detached places from becoming receptacles and retreats for decoits.

I would confine the duties of tannadars to objects of enormity, and totally preclude them from interfering in petty disputes, and litigious squabbles, as they are more prone to give their time and attention to what may afford a prospect of private though illegal advantage, than to exert themselves in the most important duties of their office; the facility of these appeals in trifling matters, encourages a spirit of opposition highly detrimental to the peace of the district, and affords a ready and constant means of oppression, under the appearance of law. Besides, the burkondasses of the tannah are dispersed in serving these processes when their united service is required for more important objects.

21. Are you of opinion that the number of crimes committed annually in the district under your jurisdiction has increased or diminished since the year 1793, and to what cause do you ascribe the increase or diminution?

21. Gang-robbery and piracy have certainly much diminished in this zillah since the year 1793, owing to the seizure of so many surdars; but above all to the confinement of a knot of goindas, who reared and protected large gangs of dekoys, and who acted as spies upon the measures of the Magistrates. Other crimes seem neither to have diminished nor increased, except the heinous crime of perjury, which, I am sorry to say, has considerably increased, and seems increasing.

22. What crimes of enormity are most prevalent in the district under your authority, what is the cause of the prevalence of such crimes, and what are the means you would recommend to be adopted, for their suppression?

22. From an inspection of the various calendars and the Foujdarry File, it appears that the most frequent and prevalent crimes of enormity are robbery, murder, theft, perjury and armed affrays, the concealing encroachment of zemindars and other landholders, and the collusion of the professional goindas or informers, who like Jonathan Wild, excite gang-robbery, conceal the principals, and derive maintenance from the contributions which they levy from the gangs with whom they are connected; the general timidity of the native, which facilitates robbery, and the total want of early education in principles of morality, and

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23 July 1802.

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28 July 1802.

the restriction of the passions, these I suspect to be the principal causes of the prevalence of these crimes. I had drawn up a regulation with a view to their suppression, and therefore beg leave to annex it as my answer to the last part of this paragraph.

23. Do the inhabitants, in general, of the district subject to your jurisdiction, keep arms in their houses; what description of arms do they retain, and for what purposes are the arms retained?

23. Tulwars, shields, pikes, and matchlocks, are the most general arms used in this district; the long spear, called the roybauns, and the ramdaw, a long weapon in the shape of a billhook, are most generally found amongst decoits; those who have any property to defend, have sometimes a burkundass or two, or some archers.

Zemindars who are engaged in disputes for land, hire arms occasionally, but seldom keep them in their houses, except a few spears; yet there have been instances of old jinjane pieces, used by them in their affrays, but that very seldom.

24. Are there any brick or mud forts in your district, in what state are the forts, and what is the nature of their construction?

24. To preserve the city of Dacca from the depredations of the Mughls, forts were erected in places deemed proper for the purpose. I shall confine myself to those situated in this zelah.

1. Idrackpore, built of strong brick masonry, and still entire, a little to the south-east of Feringhy-Bazar; its form and dimensions are shown in the accompanying plan, done by a native from actual measurement, No. 3, Appendix.

2. Sonacandha, entire, but would require some repairs, opposite Narraingunge on the eastern bank of the Luckea; vide plan, No. 4, Appendix.

3. Hajygunge, on the western bank of the Luckea. The plan, No. 5, Appendix, shows its form, and where it is decayed, this has a communication with

4. The Fort of Dappa or Futteesollah, at the mouth of the Boorcegunga, vide No. 6, Appendix.

There was a fort opposite to this, but it has been carried away by the river.

At Tannah Feroseuaggur, was a mud fort, which has been destroyed by the river.

There is another fort, but overrun with thick jungle at Siripoor, the Chiddypoor of the map. The Caligunga having become the main stream of the Ganges, it is probable this fort will not long be in existence.

25. What proportion do the Hindoos bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

25. From conversations with the best informed natives, whose experience in the affairs of this district is unimpeachable, I am given to understand, that the portion of Hindoos may be estimated at 10/16 to 6/16 Mahomedan inhabitants.

From the same authority, I am taught to suppose the population of this district may be estimated at more than 1,200,000 souls of all descriptions.

Nor do I think the calculation exaggerated, when it is considered, that according to the books of the collector, there are,

Huzzooru Talookdars	-	-	-	-	-	-	12,577
Dependent Talooks, by estimate	-	-	-	-	-	-	3,000
Total							15,577

Whole Mouzahs	-	-	-	-	-	-	5,000
Kismut, or divisions of Mouzahs	-	-	-	-	-	-	17,000

Total - - 22,000

Now allowing what is rather within the mark, an average of 200 inhabitants to each Mouzah, and 20 the average of each Kismut, it will produce a population of 1,340,000 souls. No accurate account can be expected from the landholders themselves, as they are jealous of the views and intentions of Government. In the above statement I have not taken into account the inhabitants of the rent-free mahals.

26. What are the names of the persons possessing the highest rank, and the greatest opulence in the district, subject to your jurisdiction, what number of followers armed, or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers armed?

26. From the separation of talooks from zemindaries, and the sale of lands to liquidate the arrears of revenue, the property of those zemindars who were formerly of weight and consequence in this district, has been dissipated and dispersed amongst new proprietors; so that there are hardly any who can be described as having greater influence than others. There are no great zemindaries in this zillah; Noroolapore, a fragment of Rajeshahy, is now one of the most considerable, the joint purchasers of which are Molovy Burkuttullah and Hunykissen Roy. Bowal, for extent, if in full cultivation, would be by far the most considerable zemindary in this zillah, but the desolation occasioned by the famine in 1787, and the depredations of the wild elephants, prevent it from recovering its former state of cultivation, it therefore now ranks almost as inconsiderable. This estate has fallen to minors, who are mere children.

Meer Ashruff Ally has but a small part in this district, but being on the part of his wife a sharer of one half of the zemindary of Buldcaul, may be considered amongst the most considerable men, but as he resides either in Buldcaul, or the city of Dacca, and not in this district, the magistrates of those places are best able to speak respecting his followers, or whether they are armed or not.

Meer Hussein, a gentleman of great respectability, is a proprietor of a talook in this zillah, but as his means are not very large, I do not suppose that he retains more followers than what he deems absolutely necessary to deter robbers from attacking his property.

The zemindary of Bykuntpore may be reckoned amongst the considerable estates, compared with the innumerable small talooks into which this zillah is divided; it is held by the widow of Lalla Kirtnarain, and Subnarain the brother, and Luckykunt the nephew; the two latter are now in confinement under sentence of the Court of Circuit for an affray with the people of the widow above mentioned, in which one person was killed on the one side, and two on the other; the retainers of each party were about 100 or 200 in this affray, and a few burkandoss only occasionally hired, or at least the greatest part of them.

I have now mentioned the most considerable persons and estates in this district, but the greatest part of it consists in small talooks; nor, in fact, is there any person who has such power or influence in this district as to be deemed worthy the attention of Government.

27. Are there any persons in the district subject to your authority supposed to be disaffected to the British Government; what are their names; and to what means do you resort for superintending their conduct—Have these persons any influence in the district, and to what extent?

27. I have not heard of any person openly disaffected to the British Government, but it is natural for those who by their birth or influence were entitled to or actually possessed situations of dignity and emolument, to feel their reversed circumstances, and to regret the change of Government which has occasioned them.

28. Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

28. From my knowledge of the dispositions of the natives, and of their fondness for distinction and honours, I think the measure alluded to in this paragraph would be highly acceptable to them, if due attention is paid to the selection of the parties; but it should be ever remembered, that honours under the old Government were not mere forms; some office of dignity and emolument was always attached to a title, and that the honour was personal, never hereditary, and liable to forfeiture for conduct contrary to that which had procured them the distinction.

29. What is the state of the roads, bridges, and other public works in the district under your authority, and at whose expense are they kept in repair?

29. *Roads.*—The greatest part of this district in the rainy season exhibits an immense lake, in which the villages, raised on artificial embankments, appear like scattered islands. It is likewise intersected in many places by rapid and formidable rivers, constantly varying the face of the country, either by sudden or gradual changes of their course.

To make a road from Hajy Gunge to Dacca would require in the plains between the rivers, causeways of the height of six or eight cubits, and in some places twelve or fifteen cubits, with proportional breadth and solidity to resist the action of the large waves, which in this intended surface a moderate wind is able to raise.

The Ganges has lately changed the course of its main stream, which has broken a passage above Jaffer Gunge through Guz-ghotta into the Dulasery. At a place near Mustool it meets with the Jermoi, which from being a small Nulla in the time of Major Rennel, is now become a principal branch of the Brama-pootra.

A road might be made from Tunghy to Mymensing and another by repairing the bridges from Dacca to the fort of Hajy Gunge on the Luckeah. From Cuddum Russool on the eastern bank of the Luckeah, a road might be formed to the banks of the Megna, with two rivers to cross, but at present there is no high road in this Zillah, and in fact almost all jounies are performed in boats.

Bridges.—The bridges in this district were erected to keep up the communication of the city with the forts intended for defence against the attacks of the Mughs.

First is the Dooloy bridge, in the City of Dacca, in ruins, the large masses lying in the bed of the river like rocks.

2d.—The bridge of Post Golah, the boundary of the city eastward, it is of strong brickwork, and although the buttresses at each end, which were in the form of Minarets, are decayed, the bridge is yet strong and passable.

3d.—Saumpore bridge, of strong brickwork, broken at the eastern end, and although the rest is perfect, it is rendered impassable, as the water which broke down that part has formed a deep channel across the end of the bridge.

4th.—Paugla Pool, formerly of strong pucka work, but now overgrown with the pepal tree, and is split and overthrown, in all directions and totally impassable.

5th.—Peetawalle

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5th.—Peetawalle ke Pool, the pier heads at each end destroyed, and the bridge impassable; it was of strong brick masonry; this completed the communication of Dacca with the fort of Daupna at the eastern entrance of the Boory Gunga.

There is likewise a bridge of brick masonry over the Meergunge Nulla in good repair.

And at Abdullapore there is another bridge of strong brickwork, and passable, although a little decayed at one end.

Public Works.—These consist of Musjeds and Mundirs, or Hindoo temples. Considering the extent of country included in the zelah, these are thinly scattered.

Those of any antiquity are in general deserted and in ruins; those of modern date are in general in good repair.

30. How are the convicts in the district usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

30. The convicts of the zelah jail are employed under the orders of the city Magistrate in repairing the roads about Dacca, and in any other public works.

I do not at present see how they can be more preferably employed.

31. What is the state of the jail in your zillah?

31. There is no regular jail for this zelah; the Magistrate has ever been under the necessity of hiring private houses to serve as such; of course they cannot be expected to be calculated for the purpose in every respect; the buildings are tolerably large, and surrounded with high walls, but not sufficiently large to accommodate the number of prisoners which upon an average is always to be found in them; they are supplied with water by wells which sometimes fail; there is no remedy for these inconveniencies, but the erection of a spacious and commodious jail with tanks, or those large bricked wells which are here termed indarrars or bowlies.

The uncertainty with respect to the removal of the zelah cutcherry from the city of Dacca has hitherto prevented any resolutions of Government upon the subject.

32. What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as justices of the peace—Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders—By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

32. I would by no means advise the measure alluded to in this interrogatory; so far from thinking that it would contribute to the suppression of crimes, I am convinced that in those eastern provinces it would be the ground of great enormities and oppression.

33. Are there any new rules or regulations which you would recommend to be adopted, as being calculated in your opinion, for the suppression of crimes in general?

33. Anxious to prevent the evils of gang-robbery, armed affrays, and perjury, which were so prevalent in this district, and sensible that other measures were necessary, than what the present regulations authorized, I had drawn up my ideas upon this subject in the form of a proposed regulation, conceiving, that although as a whole it perhaps might not meet the approbation of the Government, yet parts might be deemed worthy of notice. I intended to have transmitted my report upon such proposal, through the regular channel of the Court of Appeals, but the purport of this interrogatory suggested to me the idea of subjoining the proposed regulation as my answer thereto. (Vide Appendix No. 7.)

34. What has been the operation of the last regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness—Are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes.

34. The operation of the regulation alluded to is not perceptible in this district, as the use of spirituous liquors has never been general enough to mark the effects of it; in fact, the vice of drunkenness seems confined to the large cities only; Ganja or Bang are more commonly used, and those amongst boatmen, Jelluahs, and other hard-working people, exposed to the weather.

35. Do any measures occur to you, the adoption of which would in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

35. To answer this interrogatory satisfactorily is no easy matter; to effect this gradual reform of the morals of a nation so blinded by prejudices, and so infatuated by custom, many and great are the changes which must take place; above all, a total change in the system of education amongst those who have any education at all; and as the great mass of the lower ranks have literally none, I think it would have a great influence upon them if vice and crime made the offenders subject to degradation in, or total loss of casts; and the members of the punchant liable to the penalty of a fine, if they conceal or protect the offender, or do not give immediate information to the magistrate, or nearest tannadar.

It is at the earliest period of life that the foundations of virtue and vice are laid in the mind; while the heart is susceptible of impressions of emulation and shame, it is the time to check and controul those passions, which increase with age, and are ripened into vice and crime by indulgence.

The education of the natives is the reverse of this; it is not only in general neglected at that early period, but the seeds of vice are sown, and it depends upon the disposition of the child only, to bias him in his preference of any one in particular.

In many private entertainments, and in public Hindoo festivals, every species of gross obscenity is exhibited in the presence of parents and children. The influence of this upon the young mind needs not be pointed out; it will account in a great measure, for that prevailing depravity of manners, which characterises the present race of nations.

I am told that these exhibitions were not so universal formerly as they are present, but that the low Hindoos of Calcutta, who had arrived at affluence, encouraged and extended them, and that their example has spread them with rapidity throughout the provinces.

If boys be separated from their parents and put to school before their minds have been completely warped; if principles of morality and a sense of shame be enforced at an early age by the excitements of reward and a dread of punishment, and if the Molovies and Brahmins can be induced to bring the influence of religion in aid of this great work, I think a gradual and permanent reformation might at no very great period be effected.

I am likewise of opinion that theatrical representations, under proper regulations and the immediate controul of the Government, might be made an engine of reform for the public taste and manners.

The disposition of the people is peculiarly fitted for such exhibitions, and we know from what has reached our times, that they must have been numerous and frequent at the period when Calli dass wrote.

36. In your opinion what has been the effect of the Regulation, which declares persons convicted of the crime of perjury liable to be marked on the forehead?

36. I do not see that it has any effect; I have mentioned my thoughts upon the subject in the proposed Regulation, Appendix, No. 7.

37. What has been the operation of the punishment of transportation introduced by the British Government?

37. The dekoys certainly dread transportation more than death, but that dread will be done away by the return of those transported for a limited term. The present dread is the effect of their imagination: it is occasioned by their uncertainty of what is to befall them, from the confused ideas they form of the place, which their imagination surrounds with horror: when the veil shall be removed by those who return to this country, the dread will no longer exist. I am therefore clearly of opinion that none should be transported unless for life.

38. Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity, or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is in your opinion administered?

38. The answer to this question depends upon the state of morals in the community, where these laws are enforced, for what might be deemed severity in one state of society, would probably be absolutely necessary in another; and lenity would be productive of evil in one situation, whilst it might contribute to the happiness of mankind in another.

In the application of this principle to the inhabitants of the zillah, I am of opinion that the present laws are administered with too much lenity in atrocious crimes. Dekoys glory in the dread their names inspire, they therefore take no care to conceal their names; they become from these reasons publicly notorious, their names and characters are familiar to all the inhabitants, even to those who have never seen them: witnesses against men of this description, risk their lives if they speak to any specific charge: if they only describe them as notorious in general terms, notice is not taken of it, because mere public notoriety, without a specific charge, is not deemed legally sufficient to convict them, and in the opinion of the prisoner, it is rather an addition to his reputation.

Those who volunteer their services to apprehend them, equally risk their lives, professional goindas however are not in the same predicament, their spies watch the motions of the dekoits, and they avail themselves of this information to raise contributions, by making secret arrangements with the surdars, as the price of their silence: the difficulty of convicting these surdars is in proportion to their notoriety, the greater their reputation for robbery and murder, the more difficult it is to get witnesses to come forward against them. There are in my gaols many Surdars of this description, whose release from confinement would be dangerous to the society at large, and certain death to those who had any share in apprehending them. If public notoriety (such as I describe) was deemed sufficient to subject them to transportation for life, I think it would be of the utmost benefit to the community, as the object of their ambition, (an extended notorious name) would with propriety be made the cause of their punishment, I think it would contribute much to check this evil.

No Magistrate who is attentive to his duty, can be long without knowing the characters of notorious surdars.

In the very course of business he must become familiar with their names, and although he has it not in his power to substitute legally any specific charge against them, for the reasons

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28 July 1807.

above assigned, he feels it his duty to apprehend them, but is unable to convict them, for want of that direct proof which the atrocity of the prisoner's character prevents his obtaining. I can see no real objection which could be made against making notoriety, such as I am describing, subject to the proposed penalties : their names might be advertized, that if they surrendered not themselves within a certain defined time, they should be put out of the protection of the law, and when caught and identified, should suffer the penalty of death, or transportation for life.

It is probable that this doctrine of the necessity of specific proof against the hardened offenders, may have been one of the occasions of the murders and cruelties which they perpetrate in the exercise of their depredations.

If in objection to what I propose, it should be urged that an innocent man might suffer by such vague proceeding as a conspiracy might excite against him, I reply, that I do not conceive there could be a conspiracy so extensive and universal, with so many collateral confirming circumstances against an innocent man ; a few might conspire to ruin an enemy, but not a whole community, composed of so many individuals unconnected with each other, and who could not be interested in the fate of the prisoners, if he was not the character they describe. I do not therefore consider it likely that an innocent man could suffer unjustly, if on proof of such public notoriety, a sentence of transportation for life should be passed.

The state of the country calls aloud for a system of police that will rid it of these daring villains, who derive their security, as it were, from the enormity of their crimes.

It is true the Magistrate may demand security from them for their good behaviour, and confine them till they give such satisfactory security, but what effect will that have upon the society at large, which is conscious of his notoriety, and the reasons which prevent witnesses from coming against him ? it will appear to them as if the Magistrate had said, " Be but daring enough, make your name dreaded by murder and cruelty, and you are safe, for no one will venture to appear against you." Will not the prisoner consider himself as acquitted, and that the failure of procuring security alone detains him, and not his notorious crimes ? The community would be in constant dread of his release, and the prisoner himself hardened in his guilt.

I cannot sufficiently attest this truth, that the dekoys of this country can never be expected to repent. It is in many families hereditary : it is their boast amongst their gangs that their fathers or grandfathers were hanged or died in perpetual imprisonment. The character of decoy with them conveys no sense of obloquy ; on the contrary, their names are dreaded through the country : they are something in that character ; but as labourers or husbandmen, nothing. Where a sense of shame cannot be impressed, and religion has not inculcated a fear of the consequences of such crimes in a future state, it is in vain to look for repentance and if the example of the punishments which had been inflicted on their fathers and grandfathers, could not restrain them, on what can a hope of their reformation be founded ? Fully convinced of the truth of this observation, I consider the administration of the laws with respect to dekoys as much too lenient.

Imprisonment for a short limited term, has no other influence upon the prisoner, if he is a decoy, than to harden him the more in crime and to confirm him in his evil practices ; he departs from the jail, when his term is expired, a more finished and daring villain than when he entered ;—can such men be considered as the objects of mercy and compassion ? It would be construed indifference by the robbers themselves, and would be in fact cruelty and injustice to society at large.

39. What is the nature of the general conduct of the Europeans, not in the service of the company, who reside within your jurisdiction ?

39. There are no Europeans not in the service of the Company, in this district.

40. What is the general condition of the weavers and other manufacturers in your jurisdiction ? Are the existing Laws and Regulations well calculated for ensuring justice to the weavers and manufacturers, in their dealings with the officers of the Company, and with private European merchants ; and also for enabling the officers of the Company, and the individual European merchants to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods ?

40. The effects of the war have been fatal to the generality of weavers and other manufacturers. The distress was great and universal, but the system of collecting the Government customs and city duties has defeated those hopes which the return of peace had inspired. Besides their complaints against the mode of collection, they represent that first a tax is levied on the cotton, a second time when manufactured into thread, and again when made into cloth ; they likewise represent, that goods imported into the city from the arungs, in their brown state, are arbitrarily valued by the appraiser, and both the Government customs and town duties are levied upon such valuation. Should the importer export them within six months (the time allowed by the Regulations), a drawback of 2 per cent. is allowed, but another increased valuation is made after washing and dressing, and the Government Customs calculated upon it. The excess of the second valuation above the first, is made nearly to equal the drawback, by which means the merchant is deprived of his return, and the intentions of Government are defeated. They complain of the hardship of the town duties, as the city of Dacca is a manufacturing town and depends upon its manufacture for existence, that it therefore should not be confounded with Calcutta, the emporium of a vast trade, and which has not to depend upon its manufactures for support ;

a city that receives the riches of Asia into its bosom, and disperses its treasures throughout the world. On the other hand, the city of Dacca must fall to nothing, if its trade is annihilated, since cloth is its staple and only source of wealth.

With regard to the Regulations, the weavers complain that the penalties bear hard upon them, inasmuch that there is no distinction made between a wilful breach of engagement, and an accidental failure occasioned by robbery, fire, or other adventitious circumstances. Private merchants amongst the natives, argue, that if Government consider the Company as an individual merchant trading upon principles of equality with others, and not as sovereign of the country, equal attention is not paid to their respective rights, penalties being enacted for failure of engagements in one case and not in the other.

I am, Sir,

Zillah Dacca Jelalpoore,
the 28th July 1802.

Your most obedient servant,
J. Paterson, Judge and Magistrate.

No. 1.

Answers by the
JUDGES.

Dacca Division.

Dacca Jelalpoore,
28 July 1802.

To His Excellency the Most Noble RICHARD Marquis WELLESLEY, K. P.
Governor General, at Fort William.

My Lord,

IN compliance with the order of the Vice President in Council, signified to me by the Secretary to Government, Judicial Department, on the 3d December last, I now beg leave to transmit to your Excellency a copy of my Answers to the Interrogatories referred to me.

I have the honour to be, with the highest respect,

Your Excellency's most obedient and most humble servant,

Zillah Dacca Jelalpoore,
the 28th July 1802.

J. Paterson, Judge and Magistrate.

(Copy, No. 7.)—REGULATIONS for improving the Police of the Zillah Dacca Jelalpoore; and for preventing the increase of robbery, housebreaking, and theft; and for the better apprehending of such offenders; and for the prevention of disputes between zemindars respecting the property of chers. Dated, &c. 1801, corresponding with, &c. 1208, Bengal era; the &c. Fussily; the &c. Willaity; the &c. Sumbut; and the &c. Higree.

AS it is notorious that the zemindars and talookdars of the zillah protect and conceal robbers, with a view to increase the cultivation of their estates, by drawing together a great number of ryots, under the pretence of the security afforded by these robbers, and with the expectation of maintaining their claims to disputed lands by their means, and the assistance of their gangs; it is obvious that while such a practice exists, every effort of the Magistrate to extirpate robbery and theft must prove unavailing; a Regulation, therefore, to prevent this practice, becomes evidently necessary: it is likewise notorious, that when a village is attacked by decoits, all the inhabitants fly from the spot, and those who might have courage to resist, are prevented from exertion by their apprehension that, in case of any decoits being killed by them in the discharge of their duty, they might be liable to be seized, imprisoned, and tried for murder; it becomes obviously, therefore, necessary to remove that apprehension, by declaring them indemnified in all such cases, and likewise to give them every possible encouragement, by instituting rewards for each decoit so apprehended, and establishing a provision for their families, in case of their being killed in the discharge of this duty.

And whereas under the former Native Government, and whilst the Nizamut Adawlut likewise was in the hands of the Naib Nazim, in all cases of public notoriety, where specific proof was not to be had on account of the terror these daring sirdars inspired, the mufty, who pronounced the futwah or sentence, decreed punishment to be inflicted upon them such as the discretion of the executive power might suggest for the safety of individuals and the general tranquillity of the country.

Leaders and members of a numerous gang of robbers, if this had not been the case, would always have escaped the punishment due to their crimes, for the dread of the remaining part of the gang unapprehended would have precluded all possibility of specific proof.

If the natives were in that state of society as might furnish hope of repentance and reformation, a sentence of confinement for a term of years might have the desired effect; but when it is notorious that no disgrace is attached to the profession in the Mofussil, that in some families it is hereditary, and that they glory in the dread they inspire, such hope of repentance cannot be indulged; on the contrary, that their imprisonment and communication with others of the same stamp serves to confirm and encourage them in their evil courses; and when they are released, after the period of their punishment has expired, that they are in fact greater adepts and more daring and sanguinary than they were before; a Regulation is therefore necessary for altering the mode of confinement, and for re-establishing the allowance of kechery, which under the former Native Government was daily furnished to them, instead of a pecuniary stipend, for their maintenance.

And

And whereas a cast of men, who are called goendahs or informers, maintain themselves by privately supporting gangs of robbers in their depredations, and by the contributions they levy from them by such support; and as these men, under the pretence of zeal to apprehend robbers, either themselves or by their spies, frequent the catcherry of the Magistrate, in order to furnish information to decoits of steps taken against them, these cast of men are obviously as dangerous to society as the robbers they protect; a Regulation to prevent that professional iniquity becomes necessary.

In order to prevent the frequent affrays which happen in this district between landholders, &c. it becomes necessary to strike at the root of this evil, not only to preserve the peace of the country, but likewise to secure the revenues of Government; more particularly when it is known that the zemindar, in acquiring an extensive cher, has no new assessment laid upon him on that account. And whereas the practice of perjury and subornation of perjury, even to the endangering the lives of individuals by false accusations of murder, supported by false testimony, is almost universal in this district, and deserves the utmost attention of Government to put a stop to, and prevent in future, the commission of crimes so destructive and fatal to society, a Regulation for that purpose becomes indispensably necessary. On these principles, and with a view to remedy the above recited disorders, the Governor General has enacted the following Regulation, to be in force as soon as promulgation in the province of Dacca Jelalpoore shall have been made.

Rules to prevent robbers, thieves, &c. being sheltered or protected by landholders of all description.

2. A muchulca or penal obligation shall be taken from every landholder or farmer of land, and from their modar naibs and gomastahs, that they will not allow any robbers or murderers, or receivers of stolen goods, or coiners of false money, or venders thereof, to reside within their respective limits; if any person of this description, or reputed so by common report, shall be discovered within the boundaries of their respective estate or farm, they shall apprehend and send them to the tannah, or the Magistrate, with such proofs of their delinquency, or of their public notoriety, as they may have or be able to procure.

Expenses for apprehending and forwarding the offenders, to be defrayed by Government.

The expenses attending the apprehending and forwarding such offenders, to be defrayed by Government.

Penalty for the breach of such obligation or muchulca.

The penalty for the breach of such obligation, to be such as his Excellency the Most Noble the Governor General in Council, may think proper to impose.

Naibs and gomastahs of zemindars, &c. all munduls, putwarries, etmaumdars and poramanicks to execute a muchulca.

3. A similar muchulca or penal obligation shall be taken by all landholders and farmers paying or not paying revenue to Government, from all their munduls, putwarries, curramcharies, etmaumdars, and poramanicks, that they will give instant information to their landholders or employers, whenever they make any discovery of persons of the above description taking shelter in or residing in their districts; the penalty for the wilful neglect of this, to be likewise settled by the same authority.

Penalties for refusing to execute such muchulca.

4. A person omitting or refusing to execute such muchulca, shall likewise be liable to certain penalties, to be settled by the same authority; or if any one shall in the execution of this muchulca, substitute a fictitious instead of his own name, to be subject to the same penalties.

Penalties for substituting a fictitious name.

Muchulcas from landholders, &c. to be deposited in the office of the Magistrate.

5. The originals of the aforesaid muchulcas, which shall be executed by landholders of every description, or farmers of land, and their moctar naibs or gomastahs, shall be deposited amongst the records of the Magistrate's office, and the original muchulcas of munduls, putwarries and peramanacks, &c. shall be produced by the zemindar or landholders, or the moctar naib when called, and the penalties thereof enforced against the parties subscribing, upon conviction of a breach of the conditions contained in the muchulca.

Original muchulcas of munduls, putwarries and poramanicks, to be deposited in the tannahdar's office.

6. If zemindars, landholders, proprietors of land, or farmers, and their moctar naibs, neglect to exact from their munduls, putwarries, curramcharies, &c. &c. the prescribed muchulca, the responsibility shall rest with themselves, either personally or in property, as the case and circumstances may determine.

Penalties to which landholders of every description and farmers of land are liable, who give protection to decoits, or entertain and hire them in their service, or for any purpose, or suffer their reiatts to pay a tax to them under

7. If any zemindar, talookdar, or other holders of land, whether paying revenue to Government, or not, shall give protection to decoits, entertain them in their service, or hire them for any purpose whatever, or allow their reiatts to pay to them merau or tax, under the pretence of their being guards and protectors of such villages, such landholder, whether his land be keraiy or lakeraiy, (that is to say liable to rent or rent-free) upon proof of such connivance, shall forfeit his estate to Government, and himself be liable to transportation for life.

Penalties to which naibs, gomastahs, munduls, putwarries, etmaumdars and peramanicks are liable, who knowingly introduce persons of the above description into the estates of their landholders or employers without their knowledge.

8. In case of naibs, gomastahs, munduls, putwarries, etmaumdars, and peramanicks introducing persons of such description, without the knowledge of their employers, into the estates of such employers, they are to be subject to transportation for life, and their property in like manner confiscated.

Penalties to which reiatts are liable, knowingly introducing persons of such description into their villages.

9. If any reiat shall in like manner introduce into any village, any person of the above description knowingly, such reiat to suffer such punishment as the above-mentioned authority may direct.

10. Whenever

10. Whenever any notorious decoit shall be apprehended by the officers of the Magistrate, without the assistance of the official members or reiatts of the village, those official members shall be liable to such fines or penalties, as the above-mentioned authority may direct. Fines to be imposed upon the landholders, &c. of the place where any robber is resident, if the officer of Government shall apprehend him without notification or assistance of such landholder, his officers, or his reiatts.
11. Proof of public notoriety shall be deemed sufficient to the conviction of decoits and thieves, as specific proof against them is more difficult to be obtained in proportion as they are more notorious, desperate and daring. Proof of public notoriety to be deemed sufficient to the conviction of decoits and thieves.
12. Government shall be prosecutor in all cases of murder, robbery or theft, since it often happens that in robberies by land or by water, that the only persons who could come forward as eye-witnesses, are excluded by the Mussulmaun law from giving such evidence, on account of their being the parties injured, and therefore not competent as evidence in their own cause. Government to be prosecutor in all cases of murder, robbery, or theft.
13. The Mussulmaun law in all such cases shall be dispensed with, and such persons admitted as evidence. Mussulmaun law to be dispensed with, the parties robbed to be admitted as evidence.
14. Prisoners under sentence of confinement for any term of years, shall be kept in solitary confinement, so as to have no communication with any one, except the keeper of the jail, or his officers; or be sent to distant zillahs, to remove them from their connections in this zillah. Prisoners under sentence of confinement for any term of years, to be kept in solitary confinement proposed or transportation to the jails of distant zillahs.
15. Prisoners under sentence of confinement shall receive the same allowance of kechery, instead of their present allowance in cowries, as was the practice under the former Native Government. Kechery to be given as formerly, instead of three pound of cowries per day.
16. Prisoners shall not be allowed to go to the bazar under pretence of purchasing provision, nor suffered to have any other provision than what they are furnished with by Government. Prisoners to have no other provision than what is allowed as above mentioned.
17. Prisoners shall not be supplied with or suffered to purchase opium, tobacco, bang or ganja, or any other intoxicating drugs, unless in cases where long habit has rendered it necessary to their existence. Intoxicating drugs prohibited to prisoners.
18. Whereas under the Mussulmaun Government, the cauzy was the judge of the fact, and on his verdict being recorded, the Mufty pronounced the sentence of the law; in like manner the Judge of the Court of Circuit shall be the sole judge of the fact, and upon recording his opinion, the attending law officer shall pronounce the sentence in the manner formerly done under the Mussulmaun Government, without going out of Court. The Judge of the Court of Circuit to be the sole Judge of the fact, and the Law Officer to pronounce the fatwah of the law.
19. When a decoit having been released from confinement, to which he had been condemned for any limited space of time, shall return to his bad courses, upon being apprehended and proof adduced, although of a trivial crime, for which he would be liable to confinement for a short period, such decoit shall be invariably transported for life. The members of the cast of such offenders, together with the prohibits if Hindoos, or Mullahs if Mussulmauns, and the washerman and barbers of the cast to which he belongs, shall upon discovery of his return to his old evil practices, consider him as having forfeited his cast, and give the necessary information to the Magistrate or Tannadars for his apprehension, upon pain of fines from each individual, or temporary loss of cast, and this shall be the case whenever any young man of their cast assimilates with decoits or takes to bad courses. Penalty for returning to bad courses after expiration of the term of imprisonment. Member of the cast prohibited from communicating with such re-lapsed and incorrigible offenders. Penalties for not observing this Rule. The Rule extended to young beginners in vice.
20. When a village shall be attacked by decoits, the whole of the male inhabitants and the inhabitants of such villages as are near enough to afford immediate assistance, shall turn out to oppose and apprehend them; and in case of decoits taking shelter in a jungle, the surrounding zemindars shall turn out their pikes and reiatts to endeavour to apprehend them, and to attack them if resistance is made, under penalty, in both instances, of a fine (cases of age or sickness excepted) in proportion to their means. In case of robbery, all male inhabitants of the village attacked, and those villages near enough to afford immediate assistance, to turn out to oppose and apprehend the robbers. Decoits taking shelter in a jungle, the surrounding zemindars to endeavour to apprehend them, and to attack them if resistance is made, under penalty of a fine.
21. For every offender apprehended, a reward shall be allowed in such proportion as Government may think proper to fix. Reward proposed for the reiatts, to encourage them to apprehend offenders.
22. In the case of any decoit being killed in resistance, no blame or retrospect shall attach to the person or persons engaged in this duty, and they shall not be liable to trial for the same, unless in case where suspicion may appear, that private enmity and malice, instead of the public service, had occasioned the death of the party slain. Indemnity held out to the reiatts, if any robber should be killed in resistance.
23. Any reiat being killed in discharge of his duty, shall involve the whole of the gang of decoits in the penalty of murder. Any reiat being killed in discharge of his duty, shall involve the whole gang of decoits in the penalty of murder.

Provision to be made for the heirs and family of reiatls killed in discharge of this duty.

24. In case of any reiatl being killed in such duty, a sooruthal shall be taken by the Magistrate, and submitted to the Nizamut Adawlut, that the heirs of the decease may receive such recompence for their subsistence as may be deemed necessary, either in money or land.

Any reiatl wounded shall subject the whole gang to transportation for life.

25. Any reiatl being wounded in discharge of such duty, shall subject the whole gang to transportation for life.

Goendahs to be treated as vagabonds, and liable to transportation.

26. All goendahs by profession to be treated as vagabonds, and liable to transportation.

Rules for the prevention of affrays respecting boundaries of land in the molusil.

27. Sirdars of pikes, and pikes or burchondosses, or terandosses, reiatls and slaves, shall not obey any orders to assist in affrays, respecting boundaries of land, or disputed crops, when summoned so to do by any landholder of any description of land, or any farmer of lands, or by any of their officers, under a penalty of a fine from each individual to Government.

Penalty for exacting fines from reiatls refusing to assist in such affrays.

28. And as it has been customary for zemindars and talookdars, &c. to exact fines from individuals refusing to assist in such affrays, in all such cases, upon proof being adduced, the person exacting such fine, shall pay in every instance ten times the amount of the fine to each individual from whom he had exacted it; and a sum likewise of ten times the amount in every instance to Government.

Papers of Indemnity given by landholders to encourage them to join in such affrays declared illegal and of no use to the parties receiving them.

29. And as it has been customary when landholders, farmers, &c. have been arming for such affrays, to give a paper of indemnification to the leaders of these bodies of armed men, in which they take the responsibility of the consequences upon themselves, and with such a voucher these people are induced and encouraged to engage in this illegal conduct; it is hereby declared to them, that such paper will not in any measure take off any share of responsibility from them, and that each will be equally liable to the severity of the law, as if he had been the principal; and the principals granting such papers, shall forfeit their estates to Government; and if najbs or gomastahs, shall be transported for life.

The collector to take possession of all new chers on the part of Government, and issue proclamation directing

30. The collector on the part of Government shall take possession of all new chers, and issue a proclamation, directing the claimants to prosecute their claims in the Dewanny Adawlut.

The existing chers which have been and are subject of dispute, the collector to take possession thereof and issue

31. And as there are many of the existing chers which have been, and are at this time subjects of dispute, in all such cases the collector shall take possession thereof, and issue the proclamation as directed in the case of future new chers.

Judge to issue precept to the collector to attach all such chers, when a dispute of this kind is brought before the Adawlut.

32. The judge shall issue a precept to the collector, to attach all such chers, whenever a dispute of this kind is brought before the Adawlut.

Party taking possession contrary to this process, to forfeit all his right.

33. Any party taking possession except by such process, to forfeit all his rights to the same.

The collector to measure and assess the same.

34. The collector to measure and assess the same, if the party to whom it is awarded has had any remission of his revenues in consequence of his former loss by the river; or if there is no record in the collector's office, to show that such loss had ever occurred.

Penalties of perjury and subornation of perjury, upon conviction before the Court of Circuit.

35. Persons convicted of wilful and corrupt perjury, or of subornation of perjury, before the Court of Circuit, shall be sentenced to suffer the tashiar, shall be branded on the forehead, and transported for life, or any period of years, in proportion to the injury which might have been the consequence of the perjury, if not detected.

J. Paterson, Magistrate.

No. 1. (Copy.)—STATEMENT of the CAUSES standing upon file, from the year 1793 to 1801.

Causes made over by Mr. Douglas	-	-	-	-	-	-	-	-	-	3,715
Instituted in 1793	-	-	-	-	-	-	-	-	-	1,971
									Total	5,686
Decided, &c. in 1793	-	-	-	-	-	-	-	-	-	81
Remaining in file in 1793	-	-	-	-	-	-	-	-	-	5,605
Instituted in 1794	-	-	-	-	-	-	-	-	-	2,195
									Total	7,800
Decided, &c. in 1794	-	-	-	-	-	-	-	-	-	117
Remaining in file in 1794	-	-	-	-	-	-	-	-	-	7,683
Instituted in 1795	-	-	-	-	-	-	-	-	-	1,443
									Total	9,126
Decided, &c. in 1795	-	-	-	-	-	-	-	-	-	6,376
Remaining in file 1795	-	-	-	-	-	-	-	-	-	2,750
Instituted in 1796	-	-	-	-	-	-	-	-	-	2,309
									Total	5,059
Decided, &c. in 1796	-	-	-	-	-	-	-	-	-	901
Remaining in file in 1796	-	-	-	-	-	-	-	-	-	4,158
Instituted in 1797	-	-	-	-	-	-	-	-	-	2,476
									Total	6,634
Referred to the Judge of Backergunge	-	-	-	-	-	-	-	-	-	1,169
Decided, &c. in 1797	-	-	-	-	-	-	-	-	-	1,290
										2,459
Remaining in file in 1797	-	-	-	-	-	-	-	-	-	4,175
Instituted in 1798	-	-	-	-	-	-	-	-	-	3,644
									Total	7,819
Decided, &c. in 1798	-	-	-	-	-	-	-	-	-	2,783
Remaining in file in 1798	-	-	-	-	-	-	-	-	-	5,036
Instituted in 1799	-	-	-	-	-	-	-	-	-	2,417
									Total	7,453
Decided, &c. in 1799	-	-	-	-	-	-	-	-	-	2,559
Remaining in file in 1799	-	-	-	-	-	-	-	-	-	4,894
Instituted in 1800	-	-	-	-	-	-	-	-	-	1,499
									Total	6,393
Decided, &c. in 1800	-	-	-	-	-	-	-	-	-	2,584
Remaining in file in 1800	-	-	-	-	-	-	-	-	-	3,809
Instituted in 1801	-	-	-	-	-	-	-	-	-	1,032
									Total	4,841
Decided, &c. in 1801	-	-	-	-	-	-	-	-	-	1,578
									Total remaining in file Causes of the year 1801	3,263

Zillah Dacca Jelalpore,
Dewanny Adawlut,
the July 1802.

J. Paterson, Judge.

(Copy.)—No. 2.—Extract of LETTER from Mr. J. D. Paterson, Judge of Dacca Jelalpore, to the President, &c. Members of the Police Committee; dated the 30th August 1799.

Para. 2. To give the Board a true account of the Police of this district, it is necessary, in the first place, to make them acquainted with the manners and morals of the people, especially the lower sort.

Para. 3. As a picture of human degradation and depravity, can only give pain to a reflecting mind, I shall be as brief as possible, consistent with the necessity of furnishing the required information.

Para. 4. Their minds are totally uncultivated: of the duties of morality they have no idea; they possess in a great degree the low cunning which so generally accompanies depravity of heart; they are indolent and grossly sensual; they are cruel and cowardly, insolent and abject; they are superstitious, without a sense of religion; and in short they have all the vices of savage life, without any of its virtues. If we look a step higher, we find the same total want of principles, with more refined cunning; no attachment but what centres in self, for the ties of relationship seem in general only to render inveteracy more inveterate.

Para. 5. I do not mean to say that these people are in that state of ignorance as not to know the difference of good and bad conduct, and that they ought to practise one and avoid the other; but it is the total want of that moral instruction which impresses the young mind with a dread and shame of doing evil, and which encourages them to acts of propriety,—that fear of the superintendence of a Deity, which every religion professes to have for its object, and which ought to influence their conduct through life. In all ages there have been abandoned profligate characters, who have committed depredations on the public, and their numbers have been greater or less according to the wisdom or weakness of the Government.

Para. 6. Under the Hindoo dominion, the ranks and professions of men were classed into 36 casts, and the individual of each was obliged to learn and follow the profession of their ancestors: by this establishment each individual of a cast had the means of support in his own profession; these casts were under the direction of their purohits, and the punchaut, or general assembly of the cast, used to examine the conduct of the members of their society, and the consequence of their censure was sometimes a total exclusion of the guilty individual from the community.

Para. 7. No Bramin was supported by the public who was unlearned, who did not contribute his assistance in forming the minds of the lower classes, and teach them morality and the duties enjoined by laws. Under such an establishment for the instruction of the lower classes, it was not difficult to form an efficient police.

Para. 8. But the cruel reverse which the invasion of the unprincipled and bigotted Mussulman introduced, may account for the wide torrent of corruption that has overflowed this country.

Para. 9. They considered the conquered Hindoos as infidels, treated them with unrelenting persecution and cruelty: they thought, or affected to think, that every injury and insult upon them, were acts pleasing to God and their Prophet: their destructive bigotry attacked the books and learning of the Hindoos; and the Bramins, persecuted with incessant atrocities, ceased to exercise their functions; the rising generations were left to themselves, and fell into all the excesses which the example and conduct of their conquerors had pointed out to them; the spirit of despotism completed the corruption of morals, and in process of time the human mind in this country was completely revolutionised. In this manner for some centuries under the Patan Government, they continued, from want of the ancient discipline, to fall from degradation to degradation, the scorn and contempt of all their despoilers. Many of the lower ranks became converts to the Mahomedan faith, without conviction of its being more rational than what they possessed before, but because it sheltered them from the persecuting bigotry they had suffered under. But the mind experienced no rise, the stern despotism of their rulers still kept it down, and their ignorance of the language in which their new tenets were locked up, confined the practice of religion to the mere exterior forms of devotion. The Mussulmun conquerors finding it however impossible to root out the religion of the country entirely, were at last under the necessity of abating of their zeal, suffering it to remain unprotected, however, and unsupported by the authority of the Government, the Bramins themselves sinking under centuries of oppression, were too much involved in the general wreck to think of renewing the ancient discipline; their learning fell into neglect, and in course of time the Bramins came to want that instruction themselves, which it was their duty to afford to others; mixing in all the selfish squabbles of common life; they gradually lost by their own example in the eyes of the Hindoos, that respect which was so necessary to give force and energy to instruction.

Para. 10. Under the Mogul Government the Persian delegates of the Emperor being sheaks, seemed to pay little attention to the minutiae of the Sunnee Laws: their procedure was summary, their punishments cruel and capricious; they thought terror alone sufficient to suppress and prevent crimes, but they neglected the discipline which might render such procedurs unnecessary.

Para. 11. The Persian rulers and their retainers were sheaks and strangers in the land, the subjects were either Hindoos or Sunnes: the first, in their ideas infidels, and the latter incorrigible heretics. To enforce instruction in tenets so hostile to their own faith, must have been, in their opinion, blasphemy and profanation.

(A true Extract.)

J. Paterson, Magistrate.

Moorshedabad Division.

ANSWERS to the Interrogatories respecting the State of the Country, &c.;—
received from the Magistrates of this Division; viz.

Court of Appeal and Circuit	- - -	25 January 1802.
City of Moorshedabad	- - -	17 March - D°.
Zillah Rajshahye (Acting Magistrate)	-	10 April - D°.
D° - Bhargulpore	- - -	31 May - D°.
D° - Purnea	(- - - D° - - -)	15 January D°.
D° - Moorshedabad	- - -	31 D° - - D°.
D° - Rungpore	- - -	13 April - D°.

TO N. B. EDMONSTONE, ESQ.

Secretary to Government in the Political Department, Cawnpore.

SIR,

IN obedience to the commands of the Honourable the Vice President in Council, communicated to us in a Letter from Mr. Secretary Dowdeswell, of date the 3d ultimo, we have the honour to transmit to you Copy of Interrogatories sent to us on the 29th of October by the Secretary to the Judicial Department, with our Replies annexed to the several points noticed therein; which we respectfully request may be submitted to his Excellency the Most Noble the Governor General.

The dispersed situation of the Members of these Courts, on various official business, and the increased duties allotted to us since we received the Interrogatories, has occasioned some delay in preparing a Report on a subject which, embracing objects of weighty and serious consideration, required the deliberate attention and collective reflection of our several Members; and we trust that this explanatory excuse will be favourably received by his Excellency.

We have the honour to be, Sir,

Your very obedient Servants,
T. Pattle.

Moorshedabad,
26th January 1802.

INTERROGATORIES from Government to the Provincial Courts of Appeal and Circuit at *Moorshedabad*, received in a Letter from the Secretary to the Judicial Department, dated 29th October 1801; with the Answers thereto, as submitted by the said Courts.

1.—What is the number of Appeals depending before your Court?

ANSWERS.—Twenty-six.

2.—What proportion does the number of Appeals now depending before your Court bear to the number of Appeals usually depending, during the several years commencing from the year 1793 to the present period?

On the 15th July 1800, the Court of Appeal submitted to the Sudder Dewanny Adawlut a progressive Statement in detail of causes filed and decided, from the period of the Court's institution in May 1793, continuing which Statement to the present time exhibits the following Report, in answer to the 2d article of Interrogatories:

Filed from May 1793 to December 1794 inclusive	- -	166
D° - - - - in the year 1795	- - -	111
D° - - - - in the year 1796	- - -	94
D° - - - - in the year 1797	- - -	136
D° - - - - in the year 1798	- - -	113
D° - - - - in the year 1799	- - -	114
D° - - - - in the year 1800	- - -	102
D° - - - - in the year 1801	- - -	105

941

<p>No. 1.</p> <p>Answers by the JUDGES,</p> <p>Moorshedabad Division.</p> <p>Court of Appeal and Circuit,</p> <p>25 January 1802.</p>	<p>Decisions from May 1793 to December 1794 inclusive</p> <p>D° - - - - in the year 1795</p> <p>D° - - - - in the year 1796</p> <p>D° - - - - in the year 1797</p> <p>D° - - - - in the year 1798</p> <p>D° - - - - in the year 1799</p> <p>D° - - - - in the year 1800</p> <p>D° - - - - in the year 1801</p>	<p>- - - - 52</p> <p>- - - - 30</p> <p>- - - - 76</p> <p>- - - - 169</p> <p>- - - - 216</p> <p>- - - - 133</p> <p>- - - - 148</p> <p>- - - - 91</p> <hr/> <p>915</p> <hr/>
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Depending at the end	- - - - of 1794	- - - -	- - - -	114
D°	- - - - of 1795	- - - -	- - - -	195
D°	- - - - of 1796	- - - -	- - - -	213
D°	- - - - of 1797	- - - -	- - - -	180
D°	- - - - of 1798	- - - -	- - - -	77
D°	- - - - of 1799	- - - -	- - - -	58
D°	- - - - of 1800	- - - -	- - - -	12
D°	- - - - of 1801	- - - -	- - - -	26

From the above, the inference deducible is, that the number now depending bears a very reduced proportion to the balance of causes usually pending heretofore before the Court; and but for the contingent and unavoidable circumstances, the trifling number still remaining would have been reduced to at least one-half.

3.—What number of causes was decided in the past year by your Court?
Ninety-one.

4.—What number of causes do you suppose must necessarily be depending before your Court; and what is the reason that the number of causes depending before your Tribunal is not reduced as low as you think it might be reduced?

We think, on the average of former years, about one hundred and ten causes will be filed annually; and that, barring unforeseen interruptions to the Court's duties, not more than twenty will generally remain on file; not from inability on the part of the Court to clear the whole off, but because, from the nature of the routine of general business, all the papers will not be filed in such regular and rapid progression as to admit of the file being entirely cleared; and, as we think, thereby the number is now and always will be reduced as low as it can, or ought to be, all circumstances considered. We do not feel ourselves called upon to shew cause for non-reduction, under the position assumed on this Quere.

5.—Are you prepared to suggest the establishment of any rules which (consistently with the due administration of the laws) would expedite the decision of suits? Are you of opinion that the object would be in any degree promoted by leaving it optional to the different Tribunals to commit the depositions of witnesses, in causes not appealable to a higher Tribunal, to writing, or not, as the Judges might think proper?

We are not prepared to suggest the establishment of any rules which, consistent with the due administration of the laws, would expedite the decision of suits; and from the state of the Files, as exhibited by the half-yearly Reports of the several Adawluts in the division under our jurisdiction, it does not appear to us that any such rules are wanted. We are not of opinion that the object would not be in any material degree promoted by leaving it optional to the different Tribunals to commit the depositions of witnesses, in causes not appealable to a higher Tribunal, to writing, or not, as the Judge might think proper. All original causes, except such as should be entertained in a Court of Appeal, by special directions of the Sudder Dewanny Adawlut, for an amount not appealable to the Sudder Dewanny Adawlut, are appealable to some higher Tribunal.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners, to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding 200 rupees? What is the amount to which you would recommend the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice in the division subject to your jurisdiction be expedited by the adoption of this arrangement?

We are not of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees. The number of causes usually depending before them, appears as great as they can be competent to decide, consistently with the due administration of justice. In some zillahs, the number is already so great, that the general administration of justice must be impeded by adding thereto. We think, that while the amount appealable to the Sudder Dewanny Adawlut continues fixed at 5,000 R^s, the jurisdiction of the Registers might be advantageously extended to 300 R^s, with appeal to the Judge. Not because we conceive that the general administration of justice would in any degree be expedited by the adoption of this arrangement, but because it would relieve the claimants to small debts from much personal trouble and vexation, by giving them the benefit of a local appeal to the Judge's Court, and preventing their being harassed by appeals to a distant Tribunal.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider the several charges attending the institution of lawsuits to be too considerable, or otherwise?

The increased expense of lawsuits has never been found to check litigiousness; on the contrary, it has been generally observed, that litigiousness is encouraged thereby, in the hope that the certainty of the expense, added to the uncertainty of the result, might deter parties from defending even just rights. On comparing the half-yearly Reports of the several Adawlut in this division, it does not appear that the number of suits filed since the establishment of the fee paid to Government on the institution of suits, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties, differs much from the number filed in a similar period previous thereto. As the fees paid to the vakeels were established by the same code of Regulations as our Court, we have no records to shew what was the previous state of litigation. We certainly consider these several charges attending the institutions of lawsuits to be sufficiently heavy in all cases, and in small suits too considerable.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situation? Are the vakeels attached to your Court persons of the above description; and are they, in general, well acquainted with the printed Regulations?

From the numerous and earnest applications made to us on every occasion of a vacancy among the licensed vakeels, we are of opinion that the fees paid to them, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake the situations. The vakeels attached to our Court are persons of the above description, and are, in general, well acquainted with the printed Regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of licensed vakeels can in no manner expedite the decision of suits in appeal; nor can the vakeels be of any assistance in bringing before the Court the merits of any suit, either more speedily or more accurately. Each suit is heard in its numerical order, and its merits come before the Court in the record from the original Tribunal.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

The vakeels attached to our Court do in general appear to us to discharge their duty to their clients with honour and fidelity.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

If by the laws of the country be meant the Koran and Shaster, the principal inhabitants of our jurisdiction are as well acquainted with the code of their respective religions as individuals in general can be supposed to be informed. If the Regulations of Government be also meant, we believe that they are known to few, except the vakeels and ministerial officers of the Courts, and some principal landholders.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would expedite the decision of the suits, without endangering the due administration of the laws?

We are not prepared to state any alterations in the forms established for the trial of civil suits. On the comparison of the date of institution with the date of decision in almost suits in the several zillahs under our jurisdiction, the decision appears to be as expeditious as is consistent with the due administration of the laws.

13.—Have you in your Court-room any place allotted for the bench of the Judges, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms and ceremonies do you observe in opening your Court, or sitting in it?

We have in our Court-room places regularly allotted for the bench of the Judges, on a platform raised considerably; also a seat for the Sheristadar and the Company's Vakeel, stools for the pleaders to sit upon, when not concerned in the suit trying, and fixed places allotted for the parties, their vakeels, the witnesses and officers of Court. The whole remaining space of the Court-room is open to all persons who attend the Court, either from business or curiosity. We observe no particular forms and ceremonies in opening the Court and sitting in it, except the ceremony of taking our seats on the bench according to our respective ranks, and the form of calling on the business in its regular rotation.

14.—Are there any private schools or seminaries in the division under your jurisdiction, in which the Mahomedan or Hindoo law is taught, and how are those institutions maintained?

As we understand this Interrogatory has been sent to the Zillah Judges (who are certainly, from fixed residence, more competent than we can be from passing cursorily through the Mofussel, to report what private schools and seminaries there may be in their several

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districts) we have not thought it necessary to require them to report to us for the purpose of forming an answer, but we beg leave to refer to the information they may give in reply.

15.—What is your opinion regarding the general moral character of the inhabitants of your division? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

The general moral character of the inhabitants of our division seems, in our opinion, much the same as we have always known the moral character of the natives in general. Ignorance, and its concomitant, gross superstition; an implicit faith in the efficacy of prayers, charms and magic; selfishness, low cunning, litigiousness, avarice, revenge, disregard to truth, and indolence; are the principal features to be traced. It does not strike us that the system established by the British Government, for the administration of the laws and for the conduct of the internal administration of the country, can have any influence on the moral character of the inhabitants in general, either by way of improvement or otherwise.

16.—Are you of opinion that the inhabitants in general of the division under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

From what comes under our observation we are of opinion, that the inhabitants of this division consider their private rights and property to be secured by the present constitution of the country against all infringements, either by individuals, or by the executive officers of Government, and even by the supreme executive authority itself. But a question arises, whether this very security, and the ease with which they can prosecute the first executive officers of Government, may not induce a contempt of the Government itself. Individuals have now no other mode of encroaching on one another's rights, excepting by harassing one another through the forms of law in our civil and criminal courts, and of this weapon of revenge they seem to make a free use.

17.—Are you of opinion that the division under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation, and commerce, and its buildings, or other works, for religious, domestic, or other purposes, and on what grounds do you form your opinion?

The face of the country shews much improvement in population and cultivation. We see no trace of increased commerce, nor of improvement in buildings, and other works, for religious or domestic or other purposes. Individuals may occasionally build a temple or dig a tank for public use, but similar endowments of former days are at the same time going to decay. Opulence itself seldom tempts to any improvement in domestic comforts. We form our opinion from what comes within our personal observation during our official circuits and occasional journeys for business or recreation, and on the conversation of well-informed natives.

18.—Are you of opinion that the inhabitants of the division subject to your jurisdiction are in general satisfied with the British Government?

From what we know of the general character of the natives, we are of opinion, that however satisfied they must be, from the greater security which they now enjoy in their persons and property, than what they ever enjoyed under the former government, no reciprocal affection (correspondent attachment) is produced in them to the British Government, or gratitude for such security; but they would see a revolution with apathy and indifference, and would submit to the tyranny of any future government with perfect resignation. The descendants of the higher classes of Mussulmans may be conceived dissatisfied with the Government itself, as the cause of their losing all share in the executive administration.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

From the great number of offenders brought annually to trial, it would appear that the present system of police is well calculated to insure the apprehension of offenders. We would at least hope, for the honour of human nature, that when the black catalogue of offenders apprehended is so large, few have escaped apprehension.

20.—Are the police establishments in the division subject to your jurisdiction adequate to the duties required of them?

Considering the prevention of crimes to be one of the objects of police establishments in the division subject to our jurisdiction, they are certainly not adequate to all the duties required of them, nor can much in the line of prevention be expected from 10 or 15 armed men, in a jurisdiction ten coss square in extent, which comprizes upwards of four hundred square miles. In former addresses to the Nizamut Adawlut and to the Committee of Police, we have occasionally recommended an increase in these establishments. But no government ever did or ever can defray the whole charge of police; much gratuitous assistance is necessary, and is enforced in all governments. By the old constitution of this country many castes and classes were bound to co-operate with the executive officers of police.

21.—Are you of opinion, that the number of crimes committed annually in the division under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe this increase or diminution?

The criminal jurisprudence of these provinces was assumed by the British Government in December 1790. The number of persons tried by the original Court of Circuit from that time till the institution of our court in May 1793, was 2,181. This list included several persons already in custody, but untried, during the Naib Nazim's administration. The following is the annual comparison of the prisoners tried by our Court, from the 2d Sessions of 1793 to the 1st Sessions of 1801:

One year, including 2d Sessions 1793 and 1st Sessions 1794	-	1,674
D° - - - - - D° - 1794	- - - D° - 1795	- 1,503
D° - - - - - D° - 1795	- - - D° - 1796	- 1,585
D° - - - - - D° - 1796	- - - D° - 1797	- 1,578
D° - - - - - D° - 1797	- - - D° - 1798	- 2,170
D° - - - - - D° - 1798	- - - D° - 1799	- 2,422
D° - - - - - D° - 1799	- - - D° - 1800	- 2,023
D° - - - - - D° - 1800	- - - D° - 1801	- 2,201

The number of crimes committed annually in the division under our jurisdiction, appears, from this statement, to have increased since the year 1793. The causes to which we ascribe the increase, are the want of a preventive police, and the inefficacy of imprisonment as a punishment, of either reformation or example.

22.—What crimes of enormity are most prevalent in the districts under your authority? What is the cause of the prevalence of such crimes, and what are the means you would recommend to be adopted for their suppression?

Gang robbery is the only crime of enormity prevalent in the division under our authority. The cause of its prevalence, and the means which we would recommend to be adopted for its suppression, are of too long detail to be introduced here, and may be found at full length in our joint and separate addresses to Government, and to the Nizamut Adawlut, noted in the margin.

Court of Circuit to Nizamut Adawlut,	7 August 1798
D° of - D° - - - - D° - -	12 October 1798
D° of - D° - - - - D° - -	14 October 1799
D° of - D° - - - - D° - -	13 February 1800
D° of - D° - - - - D° - -	24 May 1800
D° of - D° - - - - D° - -	14 July 1800
D° of - D° - - - - D° - -	7 July 1801
D° of - D° to Committee of Police,	17 August 1799
D° of - D° to Nizamut Adawlut	- 25 June 1796

23.—Do the inhabitants of the division under your jurisdiction keep arms in their houses? What description of arms do they retain, and for what purposes are the arms retained?

Few of the lower classes of natives keep any other arms in their houses than latties or long thick bamboo bludgeons. The purpose for which they alledge these to be retained, is, to defend themselves from wild animals in the fields. The dooms and harrees keep spears of various shapes, for the declared purpose of destroying wild hogs; some of the richer munduls and the village watchmen have swords. These latties and spears, and the tebenta or fishgig which the fishermen keep as an implement of their trade, are the usual weapons found on decoits. They seldom use swords or guns, sometimes the decoits arm themselves with only the roybause, a long tapering solid bamboo pointed at one end and hardened by fire; and every hedge can thus in a moment furnish a deadly weapon. The middle and higher classes keep swords and daggers chiefly as an appendage of dress.

24.—Are there any brick or mud forts in your division, in what state are the forts, and what is the nature of their construction?

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the division subject to your authority; and what do you suppose to be the number of the inhabitants of your division of all descriptions?

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the division subject to your jurisdiction? What number of followers armed or otherwise are they supposed to maintain in their service, and do they appear abroad with such followers armed?

As we find these Interrogatories have been put to the several zillah and city Judges, who are the only channel of information to whom we could refer on the points contained therein, we have not deemed it requisite to call upon them to report distinctly to our court, but beg to refer to their answers to Government for the detail called for in these three queries.

27.—Are there any persons in the division subject to your authority, who are supposed to be disaffected to the British Government; what are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the division, and to what extent?

We know not of any persons in this division who are supposed to be seriously disaffected to the British Government. All the Mussulmen remains of this former seat of government,

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are supposed to be more or less dissatisfied with a revolution which annihilated their influence, and has shut them out from even subsistence, but we are not aware of any particular persons whose conduct requires to be superintended.

28.—Are you of opinion, that it would contribute to strengthen the attachment of the Natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

Titles and other marks of distinction have in all governments been found a cheap and effectual mode of rewarding merit, and of securing the attachment of subjects to their government. At the early period of British influence in India, a mode was adopted for conferring titles on the natives, and we are unacquainted with the reasons of its discontinuance or with any objection to its revival. The President at the Durbar by orders from the Governor, used to obtain the Patent of Investiture from the Nazim, which was afterwards bestowed, with a dress of honour, by the governor on the person to be ennobled. Though the honour was nominally conferred by the Nazim, the natives felt and acknowledged that it in fact came from the sole bounty of the head of the British Government. While the natives consider the sovereign at Delhi to be the source of honour, we are not aware of any preferable mode of conferring marks of distinction on them than through his nominal representative.

29.—What is the state of the roads and bridges, and other public works, in the division under your authority, and at whose expense are they kept in repair?

We conceive that the zillah Judges will report fully on the state of the roads, bridges, and other public works in their several districts. The high roads only which we travel on our circuits can come within our observation. The high road of communication, immediately through the city of Moorshedabad, is so completely out of condition as to be absolutely impassable for carriages of every description, and calls loudly for us to report it on this occasion, it is entirely cut up and full of holes, and the encroachments of the buildings in all directions hardly leave room in some places for the passage of palanquins. Our Report of the 5th July 1800, addressed to Government through the medium of the Secretary in the Revenue and Judicial Departments, is very full on the subject of the present state of the roads, bridges, &c. within the division under our authority, and treats especially (at considerable length) on the subject of not only the present condition of the roads, but also on that of keeping them in repair and making new where most requisite; as it would swell this answer materially to make extracts here, we take the liberty to refer to the Report itself for our sentiments at large on the subject of roads, bridges and other public works.

30.—How are the convicts usually employed, and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

The convicts are at present generally, and with beneficial effect employed on the public roads; we are of opinion their services might be useful in the business of embankment, where work of that description is carried on in the immediate vicinage of their jails. Our addresses to the Nizamut Adawlut, of the 25th June 1798 and 28th of April 1800, treat in very full and most particular detail, the subject of enquiry in this Interrogatory. We take the liberty of referring thereto, for a full and complete answer as to the most appropriate mode of employing convicts, which we trust will be deemed preferable to swelling this Report beyond all bounds, by making extracts which must (to embrace the subject sufficiently) be very voluminous.

31.—What is the state of the jails in your division?

Our second Judge (who is at present on circuit, holding the second Sessions of 1801, and who has in his progress visited the jails of zillahs Bhangulpore, Purneah, Dinagepore, and Rungpore) reports in answer to reference to him, that the state of the jails in all these places is in every respect satisfactory; that they are in good repair, kept clean, and generally well attended to; and as Mr. Roche has not yet reached the Nattore station, the acting magistrate was called upon to report the state of the jail of zillah Rajeshahy, who states in consequence, that he considers the building perfectly competent to all requisite purposes; that it at present wants some trifling repairs, which may be made for about two hundred rupees; and that he has at present 586 prisoners of various descriptions. The jails of zillah and city Moorshedabad are all that remain further in our division; these have been very recently visited by the senior Judge, who, on the 21st of January, reported fully on their state to the Nizamut Adawlut, describing the former to be in the cleanest state and best possible order; and that the prisoners appeared healthy and well governed, under rules and regulations of a salutary tendency, calculated to insure order and regularity. That the officers of the city jail were not equally attentive to their duty, so careful as they might be to the preservation of the health of the prisoners, by due attention to the cleanliness of the jail; but the senior Judge had reported at the same time, that it appeared, that the city jail was constructed on a very defective and objectionable plan, and had pointedly demonstrated the necessity, that material alteration should immediately take place; and especially that drains to the different wards should be made to carry off filth of various description, and to prevent the contagion of sickness (which had greatly prevailed) extending its baneful consequences. We do not think it necessary to particularize further his report on this jail, which, if it is thought necessary, may be referred to.

32.—What

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your division, commissions empowering them to act as Justices of Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons? Would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

We are decidedly of opinion, that it would be expedient to grant to zemindars commissions empowering them to act as Justices of the Peace; and that such a measure would contribute to the suppression of crimes, and would facilitate the apprehension of offenders, by bringing to the assistance of police all the zemindary establishments, whose cordial co-operation cannot now be expected under the orders of a tannadar, who at the head of 10 or 15 burkundesses pretends to an authority paramount to that of the landholder himself on his own estate. Some restrictions will at the same time be necessary, for preventing the zemindars from perverting the magisterial authority to the purposes of Revenue. As farmers have no permanent interest in the prosperity of the country, we apprehend that no restrictions would be sufficient for preventing their using such authority as a weapon of oppression and extortion to their own temporary benefit. We do not think that natives of even the most respectable characters are likely to be tempted to give their gratuitous labour as Justices of Peace. The jurisdiction of the zemindars should, in our opinion, be limited by the extent of their estates.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

After our several addresses, above quoted, we have nothing new to recommend as rules and regulations calculated for the suppression of crimes in general.

34.—What has been the operation of the last regulations, respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes, now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

We cannot conceive how the establishment of a tax on spirituous liquors should render the vice of drunkenness more prevalent than it was previously to the establishment of the tax. At the same time we have ocular demonstration, that the vice has not decreased. In Bengal, however, the vice is far from general; it is confined almost entirely to few castes and classes, and to populous towns. The bulk of the labouring poor never touch liquor.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the division?

The moral character of a nation can be improved by education only. All instruction is unattainable to the labouring poor, whose own necessities require the assistance of the children as soon as their tender limbs are capable of the smallest labour. With the middle class of tradesmen, artificers, and shopkeepers, education ends at ten years of age, and never reaches further than reading, writing (a scarcely legible hand) on a plantain leaf, and the simplest rules of arithmetic. We are not prepared to suggest any measures, the adoption of which would, in our opinion, contribute progressively to the improvement of a people thus circumstanced.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

We do not perceive any effects from the regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead. In the course of our judicial duties we still meet with the same barefaced disregard of truth which always characterize the natives of India. We are, however, of opinion, that the tenor of this stigma should be retained in our code.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

The punishment of transportation, introduced by the British Government, falls chiefly on dekoys; and yet the crime of dekoyste has not decreased in the division under our authority; to judge, therefore, of its operation by this result, it would follow, that the punishment is of no effect, and the terror of it must daily diminish.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or too much severity, and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

We are of opinion, that from the discretionary mode in which the Mahomedan criminal law (with the alterations of that law made by the British Government) is administered, the administration of it admits both of too much lenity and too much severity; at any rate of too much uncertainty. An offence which to one law-officer may appear sufficiently punished by a month's imprisonment, shall from another law-officer incur a sentence of three or more years. Even in the heinous crime of gang robbery, our records will shew sometimes a sentence of 14 years transportation,

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transportation, and sometimes a sentence of two years confinement. The consequences which we suppose to be produced by the operation of this spirit, in which the criminal law is, in our opinion, administered, are, contempt of the law itself and encouragement to offenders. Though every criminal code must leave some discretion of punishment to the Courts, particularly in the smaller offences and breaches of the peace, yet in crimes of enormity, we think that the punishment ought to be specific; at least, that some limit should be fixed to discretion. The English law fixes it in all cases: in smaller offences, by marking the barrier, which the Court's severity shall not exceed; in more serious crimes, by specifying the bounds of the Court's lenity.

39.—In what period does the Judge, who makes the half-yearly jail deliveries, usually complete the circuit?

The half-yearly jail deliveries of the out-zillahs usually occupy four months, but the completion of the circuit, after the Judges return to the Sudder station, depends upon the necessity or otherwise of his giving any of his time to the business of the Court of Appeal.

Moorshedabad, Court of Appeal and Circuit, }
the 25th January 1802. }

T. Pattle.
R. Roche.

P. S. The completion of the Answers to the foregoing Interrogatories has been, from a great pressure of business, the necessity of distant references and other circumstances, delayed, until the period of their date; and of consequence the signatures of only two members of the Courts are annexed, as the 3d Judge was, on the 10th of December, removed from this station; but it is proper and necessary to add, that the Answers generally were prepared whilst Mr. Colebrooke was a member of these Courts, and that he contributed full co-operation and active assistance in preparing them.

T. Pattle,
Sen' Judge.

G. DOWDES WELL, Esq.

Secretary to the Gov^t, in the Rev. and Jud^t Depart^t.

SIR,

I HAVE now the honour to forward my Reply to the several articles of Interrogatories which accompanied your Letter of the 29th of October last.

I am, Sir,
Your most obedient servant,
N. Sturt,
J^{se} and Mag^{te}.

City Moorshedabad, }
the 17th March 1802. }

REPLY of the JUDGE of the City of MOORSHEDABAD, to sundry Interrogatories, received from the Secretary to Government in the Revenue and Judicial Department; with his Letter, under date the 3d of December 1801.

Answer to the 1st Paragraph.—The number of causes now depending before me, the Register, and before the native Commissioners, are as follow:

Before the Judge	-	-	-	-	-	-	-	115
Before the Register	-	-	-	-	-	-	-	189
Before the Commissioners	-	-	-	-	-	-	-	87

TOTAL - - - 391 Causes.

Answer to the 2d Paragraph.—From a reference to the several Reports of my predecessor in office, I find the following statement of causes filed and decided, commencing from 1793 to the present period, and which Reports are submitted every six months to the Sudder Dewanny Adawlut and Court of Appeal, filed in the year 1793; viz.

Before the Judge	-	-	-	-	-	-	-	391
Former balance	-	-	-	-	-	-	-	192
								583
Decisions in the year 1793, viz.	-	-	By the Judge	-	-	-	-	352
Depending at the end of 1793	-	-	Before the Judge	-	-	-	-	231
Filed in the year 1794	-	-	Before the Judge	-	-	-	-	598
								839
Decisions in the year 1794	-	-	By the Judge	-	-	-	-	513
								316
Depending at the end of 1794	-	-	Before the Judge	-	-	-	-	152
Filed in the year 1795	-	-	Before the Judge	-	-	-	-	69
								221

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Decisions in the year 1795	- - -	By the Judge	- - -	80	
		D ^o - Register	- - -	35	
				<u>115</u>	
Depending at the end of 1795	- -	Before the Judge	- - -	388	
		D ^o - Register	- - -	34	
				<u>422</u>	
Filed in the year 1796	- - -	Before the Judge	- - -	307	
		D ^o - Register	- - -	187	
				<u>494</u>	
				916	
Decisions in the year 1796	- - -	By the Judge	- - -	150	
		D ^o - Register	- - -	36	
				<u>186</u>	
Depending at the end of 1796	- -	Before the Judge	- - -	545	
		D ^o - Register	- - -	185	
				<u>730</u>	
Filed in the year 1797	- - -	Before the Judge	- - -	71	
		D ^o - Register	- - -	115	
		D ^o - Commissioners	- - -	240	
				<u>426</u>	
				1,156	
Decisions in the year 1797	- - -	By the Judge	- - -	146	
		D ^o - Register	- - -	211	
		D ^o - Commissioners	- - -	197	
				<u>554</u>	
Depending at the end of 1797	- -	Before the Judge	- - -	123	
		D ^o - Register	- - -	424	
		D ^o - Commissioners	- - -	55	
				<u>602</u>	
Filed in the year 1798	- - -	Before the Judge	- - -	205	
		D ^o - Register	- - -	237	
		D ^o - Commissioners	- - -	212	
				<u>654</u>	
				1,256	
Decisions in the year 1798	- - -	By the Judge	- - -	243	
		D ^o - Register	- - -	601	
		D ^o - Commissioners	- - -	195	
				<u>1,039</u>	
Depending at the end of 1798	- -	Before the Judge	- - -	86	
		D ^o - Register	- - -	59	
		D ^o - Commissioners	- - -	72	
				<u>217</u>	
Filed in the year 1799	- - -	Before the Judge	- - -	219	
		D ^o - Register	- - -	200	
		D ^o - Commissioners	- - -	219	
				<u>633</u>	
				855	
Decisions in the year 1799	- - -	By the Judge	- - -	188	
		D ^o - Register	- - -	195	
		D ^o - Commissioners	- - -	223	
				<u>606</u>	
Depending at the end of 1799	- -	Before the Judge	- - -	117	
		D ^o - Register	- - -	64	
		D ^o - Commissioners	- - -	68	
				<u>249</u>	
Filed in the year 1800	- - -	Before the Judge	- - -	167	
		D ^o - Register	- - -	188	
		D ^o - Commissioners	- - -	403	
				<u>758</u>	
				1,007	
Decisions in the year 1800	- - -	By the Judge	- - -	205	
		D ^o - Register	- - -	110	
		D ^o - Commissioners	- - -	366	
				<u>690</u>	

Answers by the
JUDGES.
Moorsshedabad Division.
City
Moorsshedabad,
17 March 1802.

No. 1.	Depending at the end of 1800 - -	Before the Judge - - -	79	
		D ^o - Register - - -	133	
		D ^o - Commissioners - - -	105	
			<hr/>	317
Answers by the JUDGES.	Filed in the year 1801 - - -	Before the Judge - - -	144	
		D ^o - Register - - -	107	
		D ^o - Commissioners - - -	386	
			<hr/>	727
				<hr/>
				1,044
Moorshedabad, Division.	Decisions in the year 1801 - - -	By the Judge - - -	108	
		D ^o - Register - - -	141	
		D ^o - Commissioners - - -	404	
			<hr/>	653
				<hr/>
City Moorshedabad, 17 March 1802.	Depending at the end of 1801 - -	Before the Judge - - -	115	
		D ^o - Register - - -	189	
		D ^o - Commissioners - - -	87	
			<hr/>	391
				<hr/>

From the above, it appears, the number of causes now depending bear a very small proportion, compared to the heavy balances of causes which were exhibited, in former years.

Answer to the 3d Article of Interrogatories;—viz. the number of causes decided in the past year, are as follows:

By the Judge - - -	205
D ^o - Register - - -	119
D ^o - Commissioners - - -	366
	<hr/>
	690

Answer to the 4th Article of Interrogatories.—Taking the general average of former years, I do not think the number of causes annually filed by the Judge, can ever exceed 120, or at the most 130; the Register, 190; and Commissioners, about 200; and in my opinion, the number is, at this present time, reduced as low as it is ever likely to be, even under the most favourable circumstances.

Answer to the 5th Article of Interrogatories.—I am not prepared to suggest the establishment of any rules, which, consistent to the due administration of the laws, would expedite the decision of suits, unless the number of witnesses could be limited: that instead of citing, as is the case at present in most causes, from fifteen to forty witnesses, never to exceed six, or at the most, ten; this would, in thy opinion, tend to facilitate the object of an early decision. I am not of opinion that this object would be promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper; the only causes not appealable to a higher tribunal from this Court, are those appealable from the decisions of the Commissioners.

Answer to the 6th Article of Interrogatories.—I am clearly of opinion, that it would not answer any good purpose to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and, consistently with the due administration of justice, I conceive they ought not to be vested with superior authority beyond that now authorized; that any extension would not accelerate the course of justice; but with respect to the jurisdiction of the Registers, I am of opinion it might be beneficially extended to 300 rupees, subject to appeal to the Judge; and as the City Court and the Court of Appeal are the same in point of local residence, an appeal to that tribunal should remain unaltered.

Answer to the 7th Article of the Interrogatories.—On a reference to the several annual Reports of this Court, it does not appear that litigation has decreased; and notwithstanding the establishment of fees paid by Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Court of Judicature, and of the stamp duties, it has not in any degree checked this disposition of the natives, naturally prone to litigation. I am of opinion, the present charges attending the institution of lawsuits, is an equitable and just proportion of the fees and charges to which they are liable, and that any diminution of the present established charges on the institution of suits, would assuredly encourage litigation, and, consequently, personal inconvenience to individuals.

Answer to the 8th Article of Interrogatories.—I am perfectly convinced, from the applications I have received from men of respectable characters, that the fees paid to the licensed vakeels, on suits instituted, for men of ability and qualification to undertake the duties of that situation, that they are men, generally speaking, not only well acquainted with the Regulations, but men of liberal education, and possessing talents equal to the discharge of their functions.

Answer to the 9th Article of Interrogatories.—I certainly am of opinion that the establishment of licensed vakeels, from their knowledge and strict observance of the Regulations, greatly assist in bringing forward and expediting the decision of suits, as far as regards the

Zillah and City Courts; but with respect to the merits of a cause pending, they cannot, in any degree, influence the judgment of the Court in any suit, the merits of which must be determined, after hearing the deposition of both parties, by the Judge himself.

Answer to the 10th Article of Interrogatories.—The vakeels attached to this Court have, in no instance that has come to my knowledge, deviated from a proper discharge of their duty to their clients, with honour and fidelity.

Answer to the 11th Article of Interrogatories.—I believe that the knowledge of the laws of the country, as far as regards religion, the principal inhabitants of the city jurisdiction are as well acquainted with the tenets of their respective religions, as individuals in general can be supposed to be informed.

Answer to the 12th Article of Interrogatories.—I am not prepared to state any alterations in the form established for the trial of civil suits; the regulations now in force, are, as I conceive, fully calculated to promote an expeditious decision.

Answer to the 13th Article of Interrogatories.—In the Court-room there are places specially appointed for the Judge, for the public officers, for the parties concerned in all suits pending; and any other persons have access to the Court whenever curiosity or other motives lead them to appear. There are no other forms or ceremonies observed in opening the Court, except when seated on the bench, and the form of calling for such causes as appear in numerical order.

Answer to the 14th Article of Interrogatories.—There are a few schools or seminaries in the city under my jurisdiction, where the Hindoo and Mahomedan laws and the native languages are taught. Some are supported by individuals, and others, according to the means and ability of their respective relations.

Answer to the 15th Article of Interrogatories.—The general moral character of the inhabitants of the city under my jurisdiction, differs very little from those I have observed and experienced to be the moral character of the natives in general. I do not wish to introduce an opinion here but what could be founded on more local information than I can possess, from the very short period of my residence at the station, or where I could not render my remarks more perfect and authentic than I feel I am at present competent to do.

Answer to the 16th Article of Interrogatories.—I am most decidedly of opinion, from general observation, and since I have had the honour of filling the magisterial and judicial authority of this city, that every description of inhabitants consider their private rights and property amply secured by the present constitution of the country against infringement, and that they daily become more convinced and confident of the efficacy of those laws, by which they enjoy so much liberty and protection in the security of their persons, and property.

Answer to the 17th Article of Interrogatories.—With regard to whether I am of opinion that the city, under my jurisdiction, is in a state of improvement or otherwise, with respect to its proper population and commerce, and its buildings or other works for religious, domestic, or other purposes; from the short period of my residence in this city, I am little able to form a just and accurate opinion on a subject which requires so much local experience. It would, however, appear that commerce has not increased, nor can I trace any appearance of buildings or other works that can at all come under the description alluded to. Population has certainly decreased, and which can only be attributed to the malady which so frequently afflicts this city. This year, I am happy to observe, mortality bears no sort of comparison to former seasons; on the contrary, it is generally acknowledged to be unusually healthy.

Answer to the 18th Article of Interrogatories.—As no people, in my opinion, ever enjoyed greater security in their property or persons, it is natural to conclude that they must be satisfied with the British Government; but from the peculiar disposition of the natives, I do not think them capable of that attachment and affection to the British Government, which gratitude alone, for the benefits they acknowledge to experience, ought to produce.

Answer to the 19th Article of Interrogatories.—I am of opinion, that the present system of the police regulations are well calculated to ensure the apprehension of offenders. This is satisfactorily proved by the number of them brought in and committed to take their trials before the Court of Circuit.

Answer to the 20th Article of Interrogatories.—I am of opinion, that the establishment of armed men attached to each darogah in the city subject to my jurisdiction, is not adequate to the duties required of them.

Answer to the 21st Article of Interrogatories.—From a reference to the number of crimes committed, commencing from the year 1793, the period when the British Government assumed the criminal jurisprudence of these provinces, I have no hesitation in giving it as my opinion, that the number of crimes is diminished; and which can only be ascribed to the salutary effects of the present police regulations, and to the active co-operation of the several officers in that department.

Answer to the 22d Article of Interrogatories.—Gang robbing is the only crime of enormity prevalent in the city under my authority. These crimes, though not suppressed, yet robberies, and other breaches of the peace, are less frequent than they were.

No. 1.

Answers by the
JUDGES.

Moorshedabad Divis. on.

City
Moorshedabad,
17 March 1802.

No. 1.

Answers by the
JUDGES.

Moorshedabad Divis.on.

City
Moorshedabad,
17 March 1802.

Answer to the 23d Article of Interrogatories.—I have seldom observed that the lower classes of natives retain any other arms in their habitations than bamboos and bludgeons; the superior class keep swords and daggers, and which can only be considered an appendage of dress, and only used for that express intention.

Answer to the 24th Article of Interrogatories.—From every information I have been able to obtain from men of intelligence, the proportion that the Hindoo bear to the Mahomedan inhabitants in the city subject to my authority, would appear to be about two to one, and the number of inhabitants, from former calculation, may be computed at this time to 35,000 men, women, and children, actually residents of the city.

Answer to the 25th Article of Interrogatories.—The Nawaub Jennaub Ally holds the first rank in Bengal, but those possessing the greatest opulence in the city under my jurisdiction are too numerous to be particularized. The following stand very high, with regard to wealth and property: Rajah Davy Sing, Rajah Mahonud, Rajah Jokenaut, Juggit Seit. There are many bankers, possessing very considerable property. With respect to the number of followers, this invariably depends on their rank and situation in life. The Nawaub of this city, on all occasions of visits of ceremony, appears with several followers, armed, according to the custom of the country, with matchlocks and tulwars: he has, independent of these, a battalion of sepoy, consisting of 800 men; these also attend him during his visits of ceremony; and I suppose he has not less than 2,000 men of every description, maintained and supported by himself.

Answer to the 26th Article of Interrogatories.—I do not know of any persons in the city subject to my authority, supposed to be disaffected to the British Government, nor have I had cause to suspect any whose conduct requires superintending.

Answer to the 27th Article of Interrogatories.—I am of opinion, that conferring marks of honour and distinction on the natives of India, by the British Government, would contribute to strengthen their attachment to that Government.

Answer to the 28th Article of Interrogatories.—The road from the Choke to the Aufzoolbang gateway has lately been made with burnt brick, and is in good repair. The convicts were employed on this work, and the expense defrayed by private subscription. From Aufzoolbang gateway to the cross road leading to Moidapore, Calcapore, and Berhampore, a distance of four miles, the convicts of the zillah and city jail were employed in raising that part of the road; but as it is much frequented at all seasons of the year, being the high road to Calcutta, it was afterwards covered with burnt brick, and the work performed at the expense of Government, and cost one thousand two hundred rupees: the road continues in excellent repair. From the above-mentioned cross roads to the Berhampore cantonments, Government made a very excellent road with burnt bricks, which also continues in very good repair. The cross road leading from Moidapore to Calcapore, is in tolerable good repair, and has been kept up by the present resident at Cossimbuzar, at his own private expense. There is a road on the eastern side of the Bagzeratty, from the Bamoncah, which goes at the back of the city, joining the first road at the Feelhannah, about a mile and a half to the southward of the Choke: this road, on my taking charge, I found very much out of repair; and as it is in the dry seasons much frequented by traders, &c. transporting their goods from Bugwangolah, and the troops frequently made this road the route, when marching to the westward, it appeared of so much consequence, I gave orders to put it into a proper state of repair, and employed 200 convicts from this jail, without putting Government to any additional expense: the road is now nearly completed in some places. Some channels have been cut to carry off the water, an estimate of which was sent to Government, and approved.

The road on the western side of Boggerutty river was formerly in good repair, and Government have authorized putting it in a proper state.

The only bridge within my jurisdiction is the Bamoncah; this was repaired at the expense of Government, according to an estimate sent in by my predecessor.

Answer to the 29th Article of Interrogatories.—The convicts in the city jail are usually employed on the public roads, as far as the jurisdiction of this city extends; and as the intention of sentencing prisoners to hard labour is to operate as an example to others as well as a punishment to them, to preserve their health, and induce habits of industry; at the same time it appears to me proper, that the work, if practicable, and at no considerable distance from the jail, cannot be better attained, than by employing the convicts in making good roads; and I am not aware of any other better mode that could be adopted.

Answer to the 30th Article of Interrogatories.—On the 8th of January 1801, my predecessor submitted to the Right Honourable the Governor General in Council, a plan and estimate of a new jail, which was accordingly approved. This jail consists of six thatched bungalows, capable of containing seven hundred convicts, and those confined for debt: the sum authorized by Government for its erection, amounted to S.R^s 6,716, a sum by no means adequate to render the work so complete as such a building required. I cannot but consider their being thatched, particularly objectionable. It is also, in my opinion, very defective in other essential points, as far as regards the convenience and health of the convicts, and which I shall make the subject of a separate Report to Government.

Answer

Answer to the 31st Article of Interrogatories.—My predecessor having already addressed Government, as well as the Committee of Police, on this particular article of Government Interrogatories, I am not at present prepared to offer any rules and regulations better calculated for the suppression of crimes in general, than those already suggested by my predecessor.

No. 1.

Answers by the
JUDGES.

Moorshedabad Division.

Answer to the 32d Article of Interrogatories.—I am of opinion, that the operation of the last regulation, respecting the tax on spirituous liquors, with regard to the vice of drunkenness, has certainly tended to check, in some degree, this propensity in the city under my jurisdiction; I certainly observe this vice is by no means general, and that it is merely confined to the lower and very inferior classes of people.

City
Moorshedabad,
17 March 1802.

Answer to the 33d Article of Interrogatories.—The moral character of the city under my jurisdiction might be greatly improved, if education were more general; at present, this is confined to the higher and middle class of tradesmen.

Answer to the 34th Article of Interrogatories.—With respect to the effect of the regulation, which declares persons convicted of the crime of perjury liable to be marked on the forehead, this punishment has only in one instance been inflicted, as appears from the records. I am of opinion, this code in the regulations ought to remain in force; and that although the stigma may be little regarded at present, I think the apprehension of such a punishment calculated to render this crime much less frequent.

Answer to the 35th Article of Interrogatories.—The punishment of transportation introduced by the British Government, as far as my observation, from the short period I have had the situation of Magistrate of this city, enables me to judge, I am most certainly of opinion, that this punishment has produced the best effects; that it is much dreaded; that convicts once sentenced to confinement, however long the period, never desert; that crimes of enormity are less prevalent, and which I can only ascribe to the serious impression this punishment has generally produced in the minds of decoiters, and other gang robbers.

Answer to the 36th Article of Interrogatories.—I am of opinion, that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered, in some cases, with much lenity, but by no means with too much severity; that the operation of those laws have most certainly contributed to the happiness and protection of the lives and property of individuals, that crimes of every species is much less prevalent since those laws were introduced, than at any former period of the native Government.

Answer to the 37th Article of Interrogatories.—With respect to the nature of the general conduct of the Europeans, not in the service of the Company, who reside within my jurisdiction, there are only two of the description alluded to, viz. Mr. Holst, who has been permitted, with the sanction of Government, to continue in charge of the Dutch factory at Calcapore; and a Frenchman, also resident at Calcapore, whose sole occupation is that of a confectioner, and who is, I understand, a quiet sober character.

Answer to the 38th Article of Interrogatories.—The general condition of the weavers and manufacturers in my jurisdiction, is, I understand, equal to the prospect of advantages to be derived from such professions; no complaint of any description, in which these people were concerned, has ever, since my residence here, been preferred against them, for any default or nonperformance of their engagements. The existing laws and regulations I conceive well calculated to insure the most ample justice to the weavers and manufacturers, in their dealings with the officers of the Company, and with private European merchants; as also for enabling the officers of the Company, and the individual European, to obtain from the weavers and manufacturers the punctual performance of all contracts into which they may engage.

N. Sturt,
Judge & Mag^{te}.

To GEORGE DOWDESWELL, Esq.

Secretary to Government in the Judicial Department, Fort William.

SIR,

I HAVE the pleasure to submit to you, for the information of the Honourable the Vice President in Council, my Answers to the Interrogatories enclosed in your Letter of the 29th October last.

Illness prevented my attending to the duties of my station from the 23d November to the 1st January; during which time, there being no assistant, the business fell much in arrears; and since my recovery, it has required my constant attendance, from nine in the morning till six in the evening, to reduce them. I trust the Honourable the Vice President in Council, on a consideration of the heavy duties of this district being entrusted solely to me, will acquit me of any want of attention to the orders of Government, or negligence in the performance of them.

I am, Sir,

Your obedient Servant,

C. Grane, jun^r,
Act^s Judge & Mag^{te}.Z. Rajshahy, Jud^t Dep^t,
the 10th April 1802.

No. 1.

INTERROGATORIES to the Zillah Judges and Magistrates.

Answers by the
JUDGES.

Moorshedabad Division.

Zillah Rajshahy,
10 April 1802.

1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

ANSWERS.—The number of causes depending in this Court to the 31st December 1801, before the Judge, Register, and Commissioners respectively, are as follows:

In the first instance, before the Judge	-	-	-	129	
In appeal from decision of the Register	-	-	-	46	
In appeal from the decision of Commissioners	-	-	-	78	
				<hr/>	253
Before the Register	-	-	-	352	
Before the Ameens	-	-	-	493	
				<hr/>	850
Before Munsiffs and Arbitrators	-	-	-	-	12,265
				<hr/>	
Total	-	-	-		<u>13,368</u>

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending during the several years, commencing from the year 1793 to the present period?

From the year 1793 to the end of 1796, all causes that were depending before the Judge, Register, and native Commissioners, in their capacity of Referees, were reported in the aggregate; consequently it cannot be easily ascertained what number of causes were exclusively depending before each of those tribunals during those years. Since the receipt of the form from the Sadder Dewannee Adawlut, dated the 22d September 1797, the account of causes depending and decided by each tribunal respectively, has been separately reported. The following is the proportion of the number of causes now depending, jointly, before the Judge, Register, and native Commissioners, in their capacity of Referees, to the number of causes depending before them during the several years from 1793 to the end of 1796.

	Depending in 1793.	Depending in 1801.	Difference in each year.
1793	4,592	1,103	3,489
1794	1,630	D°	527
1795	1,817	D°	714
1796	3,500	D°	2,397

Before the Judge exclusively,

	Depending in 1797, 98, 99 & 1800.	Depending in 1801.	Difference in each year.
1797	201	253	52
1798	214	—	39
1799	217	—	36
1800	228	—	25

Before the Register,

	Depending in 1797, 98, 99, & 1800.	Depending in 1801.	Difference in each year.
1797	2,924	352	2,572
1798	2,776	—	2,424
1799	625	—	273
1800	456	—	104

Before the Commissioners, in their capacity of Referees,

	Depending in 1797, 98, 99 & 1800,	Depending in 1801	Difference in each year.
1797	533	498	53
1798	569	—	71
1799	639	—	141
1800	588	—	90

Before the Commissioners, in their capacity of Referees and Arbitrators,

	Depending in 1796, 97, 98, 99 & 1800.	Depending in 1801.	Difference in each year.
1796	1,198	12,265	11,067
1797	3,288	—	8,977
1798	4,543	—	7,722
1799	4,674	—	7,591
1800	13,658	—	1,393

3.—What

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

The number of causes decided by the Judge in the past year, including appeals from the decision of the Register and native Commissioners, is	-	-	-	-	139
By the Register	-	-	-	-	511
By native Commissioners	-	-	-	-	17,497
Total					- - - 18,147

No. 1.

Answers by the JUDGES.

Moorshedabad Division.

Zillah Rajshahy,
10 April 1862.

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

It is difficult to determine what number of causes must necessarily be depending before the Judge, Register, and native Commissioners; but the reason why that number depending before those tribunals respectively is not reduced, is because the plaintiff and defendant seldom trouble themselves further about their causes after the answer is filed. A long period perhaps elapses before the cause is brought on again, when a further time is required for filing the reply, rejoinder and vouchers, and summoning the witnesses. Were the parties, on the institution of a suit, to furnish their vakeels with the necessary information to enable them to plead, and the cash for the payment of fees on vouchers, &c. the number of causes would speedily be reduced.

5.—Are you prepared to suggest the establishment of any rules which (consistently with a due administration of the Laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper.

No better mode of expediting the decision of suits suggests itself at present, than a strict adherence to the 10th Section of the 4th Regulation of 1793, as far at least as relates to the plaintiff; for it too frequently happens that, after the institution of a suit, the plaintiff returns to his house without enquiring what more is to be done, and without furnishing his vakeel with the necessary documents, or cash to pay the fees for the carrying into execution the orders of the Court. Some positive order should also exist in the event of the defendant not answering the complaint within the period allowed by the Court for that purpose; as it is not uncommon in this zillah, for defendants purposely to withhold their answers, in order, that when the cause is brought before the Court, they may gain a little more time, by requiring the cause to be postponed to a future day, for the answer. Others again keep their answer back, in the hope that, as it has not been filed in the given time, the plaintiff will be called upon for his proofs by a certain date; and as evidence is generally required to substantiate the validity of the documents, a further period must necessarily be allowed; so that the defendant, having seen the documents brought forward to support the plaintiff's claim, makes out his answer accordingly, and files it before the arrival of the plaintiff's witnesses. But in order to make good what is set up in the defence, it too often happens that he is obliged to forge documents and suborn evidence to prove them. No other means of preventing this suggests itself to me, than not admitting of the defendant's answer after the plaintiff has been called upon for his vouchers. This may be liable to strong objections, but no better mode offers. Leaving it optional with the Judge to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, does not appear to me to be a means of expediting the decision of suits; on the contrary, it appears to me very objectionable, and may be the means of causing the Judge more trouble and time than taking the deposition would.

6. Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding 200 S.R.; what is the amount to which you would recommend the jurisdiction if the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

I am of opinion that it would not be advisable to extend the jurisdiction of native Commissioners to suits for sums exceeding 50 rupees; because, by the 3d clause of the 5th Section of the 40th Regulation of 1793, the Commissioners are to be appointed of proprietors of land, farmers, tehsildars, &c. all of whom have their own concerns to attend to, and who make the decision of Courts a secondary consideration. Besides which, it very frequently happens, that when a man has a complaint, for 40 odd rupees, he chooses rather to pay the fees on an addition, to make the sum above 50, than allow his cause to be made over to the Commissioners. I therefore conceive the natives are either not confident of the Commissioners making an impartial investigation, or expect more speedy justice in a superior Court. I am myself a Register, and it would ill become me to speak in favour of extending the jurisdiction of the Register's Court to sums exceeding 200 R., therefore I trust Government will excuse my giving my opinion on that subject.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits

No. 1.

Answers by the
JUDGES.

Moorshedabad Division.

Zillah Rajshahy,
10 April 1802.

in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits, to be too considerable, or otherwise?

By the establishment of the fees paid to Government on the institution of suits, &c. vexatious and groundless complaints are, in my opinion, considerably checked; and, indeed, from the amount of the fees required, many are prevented from want of means from bringing their just complaints before the Court. It is true, that agreeable to the 46th Regulation of 1793, those who have not the means are at liberty to sue as paupers, previously establishing their inability on oath, and by the evidence of two witnesses. It is said, that amongst those there are many who have only the necessary utensils for cooking, and a house or two to shelter themselves and family from the inclemency of the weather; and therefore they conceive, that even with this small property, they cannot make oath of their inability. I have never met with any person so scrupulous in this district; on the contrary, I have, in general, found men too apt to swear to any thing to gain their points. However, it is said, that men of the above description, being unable to borrow the necessary sum, prefer keeping what little they have got, to the chance of losing the whole by a decision being given against them. Others again are men who have been in flourishing circumstances, but now, though reduced to beggary, rather give up their just claims than submit to the disgrace of swearing to their own inability. Those who are opulent do not like to complain for small sums, because the fees exceed the amount of their demand; and even though the cause be decided in their favour, they run the risk of losing not only the original, but also as much again in fees, owing to the poverty of the defendant.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court persons of the above-mentioned description; and are they in general well acquainted with the printed Regulations?

The fees paid to licensed vakeels, on suits instituted and defended by them, is a sufficient inducement for men of character and education to undertake the situations; but now the number of causes brought into Court are comparatively so few to those of former times, that the profits are not very considerable; therefore men of the above description are not willing to undertake the situation of an authorized pleader. A small portion of the vakeels attached to this Court are men of character and education, and are well acquainted with the Regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishments of licensed vakeels must certainly contribute to expedite the decision of suits, because the chief employment and means of livelihood of the greater part of them depend on their attention to the business of this Court.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

As no complaints have ever been made in this district against any of the authorized vakeels, it is to be presumed they discharge their duty to their constituents with honour and fidelity, to the best of their ability.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The principal inhabitants of this district appear to have a tolerable knowledge of the laws of the country, but find themselves occasionally perplexed by the frequent modification and revision of long standing regulations.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am not prepared to suggest any new forms for the trial of civil suits.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

In the former Court-room in this district, there were separate places for the Judge, public officers of the Court, the parties or their vakeels, and for the witnesses; the rest of the room was open to every one; but that Court-house was burnt down in 1795, since which the Court has been held in a bungalow belonging to the late Judge, in which there is merely a platform railed round, on which the Judge sits, and admits the public officers, the parties, or their vakeels, and the witnesses. No particular forms or ceremonies have been observed, either at opening or sitting in Court.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught, and how are those institutions maintained?

There are no private schools or seminaries in this district, but a Mussulman who holds some land attempted to found a college, for the maintenance of which he wished a grant of a thousand begahs of his own talook from Government, as lakeraige, at the same time

Some not demanding or wishing any deduction to be made in the revenue already assessed on his estate. For the above purpose, he presented a petition to the Collector, to be forwarded to the Board of Revenue, who not approving of the prayer of the petition, refused to comply with it. The idea of founding the college fell to the ground.

No. 1.

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JUDGES.

- 15.—What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants of your district in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

Moorsheedabad Division.

Zillah Rajshahy,
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The period of my residence in the country does not enable me to judge of the moral character of the natives in this district at this period, comparatively with that of a more distant one; but from their morals at present, I conceive they must have been bad indeed if they were ever worse, for I do not believe it is possible to meet with a set of men more addicted to crimes in general, and perjury in particular, than are the inhabitants of this district.

- 16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

The inhabitants in general in this zillah, being themselves addicted to every vice, suspicious of each other, and ever ready to violate their faith when interest is in view, judge of others from themselves, and place but little reliance on the security of their own property, from the infringement of the supreme executive authority, and therefore cannot be supposed to have much confidence in the executive officers of Government, or individuals.

- 17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings or other works, for religious, domestic or other purposes; and on what grounds do you form your opinion?

As far as I have been able to observe of this district, during a residence of four years and a half in it, I am decidedly of opinion, that it has in that period improved considerably in point of cultivation. With respect to its buildings also, I am told there has been great improvement, owing to there being now a number of petty zemindars where there used formerly to be only one; and a great number of them, in order to gain a degree of respect, as well as to secure the papers relating to their estates from fire, have erected pukka buildings. I do not hear of any buildings, further than small durgas, erected for religious purposes. Population, it would appear, from the best information I can obtain, has much increased; and from the numerous newly erected habitations on ground which was lately waste, there is at least strong reason to credit the correctness of the information. Merchants residing in this district say, that commerce has much decreased, owing to their most profitable trades in salt and opium being taken out of their hands. The assertion, I am induced to think, is very incorrect, as there are now more photudars inhabit this district than in any former time; from which circumstance it is to be inferred, that commerce has increased of late years.

- 18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction are in general satisfied with the British Government?

I have no reason to suppose that the inhabitants of this district are dissatisfied with the British Government; and even if they were, I consider them to be too pusillanimous to shew it.

- 19.—Is the present system of police well calculated to insure the apprehension of offenders?

I do not think the present system of police is well calculated to insure the apprehension of offenders, for various police officers daily report upon robberies and murders committed within their jurisdiction, without being able to discover the perpetrators or gain the smallest information respecting them. This chiefly originates from the inhabitants in the village which is attacked, betaking themselves to flight the moment the robbers, as is customary with them, begin to halloo and burn lights. Though three instances of robberies, committed within a few paces of the tannah, have occurred since I have been in this district, and notwithstanding, at one time the burgurdazes were so near the robbers as to exchange a few words with them, yet not one of the gang was known, or could a single person point out in which direction they retreated.

- 20.—Are the police establishments in the district subject to your jurisdiction adequate to the duties required of them?

The police establishments in this district, from the circumstance mentioned in my answer to Paragraph 19, do not appear to be adequate to the duties required of them.

- 21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

The number of crimes committed annually in this district appear to be rather increased than decreased, and I attribute the cause to most of the zemindars, talookdars, farmers, &c. harbouring and protecting large gangs; and I am much inclined to think that the police officers receive their share of the plunder, to wink as much as possible at these enormities. During my local enquiry into the robbery committed on the Honourable Company's boats,

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I had opportunities of getting information of the above kind, but not a man dared step forward openly to prove the fact, or I should have felt infinite satisfaction in bringing some of the zemindars and such of the darogahs as assisted them to severe punishment. Another cause, in my opinion, which contributes not a little to the contribution of robberies, is the lenity of punishments given in the Futwas of the law officers attendant on the Court of Circuit. For instance, for crimes punishable by death, either by the British law or during the Nizam's Government, is now commuted into thirty-nine stripes of the tazerana, and two, three, four and five years imprisonment. The lenity of such sentences for the crime of robbery; when unattended by murder, attaches to it a very serious consequence, viz. that the persons who are robbed, prefer keeping their lives to recovering their property. Knowing that, in the event of any one of the depredators being released, either by the Futwa in the first instance, or at the expiration of the short period of his confinement, his death, or flight from the country, must be the result. It frequently happens, that the person whose house is attacked, is the only person who sees the robbers sufficiently to identify them on their apprehension; this not being satisfactory, agreeable to the Mahomedan law, the robbers are forthwith released, to embroe their hands in the blood of the prosecutor.

22.—What crimes of enormity are most prevalent in the district under your authority? What is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

The crimes of the greatest enormity, in this district, are robberies, attended with murder, perjury, and forgery. If a robbery is committed without murder, it is owing to the inhabitants of the house attacked having time to escape out of it; for it appears to be a rule with the decoits in this zillah to attempt the murder of all they meet; and should the unfortunate owner of the house attacked have escaped the robbers on their first entrance, and is afterwards found, he is generally covered with oil and burned, to make him discover his wealth. The causes of the prevalence of these depredations are assigned in my answer to the 21st Paragraph. The means which strike me as being best calculated for the suppression of these robberies are, by subjecting the zemindars, talookdars, farmers, &c. to very severe punishment for allowing bad characters to reside on their estates. They cannot pretend ignorance of who are good, and who are bad; for it is very common, on the apprehension of suspected persons, for their neighbours, who are called in as witnesses, to prove their having been concerned in a particular robbery, to depose, that they do not know whether the prisoners robbed the identical house, but that they are and have, for a long time, been suspected persons; that since their apprehension, robberies in the village in which they reside have been less frequent; and consequently, from these circumstances, they cannot but suppose the apprehended persons were the robbers, especially as these men have no visible means of livelihood. The proprietors of these villages know these facts as well as the witnesses, but do not think proper either to turn them out of their estates, or give the police officers notice of them. I would also recommend, that a police darogah, convicted of connivance, or even in the event of there being presumptive proof against him, be made a most severe example of, not merely by dismissal from his office, but also by making him liable to the same punishment as the actual robbers, as many as possible of whom I would strongly recommend for transportation. Those who are not supposed to be deserving of so severe a sentence, to be confined to hard labour in one of the districts distant from that in which their families reside, or in which they have committed their depredations. The crimes of perjury and forgery are, in my opinion, nothing short of robbery, and therefore require equal severity.

23.—Do the inhabitants in general, of the district subject to your jurisdiction, keep arms in their houses? What description of arms do they retain, and for what purposes are the arms retained?

The principal inhabitants of the district under this jurisdiction, being men of large landed estates, or merchants, require a certain number of men to escort their treasure, and to guard that which they keep in their houses; for which purpose they, in general, keep some more and some fewer burghudazes, armed with matchlocks, swords, shields and pikes. These men also serve as hircarras, to run before their masters palanquins.

24.—Are there any brick or mud forts in your district? In what state are the forts, and what is the nature of their construction?

The only building which bears any appearance of a fort, is one belonging to the Nawab of Moorshedabad, at Gpdagaree, but the walls are nearly all fallen down. It was built as a place of retreat for the Nawab's household in former times, in cases of attack. The nature of its construction was a mere square-wall, built of brick.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

The proportion that the Hindoo bear to the Mahomedan inhabitants of this district is supposed to be two to one, and the number of inhabitants of the district about fifteen lacks.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

The names of the persons of highest rank in this district are Bhoowun Inder Narain Chowdree

Chowdree and Anund Narain Chowdree, and Souruj Muanee Chowdryne, the zemindars of Pergunnah Lushkerpore; but Bhoowun Inder Narain, zemindar of the $5\frac{1}{2}$ anna share, is the man of the greatest opulence. The number of his followers may probably amount to an hundred, or rather more, in general, armed with pikes, swords, shields, and matchlocks. The greatest part of these men are employed in the guard of treasure, and not more than ten or fifteen of them, armed as above, attend him abroad.

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Zillah Rajshahy,
10 April 1802.

27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

I never heard of any man under this jurisdiction being disaffected with the British Government. Were a circumstance of the kind to come to my knowledge, I should not fail taking such decisive measures as the exigency of the case required; but I trust no such event will ever happen.

28.—Are you of opinion, that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

I have no doubt but the better class of natives would be well pleased that the British Government should confer titles and other marks of distinction on them, as, in that case, they would acquire an influence and dignity hitherto unknown to them; but I am not prepared to say how far it might contribute to strengthen their attachment towards it.

29.—What is the state of the roads, bridges and other public works in the district under your authority, and at whose expense are they kept in repair?

There is but one road at present in this district, extending about nine miles, which is kept in repair by the prisoners, but there are no bridges on it. I had it in contemplation to make a road between the town of Nattore and Baulea this year; but the only road we have, being so much destroyed during the last rains, and requiring so much repair, precludes the possibility of beginning it this season. Excepting the above road, there is no other public work in this district.

30.—How are the convicts in the district usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

From the beginning of July to the end of November, nearly the whole of this district is under water; therefore the convicts cannot be employed to much advantage during that period, nor there does not appear to me any more preferable mode of employing them than in repairing the roads.

31.—What is the state of the jail in your zillah?

The jail in this zillah is in a tolerable good state; but it requires a few repairs, which may be made at a trifling expense.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as justices of the peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

I am of opinion that it would by no means contribute to the suppression of crimes, or facilitate in the smallest degree the apprehension of offenders, by granting commissions to zemindars, farmers, and other persons of character, to act as justices of the peace; I rather suspect it would be a source of oppression, jealousy and litigation; for a native, with such a commission, would seize, under various pretences, the of any neighbouring zemindar or farmer, with whom he might have a dispute, and thereby distress him into a compliance with his wishes; while the other, finding himself unable to contend with so powerful an antagonist, is secretly stirring up informers and other persons, who make no difficulty in swearing to any thing, to lay criminal accusations against him. Allowing even that the person entrusted with such a commission has no dispute with his neighbours, they, being jealous of his authority, will not fail to thwart him in the execution of his duty; or should he apprehend any of their ryots, however justly, they would not fail making it a subject of litigation. Though I am decidedly against appointing zemindars or farmers, justices of the peace, yet I would strongly recommend, that every zemindar or farmer, or other landholder, be empowered to apprehend robbers and thieves, or persons of bad character, residing on their estates; subjecting them at the same time to very heavy punishment, should they allow such descriptions of persons to remain unmolested. I am satisfied so many murders and robberies could never be committed, if the landholders did not connive at them.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

As the natives are in greater dread of transportation than any other punishment that can be inflicted on them, I am of opinion that it would contribute much towards the suppression of perjury and forgery, were that to be declared the punishment for such offences. Those crimes

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crimes are so prevalent in this district, that no man's character or property is safe, as there is scarce any reliance to be placed on the evidence of witnesses. For the suppression of murders and robberies, and the speedy apprehension of offenders, I would recommend, that very severe measures be adopted against landholders, who knowingly suffer men of bad character to reside on their estates. By the 10th Section of the 22d Regulation of 1793, Magistrates are empowered to employ vagrants and all suspected persons on the public roads, till they can give security for their future good behaviour; many men are kept in confinement agreeably to the above section, who can never give such security, therefore such sentence, if enforced, is equal to imprisonment for life. Others again are imprisoned under that section, who have been charged with a specific crime, but on the trial it has not been substantiated, but proved that the prisoner or prisoners have no visible means of livelihood, yet live well; these men, notwithstanding the suspicion is strong against them, soon find security and return to their bad practices, but more cunning and cautious than before. Committing such persons to take their trials before the Court of Circuit is useless, as the Mahomedan law does not admit such proofs to be sufficient for punishment; therefore a whole gang may be released at once to follow their former occupations, and the first use they make of their liberty is to rob and murder all those who have given evidence against them, or have been any way instrumental towards their apprehension. The cowardice of the natives is so great, that a robber is scarce ever identified by the person robbed; and the moment the alarm of robbers is heard in a village, the villagers betake themselves to flight, while the predators plunder every house in it at their leisure. Independent of this, the pusillanimous inhabitants are afraid to give information at the Thanna, least the gang should make another attack on their village. In short, it would be almost impossible to detect robbers, did not one of the gang turn informer and entice four or five more over to his party to give evidence. This is an evil which requires the serious consideration of Government.

34.—What has been the operation of the last regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was, previously to the establishment of those taxes?

What the operation of the last regulation, respecting the tax on spirituous liquors, with regard to drunkenness, has been in the Mofussil, I cannot well ascertain; but to judge from what I have observed respecting it in Nattore, I must give it as my opinion, that the vice is considerably decreased, as I seldom meet a person inebriated.

35.—Do any measures occur to you, the adoption of which would in your opinion contribute progressively to the improvement of the moral character of the inhabitants of the district?

The natives of this district have so long been accustomed to iniquity, that I despair of ever seeing any improvement in their moral character, and I cannot suggest any measure the adoption of which would tend to the accomplishment of so desirable an object.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead?

The regulation which declares persons convicted of perjury liable to be marked in the forehead, does not, in my opinion, appear to have had the smallest effect; for in administering the oath to witnesses, they are told what they subject themselves to by swearing falsely, they appear to be conscious of it, and five minutes after they are detected.

37.—What has been the operation of the punishment of transportation introduced by the British Government?

Transportation, as I have before mentioned, is what is dreaded more than death; and I am firmly of opinion, that were all robbers transported who were sentenced by the Law Officer of the Court of Circuit to imprisonment for more than three years, it would have a good tendency, and might be the means of considerably checking robbery.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequence produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

I cannot but give it as my opinion, that the Mahomedan criminal law, with the alterations made by the British Government, is administered with too much lenity; and the consequence is, that after the expiration of each prisoner's period of confinement, he returns to his old practices. As a proof of the little effect the punishments have on offenders, during their imprisonment they have been heard to declare that they would call their prosecutors and witnesses, to account. Had their punishments been sufficiently severe, dread of a repetition of it would have deterred them, from using menacing expressions, at least while in confinement.

39.—What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction?

The Europeans not in the Company's service, who reside within this jurisdiction, have since I have been in the district, which is now four years and a half, behaved themselves in the most orderly and correct manner, so much so that I do not recollect any complaint having ever been preferred against one of them.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for ensuring justice to the weavers and manufacturers, in their dealings with the officers of the Company and with private European merchants, and also for enabling the officers of the Company and the individual European merchants to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

I am unable to resolve the question respecting the general condition of the weavers and other manufacturers under this jurisdiction; all that I know regarding them is, that men of that description are frequently brought before the Criminal Court as robbers, or thieves, or receivers of stolen property. The regulations are certainly well calculated for ensuring justice to the weavers and manufacturers, in their dealings with the officers of the Company and with private European merchants; but I am inclined to think they are not so well adapted for enabling the Company's officers or private merchants to obtain the due performance of their engagements; because the mode in which the Company's officers and private merchants carry on their dealings with the manufacturers is, by advancing cash for the goods to be provided; and these manufacturers know, that if the goods are not delivered by a certain time, the object of the Company's officer and the private merchants is defeated, and that they have no resource but in instituting a regular suit in the Dewannee Adault, so that the Company's officer is by this disappointment prevented from realizing his investment, and the private merchant, unless a man of property, is ruined.

Zillah Rajshahy,
Judicial Department,
the 10th April 1802.

C. Grame, jun.
Act's Judge & Mag^{te}.

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JUDGES.
Moorshedabad Division.
Zillah Rajshahy,
10 April 1802.

To His Excellency the Most Noble RICHARD Marquis WELLESLEY, K. G.
Governor General in Council.

MY LORD,

I HAVE the honour to forward my Reply to the Interrogatories of Government of the 29th October last. The cause of its being so long delayed is stated in my letter to the Judicial Secretary, under date the 21st ultimo.

Many of the questions being general, I have in my answers merely referred to my reply from Backergunge, for the information required. The short time I have presided in this zillah prevents my giving such satisfactory information on many points, which a longer residence would enable me to do; this circumstance will, I hope, be indulgently admitted by your Excellency, as an excuse for any deficiency in my Reply. The correspondence of my predecessor on the subject of police, to which I have referred, will afford Government every requisite information, to enable it to judge of the state of this district.

I have the honour to be, with the greatest respect
Your Excellency's

Zillah Bhaugulpore,
Dew' Adl^e
31st May 1802.

Most obedient humble servant,
J. Wintle,
Judge and Mag^{te}.

REPLY of the Judge and Magistrate of Zillah Bhaugulpore to the Interrogatories of Government of the 29th Oct. 1801.

Question 1.—Ans. The number of causes depending on the 31st December 1801 was as follows, viz.

Before the Judge -	-	-	-	-	64
Ditto the Register -	-	-	-	-	82
Ditto native Commissioners	-	-	-	-	1,005
Total -					<u>1,151</u>

Question 2.—Ans. The number of causes, depending at the end of each year from 1793, is inserted underneath; which shows the proportion those now depending bear to former years, viz.

	1793.	1794.	1795.	1796.	1797.	1798.	1799.	1800.	1801.
Before the Judge - -	203	344	134	17	30	65	41	57	64
D° - - Register - -	-	-	-	41	8	-	69	81	82
D° - - Native Com- missioners	-	-	-	72	274	174	259	707	1,005
TOTAL - -	203	344	134	130	312	239	369	845	1,151

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Question 3.—Ans. The number of causes decided in the past year (1801) is inserted below; in which statement I have thought it proper, for the information of Government, to insert causes disposed of by nonsuit, &c. and other business that is not brought on the regular file, viz.

Before the Judge:		
In appeal from the decision of the Register - - -		16
In - ditto - - ditto - - of the native Commissioners		5
Tried in the first instance by the Judge:		
Decreed on trial - - - - -		52
Dismissed on nonsuit - - - - -		7
Adjusted by rajenomah - - - - -		5
		85
Before the Register:		
In appeal from the decision of the native Commissioners		7
Tried in the first instance, by the Register:		
Decreed on trial - - - - -		80
Dismissed on nonsuit - - - - -		14
Adjusted by rajenomah - - - - -		15
		116
Before the native Commissioners:		
Decreed on trial - - - - -		1,527
Dismissed on nonsuit - - - - -		345
Adjusted by rajenomah - - - - -		737
		2,609
Total causes - - - - -		2,810

Question 4.—Ans. The number of causes that must necessarily be depending cannot be stated with any certainty; because, though a pretty exact calculation may be made of the number that ought to be decided, the question must in a great measure rest on the number of suits instituted annually, which may vary exceedingly. But if the tribunals are diligent in the discharge of their duty, I think a plaintiff should obtain a decision, in this zillah, from either, in the course of three months after filing his suit; which is almost as short a time as the necessary process of summoning the defendant, receiving the pleadings, &c. can be completed in.

Question 5.—Ans. I beg leave to refer to my reply from Backergunge for an answer to this question.

Question 6.—Ans. I do not think it would be advisable expressly to extend the jurisdiction of the Register and native Commissioners of this zillah to suits for sums greater than they are authorized to try at present, as the suits in general are not for large sums, nor are there many opulent persons living in this district; but that the Judge should be at liberty, if from the number and amount of causes filed he may deem it advisable, to refer suits to the Register for trial, not exceeding the sum of three hundred sicca rupees.

Question 7.—Ans. I beg leave to refer to my reply from Backergunge for an answer to this question.

Question 8.—The fees paid to the licensed vakeels, on suits instituted or defended by them, are a sufficient inducement to men of character and qualifications to undertake those situations. The most able, as in all other countries, do of course get the greatest employ, while those of inferior abilities must be content with having business now and then. Some of the vakeels attached to this Court are respectable men, and acquainted with the printed regulations, others are rather deficient in that knowledge.

Question 9.—Ans. I beg leave to refer to my reply from Backergunge for an answer to this question.

Question 10.—Ans. I beg leave to refer to my reply from Backergunge for an answer to this question.

Question 11.—Ans. The inhabitants of this zillah are not well acquainted with the regulations, and the revenue regulations particularly appear to have been almost entirely disregarded. From the representations that have come before me in my official situation, I have reason to believe that the greatest confusion exists in the collections, and that it will be a most laborious task for the present collector to bring them into order and regularity.

Question 12.—Ans. I beg leave to refer to my reply from Backergunge for an answer to this question.

Question 13.—Ans. There are separate places allotted for the bench of the Judge, for the public officers, parties, vakeels, witnesses, and all persons who attend the Court, in the Court-house. At the opening and shutting of the Court the nazir proclaims aloud to that effect, which is the only ceremony observed, except what are pointed out in the regulations, and what

what relates to the manner of the parties or vakeels addressing the Court, which is similar to what is observed in English courts of justice.

Question 14.—Ans. There are no private schools where the Mussulman and Hindoo laws are exclusively taught. The following is a list of both public and private schools in this district, where other sciences are taught, as well as Mahomedan and Hindoo law, viz.

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Number of Madrisas and Chowparries.	Name of Village, and Pergunnah where situated.	Name of Superintending Mouldavie or Pundit.	Number of Students now at each.	How supported.
MUSSULMAN MADRISSAS:				
1.	Mouzah Molanagore, pergunnah Surajegurrah.	Shah Golam Moortizah and Sheik Gossain.	Not ascertained.	From an alkungah grant of pergunnah Obeypore.
1.	Cushbah, pergunnah Surajegurrah.	Cauzy Golam Muckdoom, Arshud Ally, and Bunday Ally.	Ditto.	From lackranje lands and istomrary jumma of pergunnah Beecrempore.
1.	Moallah Chuck Durgah Mollanah Shaubaz, pergunnah Bhaugulpore.	Moulavie Mohamed Suffee	20.	Five hundred begahs of lackranje land in Mouzah Gopalpore, Peigh Bhaugulpore and Chaundpore, and Dane, pergunnah Colgong.
1.	Mehal Moshyck Chuck, pergunnah Bhaugulpore.	Fazul Ullah - - -	10.	From his own expenses.
1.	Cushbah Luckenpore Durgah Shah Chundun, pergunnah Churrackpore.	Mubaruck Ullah - -	4 or 5.	From lackrajje lands of pergunnah Churrackpore.
HINDOO CHOWPARRIES:				
1.	Mouzah Allynagore, pergunnah Surajegurrah.	Chooney Eam Pautuck -	- - -	From his own expenses.
1.	Mouzah Abzul, pergunnah Surajegurrah.	Gokoolnaut Pautuck -	- - -	Ditto - - ditto.
1.	Mousah Burray, pergunnah Colgong.	Mohish Pundit - -	10.	Ditto - - ditto.
	Mouzah Taledchah, pergunnah Churrackpore.	Somful Jhah Bhowany, Dutt Jhah, and Horil Takore.	5.	From biremetur land in pergunnah Churrackpore, &c. and fees on law advices.
1.	Mouzah Roytah, pergunnah Havelly Churrackpore.	Rumaput Takore - -	2.	Ditto - ditto - pergunnah Havelly Churrackpore.
1.	Mouzah Raujepore, pergunnah Churrackpore.	Shebuckram Jhah - -	2.	Ditto - - ditto.
1.	Mouzah Misserpore, alias Comtah, pergunnah Churrackpore.	Chaund Misser - -	4.	Ditto - - ditto.

Question 15.—Ans. The general moral character of the inhabitants of this zillah is far superior to that of the inhabitants of the eastern parts of Bengal. As far as I can learn or observe, the system of administration formed by the British Government has had some influence in improving their moral character, but I cannot say exactly to what degree. In comparison to the people of Backergunge, the inhabitants of this zillah in general are saints.

Question 16.—Ans. The inhabitants undoubtedly consider their private rights and property to be far better secured by the present constitution of the country than ever they were

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were under the Mogul Government, and that they are not now liable to infringement by the supreme authority itself, by the executive officers, or by individuals. They have not, however, always entertained that opinion.

Question 17.—Ans. This district is undoubtedly in a state of improvement in regard to its population and cultivation since the hill people were subjugated to the Honourable Company's jurisdiction; before which period it was very thinly inhabited, owing to the dread of those mountaineers, who were a scourge to the country, which equally checked cultivation; but since they have been reduced to submission, a greater number of inhabitants have settled in the district, and cultivation has extended. The establishment of the invalid Jaghuedars has also added considerably to the population and cultivation of the district, and some considerable portions of waste lands have been cleared from jungle by the last-mentioned persons. The commerce of the district has also much increased, from merchants being no longer in dread of being robbed by the mountaineers; in consequence of which this district has become one of the greatest thoroughfares in India, and merchandize passes through it from Lucknow, Benares, Patna, &c. to Moorshedabad, Calcutta, &c. part of which must naturally be consumed here. Buildings for religious and domestic purposes appear however to be on the decline, compared with the edifices built in former days yet to be seen; which is naturally accounted for by the power of the Soobahs of Bengal, who formerly held their court at Rajemahal and Monghir, being abolished, and the court being removed to Moorshedabad, and the opulent persons attached thereto dispersed; few persons of consequence remained in this district. There are no opulent Hindoos or Mussulmen now residing in the district, consequently the erection of Hindoo and Mussulmen temples have also declined.

Question 18.—Ans. I believe the inhabitants of this district are perfectly satisfied with the British Government, and that they are fully aware of the great freedom they enjoy under it, beyond what they could ever taste under either the Mogul or Hindoo administrations.

Question 19.—Ans. I beg leave to refer to my reply from Backergunge for an answer to this question.

Question 20.—Ans. The police establishments of this district are as vigilant as can be expected, but I do not think them quite adequate to the purposes of an active police, without the aid of village watchmen, and an establishment of boats to guard the skirts along the great river. My predecessor, in the 25th paragraph of his letter of the 2d September 1800, proposed that an addition of three guard boats should be made, to be stationed at Pointy, Monghir and Bhaugulpore; and in the 17th paragraph, that an addition of two chowkies be made at Suffiebad and Shahabad, which I think would be very proper, and afford great security to merchants and travellers, and to the inhabitants of this zillah also.

Question 21.—Ans. The number of crimes committed, agreeable to the calendars for the last nine years, is inserted underneath, which shews that they have somewhat diminished since the year 1793. This is owing to the regulations adopted by Government, and the vigilance of the late magistrate and police officers; viz.

	1793.	1794.	1795.	1796.	1797.	1798.	1799.	1800.	1801.
Murders - - -	6	10	5	7	4	6	9	6	3
Woundings - - -	2	4	-	-	-	6	3	3	-
Robberies - - -	1	-	1	-	-	-	-	-	-
Thefts - - -	30	51	25	65	21	40	22	35	48
Decoities - - -	-	-	2	1	1	4	3	11	7
Perjury - - -	-	4	6	4	7	2	1	4	1
Causing of abortion - - -	-	-	2	-	-	2	1	2	1
Exacting money under false pretences - - -	-	-	-	-	1	-	-	-	-
Witchcrafts - - -	-	1	-	-	-	-	-	-	-
Forgeries - - -	-	-	1	-	-	-	-	2	-
Briberies - - -	-	-	1	-	-	-	-	-	-
Setting fire to houses - - -	-	-	2	3	-	3	-	3	-
Using illegal weights - - -	-	-	-	-	-	-	-	1	-
Entertaining a thief in his service - - -	-	-	1	-	-	-	-	-	-
For making illegal sayel collections - - -	-	-	-	18	-	-	-	-	-
For trying to stir up discontent in the hill people - - -	-	-	1	-	2	-	-	-	-
TOTAL -	39	70	47	98	36	63	39	57	60

Question 22.—Ans. In this district, crimes of great enormity are but seldom committed. Murder does sometimes occur, but highway robberies, and petty thefts, and assaults, are most prevalent. These most usually occur where the tannahs are at a great distance from each other, or near the great river. Increasing the police establishments, with the addition of the guard boats, as recommended by my predecessor, would, I conceive, be the best means of suppressing these crimes.

Question 23.—Ans. The inhabitants of this district in general, keep arms in their houses. Many of them for the purpose of service, such as burkendesses, hurcurrahs, &c. Some for hunting, others from inclination, such as bands of armed fakeers, &c. who perhaps often put them to an improper use. Those most commonly used are tulwars, guns, and spears. Travellers carry these for their own defence. But I am of opinion with my predecessor, that the gangs of armed fakeers, and other vagrants, who travel about the country, ought to be disarmed.

Question 24.—Ans. There are the under-mentioned forts and decayed ghurrees (or habitations surrounded by walls, with watch towers at each angle) in this district; the latter were formerly the residences of the different zemindars, and built to protect them against the force of the Mogul invaders. The forts of Monghir and Oudanullah require no description; viz.

Number of Forts, &c.	Name of Village, and Pergunnah wherein situated.	With what Materials constructed.	In what State of Repair.	Nature of the Forts, &c.
1.	Mouzah Pawye, pergunnah Surajegurrah.	Mud.	- - - - -	Ghurree.
1.	Mouzah Juje Waray, pergunnah Surajegurrah.	Mud.	- - - Ditto - - -	Ditto.
1.	Mouzah Oren, pergunnah Surajegurrah.	Bricks and mud walls.	- - Now in ruins - -	Ditto.
1.	Mouzah Murtoojah Najore, pergunnah Surajegurrah.	Mud.	- - Nearly destroyed -	Ditto.
1.	Mouzah Pookrawah, pergunnah Surajegurrah.	Mud.	In ruins, and now inhabited by the Zemindar.	Ditto.
1.	Mouzah Allynagore, pergunnah Surajegurrah.	Mud.	- - In ruins - -	Ditto.
1.	Mouzah Shoobney, pergunnah Surajegurrah.	Mud.	Now the residence of the Zemindar.	Ditto.
1.	Mouzah Bishenpore, pergunnah Selmaband.	Mud.	In ruins, and occupied by one of the invalids named Sal-labet Khawn.	Ditto.
1.	In Moughir - - - -	Brick.	Occupied by the Honourable Company.	Fort.
1.	Mouzah Nantnagore, pergunnah Bhaugulpore.	Mud.	Out of repair, and now occupied by the hill rangers.	—
1.	Mouzah Tarrapore, pergunnah Saharye.	Mud.	- - In ruins - -	Ghurree.
1.	Mouzah Taleaghurree, pergunnah Ghurree.	Stone and brick.	- - In ruins - -	Ditto.
1.	Mouzah Gunjapersand - -	Mud.	- - In ruins - -	Ditto.
1.	Oudanullah, in Rajemehal -	Brick and mud.	In ruins, and now occupied by the invalids.	Ditto.

Question 25.—Ans. The proportion of Hindoos in the district in the Mussulman inhabitants, are supposed to be about 7 to 9. It is difficult to say what number of inhabitants there may be of all descriptions, without making a more correct enquiry than has hitherto been done; but from some accounts in this office of the number of houses in each tannah, made in my predecessor's time, it appears that the whole number are 132,063, which, allowing about five persons for each house, will give 660,340 persons; to which may be added, about 10,000 for the hill inhabitants, not included in that account, which will make the whole of the inhabitants of this district amount to about 760,340.

Question 26.—Ans. There are no persons of high rank or great opulence in this district. The under-mentioned are the persons of most respectability; Rajah Kander Ally, Roopnarain Deo, Rajah Gopal, and Nerbye Sing, are the only persons who have any number of armed followers. Rajah Kander Ally seldom appears abroad with more than six burkendesses, Roopnarain Deo entertains about 1,500 or 1,600 armed persons, who are also

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his ryots, and is attended abroad by 80 or 100 armed followers; Rajah Gopal Sing and Nerbye Sing appear abroad with six or seven armed followers. None of the other persons appear abroad with more than one or two burkendosses, viz.

NAME of PERSONS.	ZEMINDARS, TALOOKDARS, &c.	Number of Followers entertained by them.
Rajah Rander Ally - - -	Zemindar of Currucpore - - -	100.
Rajah Poorender Sing - - -	D° - of Haundoyah - - -	100.
Roopnarain Deo - - - -	D° - of Chaunder Passye - - -	1,500.
Rajah Gopal Sing - - - -	D° - of Gidhore - - - -	100.
Rajah Nerbye D° - - - -	D° - of - D° - - - -	100.
Rajah Prittee Chund - - -	D° - of Aumbar - - - -	100.
Rajah Mohocum Sing - - -	D° - of Sooltanabad - - -	100.
Syef Ullah Chardry - - -	D° - of Cauckjore - - -	50.
Paouressnant Ghose - - -	Late Cannungoe of Pergunnah } Bhauzulpore - - - - }	25.

Question 27.—Ans. I do not believe that there are any persons in this district disaffected to the British Government. The only person upon whom any suspicion of that nature could alight is Roopnarain Deo, zemindar of Chunder Passage (vide 13th paragraph of my predecessor's letter, of the 11th January last) but he has not yet given sufficient grounds for such a belief.

Question 28.—Ans. I beg leave to refer to my reply from Backergunge, for an answer to this question.

Question 29.—Ans. I beg leave to refer to my predecessor's letter of the 2d September 1800, for an answer to this question.

Question 30.—Ans. The convicts of this district are employed in making a public road from Caulgong to Monghir, a distance of upwards of 60 miles; their labour cannot be better appropriated.

Question 31.—Ans. The jail of this zillah is a pukka one, and in pretty good order; it however requires some trifling repairs, which I shall recommend to Government in a separate address.

Question 32.—Ans. I beg leave to refer to my reply from Backergunge, for an answer to this question.

Question 33.—Ans. I beg leave to refer to my reply from Backergunge, and to my predecessor's letters of the 2d September 1800 and 11th January 1802, for an answer to this question.

Question 34.—Ans. The last Regulation, respecting the tax on spirituous liquors, seems to have operated very little in this zillah. I cannot say whether the tax established has rendered the vice of drunkenness more prevalent than it was before. It ought to have a contrary effect; but I am sorry to say, the vice is almost general just now, which I shall endeavour to check, by proposing the higher rates of duties. Those hitherto levied have been too low.

Question 35.—Ans. No measures occur to me, the adoption of which would, in my opinion, contribute progressively to the improvement of the moral character of the inhabitants of this district, but what are liable to a variety of objections, and almost impossible to carry into execution. The nature of the people is so diametrically opposite to that of Europeans, that it is very difficult to suggest any means that would improve them.

Question 36.—Ans. From the enquiries I have made, I find that the Regulation, declaring persons convicted of perjury liable to be marked in the forehead has had a beneficial effect in this district, and a few examples of that kind will, I am sure, deter many from the commission of the crime in question.

Question 37.—Ans. I beg leave to refer to my reply from Backergunge, for an answer to this question.

Question 38.—Ans. I beg leave to refer to my reply from Backergunge, for an answer to this question.

Question 39.—Ans. The general conduct of the Europeans, not in the service, residing in this district (who are but few) is decorous and proper; I seldom have any complaints against them.

Question

Question 40.— Ans. I beg leave to refer to my reply from Backergunge, for an answer to this question.

Zillah Bhaugulpore.

J. Wintle,
J. and M.

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Memorandum.—On the present subject, vide my predecessor's letters to Government, of the 2d September 1800, and 11th January 1802; ditto, to the Committee for investigating the state of the police, under date 31st July 1799.

Zillah Bhaugulpore,
31 May 1802.

To his Excellency, the Most Noble the GOVERNOR GENERAL, &c. &c. &c.
J Uahbad.

MY LORD,

CONFORMABLY with orders recently received from the Honourable the Vice President in Council, I herewith do myself the honour of transmitting to your Lordship, a duplicate Copy of my Reply to the Interrogatories sent to several Judges and Magistrates, respecting the internal state of the country, and

Have the honour to remain, with much respect,

My Lord,

Your Lordship's most-obedient and humble Servant,

Zillah Dinagepore, }
the 15th January 1802. }

Ynyer Burges,
Act^s Mag^s.

Interrogatories.—1. What is the number of causes now depending before you, before your Register, and before the native Commissioners?

Answers.—On the 1st January 1802, the causes depending are as follows:

Before the Judge	-	-	-	148
Before the Register	-	-	-	395
			—	544
Before the native Commissioners	-	-	-	5,514
			—	6,058
			—	6,058

2.—What proportion does the number of causes now depending before the three tribunals, of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793, to the present period.

The proportion of causes now depending before the three tribunals, of the Judge, Register, and the native Commissioners, is 8 to 1 more now than in the preceding years, commencing from the year 1793.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

The number of causes decided in the year 1801 is as follows:

By the Judge	-	-	-	218
By the Register	-	-	-	377
			—	591
By the native Commissioners	-	-	-	21,047
			—	21,638
			—	21,638

4.—What number of causes do you suppose must necessarily be depending before your Court and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

The number of causes now depending before the three tribunals is as low as it can be reduced, so long as the incessant accumulation of causes continue. I do not think any very great diminution can take place in the number of suits that must necessarily be depending before the respective tribunals of Judge, Register, and native Commissioners.

5.—Are you prepared to suggest the establishment of any rules which, consistently with a due administration of the laws, would expedite the decision of suits? Are you of opinion, that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

I am of opinion, that the suggestion contained in this query, if adopted, would tend to expedite the decision of suits not appealable, without militating against the due administration of the laws; and that committing the depositions of witnesses to writing, in causes of the above nature, becomes an unnecessary engrossment of the leisure of the Court, and is not of any service to the cause, the whole substance of the testimonies borne by the respective witnesses being contained in the roecand of proceedings.

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6.—Are you of opinion, that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding S.R. 200? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice in the district subject to your jurisdiction be expedited by the adoption of this arrangement?

I do not think it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, as they have already as much business as they can pay attention to, or accomplish; and the extension of the jurisdiction proposed would only serve to load the Register and Judge's files with innumerable appeals, which had much better come before the Register's Court in the first instance. To extend the Register's jurisdiction from 200 R. to 500 R., might be attended with advantage, particularly if his decision was to be made final upon all sums not exceeding 100 rupees, but beyond that an appeal to lie to the Judge. Possibly an alteration in the jurisdiction of the Judge's Court would tend to expedite the decision of suits; as in case his decisions were declared final when the suit or cause of action does not exceed 500 rupees, that time which is now dedicated to the arrangement and preparation of all causes beyond 200 rupees, for the provincial Court of Appeals (to which the litigation of the natives ever induce them to resort) might be advantageously yielded to the prosecution and decision of other causes, and leave the Court less embarrassed, as to leisure, which, from the numerous appeals from the Judge's decision, is now so much engrossed. To what extent the general administration of justice in this district would be expedited by the adoption of the above arrangement, it is impossible to determine with any degree of accuracy; but I should suppose the dispatch of the general business of the Courts would be very considerable.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits, to be too considerable, or otherwise?

Litigation has certainly not been checked by the establishment of the fee paid to Government, or the other fees mentioned in this query upon the institution of suits. Judging from the accumulation of causes instituted monthly, I should rather suppose it to have increased. I by no means consider the several charges attending the institution of lawsuits to be too considerable; and if they were even to be increased, it might possibly serve to check, but could not altogether extinguish the spirit of litigation and quarrel, the general characteristic of the natives.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the vakeels, attached to your Court, persons of the above-mentioned description; and are they in general well acquainted with the printed Regulations?

The fees paid to the licensed vakeels are, I believe, thought to be a sufficient inducement for men in a middling state of life to undertake the situations. The vakeels attached to my Court are of that description, and are as well acquainted with the printed Regulations as their habits and limited acquirements will admit of. To induce men of abilities, character, and qualifications, to undertake these duties, they must have some other incentive than the present rate of fees, to quit their homes and families. The fees, as they now stand, being only an object to natives resident upon the spot.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of licensed vakeels has certainly contributed to expedite the decision of suits, by rendering them more definite and perspicuous than they were formerly, and suppressing extraneous and irrelevant matters, which parties, when unaided by these pleaders, were constantly in the habits of introducing.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

Having had no complaints or representation to the contrary, I am induced to believe that the established vakeels conduct themselves towards their clients with honour and fidelity.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The better class of inhabitants have a tolerably competent knowledge of the laws of the country, as far as I can judge from the occasional remarks I have heard them advance upon the subject.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am not prepared to state any alteration in the forms established for the trial of civil suits, that could expedite their decision; nor do I think they could with safety undergo innovation,

innovation, they appearing to me indispensable, and well calculated to insure the due administration of justice.

13.—Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

There are commodious places allotted in my Court-room for the bench of the Judge, the public officers, witnesses, and others attending the Court. The only forms observed in opening and shutting the Court is, after proclaiming silence, to inform the parties attending of the business that is to occupy the Court for that and the succeeding court day.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are these institutions maintained?

I understand that in this district there are two seminaries, which a few students attend for the purpose of being instructed in the Hindoo law; they are maintained by some grants of burmooter land, and the occasional voluntary donations of the students.

15.—What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

I cannot take upon myself to say that the moral character of the inhabitants of this district has greatly improved by the system established by the British Government for the administration of the laws, but that the little amelioration that may have taken place therein, is more to be attributed to the fear of transgressing the ordinances of Government than any innate principles of virtue or morality in the inhabitants.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

The inhabitants of this district are, I believe, strongly impressed with the conviction that their private rights and property are fully insured by the present constitution of the country against infringement on the part of Government, its officers or individuals.

17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation, and commerce; and its buildings or other works, for religious, domestic, or other purposes; and on what grounds do you form your opinion?

In my opinion, this district is in a state of improvement, as to its population, cultivation, and commerce. The grounds of my so thinking are founded upon the circumstance of the extensive division of landed property, which from being now in the hands of so many, excites the industry, perseverance, and speculation, so necessary and conducive to the prosperity and well doing of those who have an interest in the soil. Buildings, and other works, whether religious or domestic, may, as the landholders increase in opulence, again possibly flourish; but at present the resources of none, I believe, are at all adequate, whatever may be their wishes, to admit of their repairing buildings of the above description, much less to extend or erect new ones.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction are in general satisfied with the British Government?

I am strongly of opinion, that the inhabitants of this district are fully satisfied with the British Government, and that they deem it a blessing, living under its mild and upright administration; particularly when they call to recollection the violence, oppression, tyranny and injustice which ever characterized Mogul despotism.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

The present system of police is as well calculated to insure the apprehension of offenders, as so limited an establishment in so extensive a district can be expected to promote or admit of.

20.—Are the police establishments in the district subject to your jurisdiction adequate to the duties required of them?

In this district, I am of opinion that the police establishment are not altogether adequate to the duties required of it; to render it more effectually so, I make no hesitation in declaring that it ought at least to be augmented to double the number of officers at which it now stands. For regulating the police establishment, upon introducing the present system in the year 1793, the general standard fixed on was one darogah and one mohar, one jemadar and ten berkendosses, for the protection and jurisdiction of twenty miles of circumjacent territory; a space so extensive, that in the event of sudden emergency, the police officers must necessarily take at least a day, if not longer, before they can arrive at the spot (supposing it to be the extremity of their jurisdiction) where their duty calls them. Although it would be subjecting Government to additional expense, I think it would be attended with the

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most beneficial effects, were the present complement of police officers allotted and limited to a jurisdiction of ten miles in extent, which, from having the tannahs as central as possible within that compass, would enable the officers more effectually to watch and controul the conduct of the inhabitants, and to convey themselves with greater celerity to such places within their respective jurisdictions where their presence might be immediately and indispensably requisite. The class of men who, generally speaking, are usually selected to fill the offices of police darogahs, does not appear to me the most eligible. In this respect, the magistrate's choice is of necessity limited, from the very few respectable candidates properly qualified who are willing or desirous of the situation; and he is obliged to fix upon the person whose character is least equivocal, and who from general report is represented as worthy of the trust. The characteristic disposition and interested motives of the generality of native recommenders, must ever render such selections at best but doubtful. In speaking upon this subject, I cannot refrain from suggesting a plan which, if practicable, appears to me admirably calculated to improve and give efficacy to the police jurisdiction. The invalid soubahdars and jemudars, whose situations, from the bounty and liberality of Government, are rendered comfortable and respectable, present themselves to my mind as desirable and proper objects to make choice of for the situations of tannahdars and darogahs. These men, from their habits of life, long and faithful attachment to the British Government, whose humanity and wisdom has rendered their declining years easy and happy; when, from chance of war, or other incidental cause, their retreat from the activity and toil of a military life becomes necessary, strike me as eminently qualified for the offices I have suggested; their courage is as undisputed as their attachment, and the pride of military honour, hereditary considerations, and a regard for their progeny and relatives, would be a sufficient pledge for their honesty and fidelity, lest, by pursuing a different conduct, they should endanger the continuance of that maintenance which the generosity of Government has granted them in perpetuity, should they continue to deserve it. Although men of the above description are not considered to possess the vigour and activity requisite to sustain the laborious duties of a military life, a proper and judicious selection might possibly be made from their numbers, gifted with sufficient energy and bodily strength to preside at the head of the respective tannahs: however partially infirm, they would, I am confident, discharge the duties of such situations much more satisfactorily and diligently than the persons who at present fill them; who, I am sorry to say, after much observation, I have generally found indolent and effeminate; destitute of courage; wanting in energy, and not unfrequently void of both honour and honesty, in sacrificing to their private views that time and ability which a principle of honour, did they possess it, ought to direct and influence to their official situation and public duty.

21.—Are you of opinion, that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

During the period of my residence in this district, and as far as I can judge from the monthly reports, I am of opinion, that the number of crimes committed annually has increased since 1793; and this increase I attribute chiefly to the inadequacy of the sentences and punishments attached to their commission.

22.—What crimes of enormity are most prevalent in the district under your authority, what is the cause of the prevalence of such crimes, and what are the means you would recommend to be adopted for their suppression?

The crimes of enormity most prevalent in this district, are murder, gang robbery, considerable thefts, forgery, perjury, adultery, fornication, &c. &c. I think, if gang robbery was made felony, and declared capital, it would tend greatly towards the suppression of that enormity; for the other crimes or misdemeanors, with an exception to forgery and perjury, the punishments appear to me fully adequate, in the course of time, to deter their repetition. I think the punishment for forgery, in order effectually to put a stop to an evil that is daily gaining ground, ought to be transportation for a period limited; and that perjury, in addition to being marked in the forehead by the process called goodnah, should subject the offending party to the pillory, for a certain number of days, in the public, haut, or market place.

23.—Do the inhabitants in general, of the district subject to your jurisdiction, keep arms in their houses; what description of arms do they retain, and for what purposes are the arms retained?

The inhabitants of this district usually keep a few tulwars, and sometimes matchlocks, in their houses; but they in general are retained more to make an ostentatious show and parade on religious festivals, than for the purposes of offence or defence.

24.—Are there any brick or mud forts in your district; in what state are the forts, and what is the nature of their construction?

I have not been able to learn that there exists in this district forts of any description.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

In those districts where a Mahomedan senbah or zemindar presides, the number of Mahomedans often equals, and sometimes surpasses; those of the Hindoos, but in this, as in other similar districts hitherto subject to the superintendance of a Hindoo rajah or zemindar,

dar, the proportion of Mussulmen to the Hindoos, are not, I conceive, more than one to eight: with respect to the population of this district, I think I am within bounds in estimating the number of inhabitants at a million.

26.—What are the names of the persons possessing the highest rank, and the greatest opulence, in the district subject to your jurisdiction? What number of followers armed, or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

In this district, the rank of the several choudries, zemindars, and landholders, is estimated by the extent and importance of their estates, and the amount of their annual payments to Government. The names of those of the greatest reputed opulence, are Byjenaut Mundle, Rum Kaunt Roy, &c. Their number of followers are extremely limited; and when they appear abroad, the few people that attend them, though sometimes armed with swords and targets, have more the appearance of a miserable rabble, than the retinue of a respectable landholder.

27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

I do not believe there is a person in this district disaffected to the British Government.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

The British Government, declaring itself to be the sole source of honour within its territories, and conferring titles and distinctions on its native subjects, might raise the estimation and dignity of such Government in the minds of the natives, but would not, in my opinion, materially strengthen or augment their attachment; which can, in any government, alone be impressed but by the justice, moderation, equity, and good faith of the rulers over the ruled. A thorough conviction of this, and which I firmly believe exists in the mind of every discerning native, is calculated to retain and promote their attachment, in a much greater degree than outward honours and distinctions, which, however flattering to their vanity, would in nowise tend to the advancement of their worldly concerns, which they consider the only basis of domestic repose and real happiness.

29.—What is the state of the roads, bridges, and other public works, in the district under your authority; and at whose expense are they kept in repair?

The public roads in this district are tolerably good, and from being repaired when the periodical rains have subsided, are kept in as good a state of preservation as is possible in a low country like this, subject to frequent, and often injurious inundations. Public works and bridges there are but few; of the latter there are but two in the town of Rajejunge, now in a ruinous and crumbling state, owing to the resources which were formerly provided by the rajah, having ceased since the sale of his zemindary and subsequent demise; and the numerous successors by purchase to his estate are not inclined to yield a rupee towards the convenience and benefit of the community at large, beyond what their agreements with Government require and authorize.

30.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

The convicts of the district are employed in making and repairing the public roads, preparing and burning tiles for the use of the jails, and to sell to the inhabitants. It does not strike me, that they could be more advantageously occupied, by any other mode of labour.

31.—What is the state of the jail in your district?

The jails in this district, in point of commodiousness, healthiness, and cleanliness, are fully as good, if not superior to any I have seen at other stations, constructed of similar materials.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as justices of the peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons? Would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

I cannot think it would be expedient to grant to zemindars, farmers, or other descriptions of natives, however reputedly respectable, the commissions suggested by this query, empowering them to act as justices of the peace. It is a latitude of power and authority they are, in my opinion, incapable of making a proper use of, and ought on no account to be invested with. Neither would it be good policy; for persons of the above description are habitually so inactive and indolent, that they readily embrace the suggestion of any of the many interested and designing servants with which they are surrounded, rather than be at the trouble, however qualified, of thinking or acting for themselves. Powers so extensive, committed to the hands of such persons, would be the greatest grievance and distress to the

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inhabitants; for, much I fear, instead of being extended to the suppression of crimes; they would be made an instrument of oppression, and converted to interested purposes, by the opening afforded for exacting from the ryots long dormant and disputed claims, or anticipating, upon any emergency, immature and unjust demands of revenue. Were two more covenanted assistants allowed to each magistrate, to be stationed in the Mofussil, and vested with commissions empowering them to act as justices of the peace under the magistrate's orders, I am of opinion that such a measure would tend greatly to facilitate the apprehension of offenders.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

As in all states it is the nature and extent of the punishment that alone deters or checks the perpetration of crimes, I am of opinion, that the only regulations necessary, or likely to be attended with success, would be the adoption of a more severe and appropriate code of punishments and penalties, which, from being judiciously apportioned to the several descriptions of offences prevalent in this district, would, if it did not entirely check, considerably suppress, the repeated commission of them.

34.—What has been the operation of the last Regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors has rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

The operation of the last Regulation respecting the tax upon spirituous liquors has certainly had a good effect, inasmuch as the enhanced price of the liquors to the consumer prevents his procuring the quantity, or drinking to the excess he formerly did, when the article was sold at a cheaper rate. I do not think the vice of drunkenness more prevalent than it was previously to the establishment of these taxes; on the contrary, the augmentation in the price of the commodity leaves room for a well-founded belief, that among the lower classes of the inhabitants, the evil, though it can never be wholly suppressed, has experienced considerable diminution.

35.—Do any measures occur to you, the adoption of which would, in your opinion contribute progressively to the improvement of the moral character of the inhabitants of the district?

The moral character of the inhabitants of this district, I have long thought (upon a due consideration of their habits, pursuits, and predominant disposition to chicanery and low cunning, from youth to decrepitude) to be almost incorrigible. To infuse principles of honour and just dealing into such minds, if not a fruitless hope, would require much time, and equal perseverance. Possibly the introduction of public schools, for the education of a certain number of youth in each town or city throughout the several districts, might be attended with some success; the expense attending which could be amply supplied from the resources of the numerous natives, who at present hold lakerage and other descriptions of rent-free tenures, their right to which is, in general, the flimsy one of prescription; for I have no hesitation in declaring, that I consider (with a very few exceptions) the whole of the grants for such tenures to be, if not altogether invalid, extremely doubtful. From the holders of such dubious tenures, Government might derive a considerable accession of revenue, allowing that they only took one fourth of the annual assets derived and enjoyed by the present indolent occupants; which they could easily afford, as their rent-free tenures are indisputably the best cultivated, most productive, and richest soil in the country; and must be allowed by every competent revenue officer to be a nuisance and detriment to the lakerage, or land bearing the public assessment, as all ryots flock to the holders of lakerage lands, for the purpose of procuring pottahs at a lower durbundy or assessment, than the zemindars and other descriptions of landholders, paying revenue to Government, can possibly afford to grant, consistently with their public engagements. From such resources assets might be yielded, fully adequate to defray the expense of the institution I have hinted at, and possibly furnish funds for other public works, such as bridges, wells, roads, &c. The milikdars, or holders of rent-free lands, are, I believe, the only description of people possessed of means, who are wholly exempted from contributing a portion of their income to the exigencies of the state, that protects them in their rights, privileges and immunities, in as great a degree, and to an equal extent, as its other subjects, who all contribute, in a greater or less degree, to its support. This consideration induces me to point out such milikdars as proper objects for Government to direct their attention to, in the event of their wishing to augment their resources; as they are men who literally may be said to live upon the fat of the land, and have never, as yet, since the establishment of the British Government, paid the smallest consideration for its protection; though, I believe, during the Mogul administration, they were not unfrequently assessed, either by orders, acquisitions, fines or presents, in common with others.

36.—In your opinion, what has been the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

I do not think that the mere marking in the forehead for perjury has lessened the reputation of that crime; possibly the addition of the pillory and public whipping might prove more efficacious.

37.—What

37.—What has been the operation of the punishment of transportation introduced by the British Government?

The punishment of transportation has certainly had a good effect upon those not hardened in vice; but with old established decoits, the fear of hanging is the only punishment calculated to check, or effectually stop their malpractices.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity, or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

The Mahomedan criminal law, with the alteration made therein by the British Government, is, in my opinion, administered with too much lenity. The consequences are obvious; offenders are hardened in, rather than deterred from vicious pursuits. Punishments leave only a temporary impression on the mind, except in the case of murder, and offences increase; as is evident from the calendar of commitments, furnished by the magistrate at the term of the periodical sessions.

39.—What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction?

The conduct of the few Europeans not in the service, resident in this district, I have ever found to be peaceable and correct.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants, and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

The condition of the weavers and other manufacturers in this district, is, I believe, tolerably good; and it is only when the advances of Government experience a temporary suspension, that they complain of, or feel distress. I think the regulations well calculated to insure them justice in their dealings with the officers of the Company and private Europeans; and also for enabling the officers of Government, and individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements.

Jud^t Dep^t,
the 29th October 1801.

(A true copy.)
(Signed) *G. Dowdeswell*,
Sec^y to Gov^t.

Zillah Dinagepore,
the 15th January 1802.

Yayr Burges,
Act^t Mag^{tr}.

To N. B. EDMONSTONE, Esq.

Secretary to the Most Noble the Governor General.

SIR,

IN conformity to an order from the Honourable the Vice President in Council, I have the honour to submit, for the consideration of the Most Noble the Governor General, my Answers to the several Interrogatories regarding the internal state of the country.

I have the honour to be, Sir,

Your most obedient humble servant,

Zilla Purnea,
19 December 1801.

T. Thornhill,
A^t Judge & Mag^{tr}.

INTERROGATORIES to the Zillah Judges and Magistrates.

1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

ANSWERS.—There were depending on the 1st July, before the three tribunals, 22,480 causes, before the Judge 329, before the Register 472, and before the native Commissioners 21,679.

2.—What proportion does the number of causes now depending before the three tribunals, of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793, to the present period?

The proportion of causes depending at the end of each year, from 1793 to the end of 1800 inclusive, is as follows:

For 1793	-	-	-	-	-	-	-	4,634
1794	-	-	-	-	-	-	-	3,565

No. 1.	1795	-	-	-	-	-	-	1,612
Answers by the JUDGES.	1796	-	-	-	-	-	-	6,079
	1797	-	-	-	-	-	-	3,986
	1798	-	-	-	-	-	-	11,927
Moorshedabad Division.	1799	-	-	-	-	-	-	19,206
	1800	-	-	-	-	-	-	15,715.

Zilla Purnea, The great increase of causes since 1795 is to be attributed to the appointment of native
19 December 1801. Commissioners which took place in this district at that period.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

There were decided in the past year 40,703 causes, by the Judge 414, by the Register 145, and by the native Commissioners 40,144. It is to be observed, that the Register's Court was adjourned from May to the close of 1800.

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

I do not think that the number of causes now depending can be materially reduced under the present system; the heavy balance is before the Commissioners; and while they are allowed to receive a fee on the institution of a suit, it will remain their interest to promote litigation; and they are constantly more anxious for the institution than the decision of suits.

5.—Are you prepared to suggest the establishment of any rules, (which, consistently with a due administration of the laws,) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional with the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

It would certainly tend to expedite the decision of suits, were it left optional with the Judges of the different tribunals, to commit to writing, or not, the depositions of witnesses in causes not appealable; and I am of opinion, that it would be a general benefit to the lower order of natives, were the Commissioners, in their capacities of Munsiffs, restricted from taking cognizance of suits under two rupees, almost all such being between persons who can ill afford to pay even the debt, much less the expenses of a prosecution: a great majority of them arise from a balance of interest on very trifling sums, but at exorbitant rates, by which the original loan, with legal interest, has long been liquidated. I am induced to recommend the adoption of this rule, from the frequent instances of wretched defendants, who, being unable to satisfy a judgment, are dragged from their homes, perhaps an immense distance, to the Sudder station, where they are either thrown into jail, or being compelled to part with every necessary of life, are, I fear, often from distress driven to evil courses. Should this restriction be adopted, I would recommend that the Judges be authorized to nominate an adequate number of respectable persons, who would be willing to undertake the office, to hear and decide by summary process; and without any pecuniary compensation, all suits of this nature that might be preferred to them.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding sicca rupees 200. What is the amount to which you would recommend the jurisdiction of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

I would, on no account, recommend that the jurisdiction of the native Commissioners be extended to suits exceeding 50 rupees, nor is it necessary in this district to extend that of the Register, as the number of suits instituted under 200 rupees exceed in proportion those of a larger amount; but as this observation may not apply generally, it might be advisable to authorize Judges to refer suits to their Register for sums not exceeding S.R. 400.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits to be too considerable, or otherwise?

Litigation has certainly been in some degree checked by the establishment of the fees and duties specified in the within question, and I am of opinion that those several charges could not be increased without endangering the due administration of justice.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the Vakeels attached to your Court persons of the above-mentioned description, and are they in general well acquainted with the printed Regulations?

The fees paid to pleaders is, in my opinion, a sufficient inducement to men of character to undertake the employment; the vakeels attached to this Court are in general of that description, and most of them are well acquainted with the Regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of licensed vakeels has undoubtedly contributed to facilitate the trial and decision of suits.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

I have reason to believe that the vakeels in general discharge their duty to the satisfaction of their clients.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The principal inhabitants of this district are in general well acquainted with the laws of the country.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

Vide Answer, No. 5.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

There is in my Court-room a platform enclosed by a railing, which is allotted for the bench of the Judge, for the public officers, parties and witnesses. Persons not concerned in the business before the Court, are at liberty to stand without the enclosure. In the Register's Court-room, there is a bench, with boxes for the parties, and witnesses. I observe no particular forms on opening or sitting in Court, further than enforcing good order, and respectful conduct from those who attend.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught, and how are those institutions maintained?

There are no schools or seminaries in this district; the principal Mahomedan inhabitants keep tutors for the instruction of their children; and many of the Hindoos send their sons for education to the college at Benarés.

15.—What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

If by the system established by the British Government for the administration of the laws be meant that established in 1793, it is evident the morals of the natives have not been improved, as is clearly shewn by the progressive increase of trials for crimes of a heinous nature since that period.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

I do believe the inhabitants consider their property in general sufficiently secure from infringement by individuals; but nothing but long experience of the justice of the intentions and practice of Government, will convince them that their rights may not be invaded by the supreme executive authority.

17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings or other works, for religious, domestic, or other purposes; and on what grounds do you form your opinion?

The population of the district has considerably increased of late years, and consequently its cultivation and commerce. I ground this opinion from information derived from intelligent and respectable natives, who have long been inhabitants of the place.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction are in general satisfied with the British Government?

I am of opinion that the inhabitants of this district are in general well satisfied with the British Government.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

My opinion on this Question will appear in answer to Question No. 22.

20.—Are the police establishments in the district subject to your jurisdiction adequate to the duties required of them?

The police establishments in this district are not in general adequate to the duties required of them.

No. 1.

Answers by the
JUDGES.

Moorshedabad Division.

Zillah Purnea,
19 December 1801.

21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

Vide Answers to Nos. 15. and 22.

22.—What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes, and what are the means you would recommend to be adopted for their suppression?

The crimes most prevalent are gang robbery, frequently attended with murder and theft; private murder is not a prevalent crime. The cause is to be attributed to the insufficiency of the police establishments; the most likely means of preventing them, is to recur to the former system of vesting the police with the zemindars, and holding them responsible for the repayment of money, goods, &c. which may be stolen in their respective estates.

23.—Do the inhabitants in general, of the district subject to your jurisdiction, keep arms in their houses; what descriptions of arms do they retain, and for what purposes are the arms retained?

The inhabitants in general keep arms in their houses, such as matchlocks, tulwars and spears, avowedly for their protection against robbers.

24.—Are there any brick or mud forts in your district; in what state are the forts, and what is the nature of their construction?

There were formerly a few mud forts on the Morung boundary, which are now in a state of total decay. There is a brick fort at Jellalghur, six coss from Purnea, built by the Nabob Syf Khan, and which was, I understand, during the Mahomedan Government, the frontier post. It occupies a space of three hundred feet square, has circular bastions at the four angles, with a parapet wall all round, pierced with loopholes for musquetry. There were formerly extensive outworks, which are now nearly effaced, and the fort itself is much out of repair; there is likewise a wall with bastions, round the factory at Malda, but it has no ditch or outworks.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

From the best information I have been able to collect, I understand that the Mahomedan inhabitants are in the proportion of about seven-tenths to the Hindoos. The population may be reckoned at one million four hundred thousand souls, agreeably to an estimate made by the collector in March last, on an actual investigation of three villages, multiplied by the whole number of villages in the district.

26.—What are the names of the persons possessing the highest rank, and the greatest opulence, in the district subject to your jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers armed?

The persons possessing the highest rank in this zillah, are Syed Mahomed Alli Khan Bahaudar, Bahaudur Alli Khan, and Aga Mahomed Alli Khan, a native of Persia; the most opulent merchants are Bahaudur Sing, Byjnauth Sing, Munhoor Bhartye, Rhuttun Chund, Salamut Voy, Motee Chund, and Gopaul Chund; the zemindars of opulence are, the Rannie Endrowtye, Doololl Sing, Hurry Sing, Gourèekaunt, and Sirree Narain. Some of the above persons entertain a few burkundosses for the protection of their houses, but no one appears abroad with armed followers, or any considerable retinue.

27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

I know of no persons subject to my authority, who are disaffected to the British Government, and I am confident there are none of that description who possess the smallest influence.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles, and other marks of distinction, on its native subjects?

I am of opinion that it might contribute to strengthen the attachment of the natives, were the British Government to declare itself the sole source of honour within its territories.

29.—What is the state of the roads, and other public works in the district under your authority; and at whose expense are they kept in repair?

Since my Report on the state of the roads, under date the 1st July 1800, I have made by the convicts a very good one to Munyary, a distance of sixteen coss, and have repaired a great part of the Caragolla road; the bridges are in general in a ruinous state, and cannot be made permanently good, without a considerable expense to Government.

33.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

The convicts are employed, when the season will permit, in repairing the public high roads.

roads, and I do not see how they can be more usefully engaged; during the rains they are employed on the roads in the vicinity of the town.

No. 1.

Answers by the
JUDGES.

M.orsheedabad Division.

Zillah Purnea,
31 December 1801.

31.—What is the state of the jail in your zillah?
The new jail was lately built, and is in perfect repair.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as Justices of the Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons, would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

I am of opinion, that it would be highly expedient to grant commissions to actual proprietors of estates, and in such as are held kaas to serbrahars or farmers; I would recommend that their jurisdiction be confined to their respective estates, that they be held answerable for all losses, and empowered to require security from the mundel of every village, and from every under farmer in their estates?

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

I am of opinion, that the adoption of the above plan, with such variations as the wisdom of Government might suggest, would tend to facilitate the apprehension of offenders, and tend to the suppression of crimes in general.

34.—What has been the operation of the last regulation respecting the tax on spirituous liquors with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

The last regulation respecting the tax on spirituous liquors, has certainly rendered the vice of drunkenness less prevalent than formerly; the lower classes of natives can now ill afford to purchase it from the licensed manufacturer, and the clandestine manufacturer has been in a great measure checked by the severe penalty it incurs.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

An effective and vigilant police would contribute progressively to the improvement of the moral character of the inhabitants.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead?

The crime of perjury has, I think, been less frequent since the promulgation of the regulation alluded to in the within question.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

Convicts undoubtedly entertain a considerable dread of the punishment of transportation, and in no district perhaps more than in this, but whether that dread has so extended its influence as to have in any degree prevented the perpetration of offences, I cannot take upon me to say. Deceit has not so frequently occurred in this district within these last two years as before; and it is possible the operation of this law may have contributed in some degree to the repression of this crime.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

As far as my observation and experience will enable me to judge, the present system of administration of the Mahomedan law, is in general instances unexceptionable. In offences of an heinous and atrocious nature (particularly deceit or night robbery) the adoption of a more rigorous and specific law appears to me necessary, not only to check the commission of this offence, but in proportion to the advantages which prisoners now derive from the rejection of any confession, not made before the magistrate or the Court of Circuit, and the opportunities they have of calling witnesses in support of any allegations which may tend to exculpate them or mitigate punishment. In offences of this kind, therefore, I am humbly of opinion, that the utmost extremity of the law should be resorted to, but that the superior Courts should have the discretion of modifying it to such extent as they might judge proper. The Mahomedan law requires such minute discrimination, that the ends of justice and exemplary punishment may frequently be defeated; but if the commission of this offence is declared to incur the heaviest sentence of the law, this nicety of distinction will in some measure cease, and all become subject to the same fate, selecting such for example as shall appear to have borne a principal part in the act. The promulgation of such a law would probably tend more than any thing else to the repression of robbery, and give more energy and efficacy to the system of criminal jurisprudence than it at present possesses.

No. 1.

Answers by the
JUDGES.

Moorshedabad Division.

Zillah Purnea,
19 December 1801.

39.—What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

The Europeans residing in this district have, during my time, conducted themselves with propriety.

40.—What is the general condition of the weavers and other manufactures in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants, and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

The very few prosecutions which have come before me, in which weavers or other manufacturers have been parties, induce me to conclude, that the existing laws are well calculated to insure justice to them, as well as the punctual performance of their engagements to their employers.

Zilla Purnea,
the 19th December 1801.

T. Thornhill,
A^c Judge & Mag^e.

To N. B. EDMONSTONE, Esq.
Secretary to Government.

SIR,

IN obedience to orders from the Honourable the Vice President, I herewith beg leave to submit my Answers to the Interrogatories received with Mr. Secretary Dowdeswell's Letter of the 29th of October last, to be laid before His Excellency the Most Noble the Governor General.

Zillah Moorshedabad,
Judicial Department,
the 31st December 1801.

I have the honour to be,

Sir,

Your very obedient servant,

J. Becher,
Judge.

Zillah Moorshedabad, 31st December 1801.

1.—There are on this date	-	-	-	27	causes depending before me,
Before the Register	-	-	-	1,762	
Before the Commissioners	-	-	-	16	
Total	-	-	-	1,805	

2.—The following Statements will exhibit the information required by this question from 1794, previous to which period I have not been able to ascertain the number of causes that were depending.

In 1794 there were 2,681 causes on the file.

In 1795 there were 3,018; viz. before the Judge 213; before the Register 2,805; making an increase, compared with 1794, of 337 causes.

In 1796 there were 4,485; viz. before the Judge 254; before the Register 4,014; before the Commissioners 217; making an increase, compared with 1795, of 1,467.

In 1797 there were 3,842 causes; viz. before the Judge 240; before the Register 3,039; before the Commissioners 563; making a diminution, compared with 1796, of 643.

In 1798 there were 2,639; viz. before the Judge 175; before the Register 1,973; before the Commissioners 491; making a diminution, compared with 1797, of 1,203.

In 1799 there were 1,835; viz. before the Judge 112; before the Register 1,259; before the Commissioners 464; making a diminution, compared with 1798, of 804.

In 1800 there were 1,454; viz. before the Judge 46; before the Register 1,154; before the Commissioners 254; making a diminution, compared with 1799, of 381.

In 1801 there were 1,805 causes; viz. before the Judge 27; before the Register 1,762; before the Commissioners 16; making an increase, compared with 1800, of 351 causes.

This Statement exhibits a regular diminution since 1796 to 1800 inclusive.

The increase in 1801, is in some measure to be ascribed to the adjournment of the Court in the month of September, in consequence of the inundation.

3.—116 causes were decided by me.

1,385 d^o by the Register, which includes a great many dismissed by proclamation.

422 d^o by the Commissioners, which also includes those dismissed by proclamation.

4.—I imagine the number of causes that must necessarily be depending in this Court, will continue at about the number they were in 1800, and that the number is reduced as low as it can be, allowing for the necessary attention to other duties.

5.—It would expedite the decision of suits, if the Judges and Registers were authorized to employ their assistants, and occasionally the Molavy and Pundit of the Court, in superintending

intending the taking down in writing of depositions in presence of the vakeels of the parties, the vakeels to sign the depositions in testimony of their being correctly taken down, which would obviate all objection to this mode, and the witnesses to remain in attendance during the trial. This object would certainly be further promoted, by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper; and in causes under a certain amount, say 200 rupees, if the reply and rejoinder were omitted, it would in some measure expedite decisions.

I am not prepared to suggest any other rules.

6.—I am decidedly of opinion, that it would not be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees; with respect to extending the jurisdiction of the Register's, to sums exceeding 200 rupees, it does not appear to be at all necessary in this district, since the number of causes above 200 rupees are so very few, compared with those under that sum, already before the Register; but as a general measure I think it advisable, as it would relieve persons residing at a distance from the Courts of Appeal, extending the jurisdiction of the Registers to 400 rupees, and consequently making the decision of the zillah Judge in appeal final on suits not exceeding that amount.

7.—I consider litigation to have been much checked by the establishment of the institution fee, and other expenses attending law suits, and the spirit of litigation to be now kept within due bounds; that present expense is not too considerable for that beneficial purpose, but that any further increase would be injurious.

8.—The fees to which the licensed vakeels become entitled, in suits entrusted to their management, I think are sufficient to induce men of character and proper qualifications to undertake those situations. The vakeels attached to this Court, are, generally speaking, men of the above descriptions; there are, however, some exceptions. I cannot say the vakeels attached to this Court are in general well acquainted with the printed Regulations, though some of them may certainly be said to have a good knowledge thereof, and these persons are most employed.

9.—The establishment of licensed vakeels has undoubtedly contributed to expedite the decision of suits, by bringing more speedily and accurately before the Courts the merits of suits instituted.

10.—I think the vakeels in general discharge their duty to their clients with fidelity, inasmuch as relates to not allowing the interests of their clients to suffer by collusion with opposite parties; but I do not think, generally speaking, they can be said to discharge their duty to their clients honourably and reputably, because they do not take sufficient pains to make themselves fully masters of the subject on which they are employed, before the trial comes on. In this respect, generally speaking, I consider them extremely negligent.

11.—I think the principal inhabitants are as well acquainted with the laws of the country, if the Koran and Shaster are meant, as individuals in general can be supposed to be. If the printed Regulations are alluded to, I am of opinion, a knowledge of them is confined to those in constant attendance on the Courts, or who have much business in them.

12.—Except what has been before noticed in answer to the 5th Query, I am not prepared to state any alterations in the forms for the trial of civil suits, which would contribute to expedite decisions.

13.—There is a separate, rather elevated, bench for the Judge, detached lower seats to the right and left for the Mussulman and Hindoo law officers, a separate seat for the sheristadar, the reader and writer of proceedings; the vakeels have seats in a semicircular form, in front of the Judge; the open space thus formed is for parties in suits, who choose to attend, and for witnesses when under examination. There is a railing at the back of the seats allotted for the vakeels; and the open space behind, when the vakeels sit, which comprizes more than half the court-room, is left for all persons who choose to attend. There are no particular forms observed in opening the Court, or sitting in it.

14.—The result of my enquiry regarding schools is, that there is only one school where the Mahomedan law is taught; it is called Moonshey Mahomed Zakir Kharis Madrissa, and is situated at Pustofie in pergunnah Futte Sing; it is at present kept by Molavy Golam Huzurut, brother of the above-named, who died some years ago; about 20 scholars are admitted, and are maintained at the expense of Mahomed Zakir's heirs. This school was established in 1189, B. S. There are 20 schools in different parts of the district, where the Hindoo law is taught, most of them have been long established; there are not more than 20 pupils admitted to any of them, and for the most part from five to ten. These institutions are maintained by rent free lands, and by donations to the Pundits who superintend them.

15.—I consider the general moral character of the inhabitants as very bad, I can scarcely name any virtue they may be said to possess, and I can enumerate many vices, such as avarice, revenge, disregard to truth, low cunning, want of humanity and of gratitude; they are besides grossly superstitious and extremely indolent; on the whole, however, I think the Hindoos are a better people than the Mussulmans. The system established has every tendency

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tendency to the improvement of the moral character, but with so many vicious habits and prejudices to combat, it must operate very slowly, and therefore little effect can as yet be observed.

16.—I am of opinion, the principal inhabitants consider their rights and property secured against any infringement whatsoever, but I do not think it is yet so understood by the lower classes.

17.—I conceive the population must be somewhat on the decline, owing to the sickly seasons that have been experienced here for some years past; cultivation must in some degree have suffered from the same cause, though the district may certainly still be said to be in a good state of cultivation; commerce has certainly fallen off in a great degree since the Company's investment has been so much retrenched, and the population, cultivation and revenues must, I conceive, eventually suffer; buildings of any note or magnitude are now seldom seen newly finished or erecting any where, and justifies an opinion, that improvements in this respect are fallen off.

18.—I am of opinion, generally speaking, that the inhabitants are satisfied with the British Government, the Hindoos more so than the Mussulmans.

19.—I do not think the present system of police well calculated to insure the apprehension of offenders, some mode should be devised for ensuring the co-operation of the landholders.

20.—The police establishments paid by Government in this district, are by no means adequate to the duties, because the whole charge of the police may almost be said to rest upon them, and it is wholly impracticable for a darogah and 10 or 20 burkundosses to protect the whole extent of his jurisdiction. If the establishment of pykes and other village watchmen were placed entirely under the orders of the magistrates, instead of being employed as they now are, by the zemindars, in the collections and other duties, and thus rendered an efficient in lieu of a nominal aid to the police, the number is sufficient.

21.—I can only speak from the year 1797. I think crimes from that period have gradually diminished. Transportation has, I am of opinion, had a very salutary effect in deterring from crimes; and the measure of keeping the prisoners out on the roads, as they have been since last year, and giving them taskwork, has likewise operated favourably in this respect.

22.—Decoity or gang robbery is, of all crimes of enormity, the most prevalent; murders also frequently occur as well in these attacks of robbers as from other causes, as revenge, jealousy, &c. Severity of punishment, and an efficient police, are the best means I am aware of to be adopted for the suppression of crimes.

23.—All the inhabitants, generally speaking, keep arms of some sort or other, such as swords, matchlocks, spears, bows and arrows, clubs knotted with iron, either for the purpose of self defence or field sports.

24.—There are no brick or mud forts in this district.

25.—I imagine, there are rather more than two Hindoos to a Mussulman, and I calculate the total number of inhabitants of the district to be about 650,000, but I cannot venture to vouch for the accuracy of this statement; I am inclined to think it below the reality, as the Girdbundie papers of the different tannah jurisdictions exhibit the names of 2,911 villages; many of them are very small; yet this estimate will only give, on the above number of villages, about 223 inhabitants for each. In the estimate above given, I have been in a great measure guided by the result of an inquiry made by Sir J. E. Harington many years ago, in which he calculated the population at about 1,020,000, including the city; since which period, a considerable portion of what then formed the district has been annexed to Nudéa, &c.

26.—The persons possessing the highest rank and the greatest opulence, who have estates in this district, for the most part reside in the city jurisdiction; their names are as follows:

1. Juggert Seat is considered first in rank and opulence next to the Nawaub's family; he resides entirely in the city, but has landed property in different parts of the district.
2. The Ranny Bhowanny and the sons of Rajah Ramkishen, the former zemindar of Rajeshahye, Rajahs Bishenaut and Shronaut are persons next in rank, but not of opulence.
3. Rajah Mahanund, déwan of the Nawaub, resides in the city, but possesses landed property in different parts of the district.
4. Collynarain, canongoe of Bengal, resides near Rangamatty.
5. Chundernarain, d°, a minor, adopted son of Soorjenarain, Jaté canongoe; resides in the city.
6. Rajah Davey Sing resides in the city, but possesses considerable landed property in different parts of the district.
7. Rajah Lockenaut resides at Cossimbuzar, in the city jurisdiction, but possesses considerable landed property in different parts of the district.
8. Prawnkishen Baboo resides generally in Calcutta, but possesses considerable landed property in the district.

Resides the above-named, and except the zemindars of pergunnah Futtehsing, Luckey-narain

warain, and the son (a minor) of Collyshunker Rey, there are no persons of consequence, either in regard to rank or great opulence, in the district; and none of the above-named have any considerable number of followers, armed or otherwise.

27.—I am not informed of any persons in the district supposed to be disaffected to the British Government.

28.—I think it would contribute to strengthen the attachment of the natives, if Government were to confer titles and other marks of distinction, on its native subjects.

29.—The roads were considerably injured by the late inundation; they are now under repair. There are no bridges of any consequence in the district; the largest was built last year, under the sanction of Government, at a place called Futti Sancho, and is in good repair. There are no other public works in the district. The roads and bridges are kept in repair at the expense of Government.

30.—The convicts are usually at work on the public roads, which is the best mode of employing them.

There are 605 persons in confinement*, of whom four are under sentence of imprisonment for life; 292 for definite periods; 92 committed to take their trial before the Court of Circuit; 21 sentenced by the Magistrate; 60 under examination; 27 Dewanny prisoners: of the total number, there are 21 sick. Twenty-eight, from age or other infirmity, incapable of hard labour.

The jail is a strong brick building well adapted to the purposes, and calculated to contain 700 persons. It was built about five years ago, and now requires some trifling repairs, in consequence of the waters having penetrated in September last.

32.—I do not think it would be expedient to grant commissions, to act as justices of the peace, to any zemindars or farmers. In the first place, because the principal zemindars and farmers do not reside on their estates or farms. In the next place, I do not think gratuitous service is to be expected from any of them; and lastly, I am satisfied the authority would be turned to a source of improper perquisite; offenders would generally be taken up under such a regulation, but as certainly released, if they had money to pay for their enlargement.

33.—I am not prepared to recommend any rules or regulations calculated for the suppression of crimes in general, except those mentioned in my answer to the 22d Question.

34.—As far as I am able to judge, I think the late Regulation, respecting the tax on spirituous liquors, has, in some measure, operated as a check to the vice of drunkenness.

35.—I have before said, that I consider the present system well calculated progressively to the improvement of the morals of the inhabitants. The establishment of schools would likewise tend to promote that object.

36.—I think the Regulation, which declares persons convicted of perjury liable to be marked in the forehead, has had a good effect.

37.—I have before stated it as my opinion, that the punishment of transportation has had a very salutary effect.

38.—The alteration made by Section 51, of Regulation IX. of 1793, directing periods of imprisonment and hard labour, in lieu of mutilation, as well as the alterations made by Regulation XIV. of 1797, which extends relief to prisoners sentenced to derjut and pecuniary fines, to restore stolen property or the value of it, or to remain in confinement until the completion of their sentences, may certainly be considered lenient modifications; all the other alterations having regard to cases where the Mussulman law has been obviously and essentially repugnant to the principles of public justice, cannot but be considered as improvements, with respect to the consequences produced.

The shocking example of mutilation, no doubt, operated in deterring from crimes more forcibly than the present mode; and the apprehension of imprisonment for life, which the operation of the sentence to restore the value of stolen property, in the event of any part being found in the possession of a culprit, might in most instances be considered to have had perhaps a similar tendency. The consequences in all the other instances, wherein modifications of the Mussulman law has been made, cannot but prove beneficial.

39.—The few Europeans, not in the Honourable Company's service in my district, behave with great propriety in all respects.

40.—I think the regulations regarding the weavers are extremely well adapted for all the objects for which they were framed; the general condition of the weavers and other manufacturers has, of course, been affected by the diminution of the investment.

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Moorshedabad Division.

Zillah
Moorshedabad,
13 December 1801.

* Of the whole number of prisoners there are only five women.

No. 1.

Answers by the
JUDGES.To His Excellency the Most Noble Marquis WELLESLEY, K. P.,
Governor General, &c. &c. &c. Fort William.

MY LORD,

Moorshedabad Division.

Zillah Rungpore,
13 April 1802.

IN obedience to the orders of the Honourable the Vice President in Council, under date the 3d December last, I have the honour to transmit to your Lordship a Copy of my Reply to the Interrogatories of Government regarding the internal state of the zillah under my jurisdiction, and to subscribe myself, with the highest respect,

Zillah Rungpore,
13th April 1802.

My Lord,
Your Lordships most obedient and most humble Servant,
James Wordsworth,
Judge & Magistrate.

INTERROGATORIES to the Zillah Judge and Magistrate.—1. What is the number of causes now depending before you, before your Register, and before the native Commissioners?

ANSWERS by the Judge and Magistrate of Zillah Rungpore.—On the 31st December 1801, the number of causes depending before me, before the Register, and before the native Commissioners, stood as follows:

Cognizable by me, in the first instance	-	-	-	-	-	126
In appeal from the Register's decisions	-	-	-	-	-	117
In appeal from the native Commissioners d ^e	-	-	-	-	-	164
Total depending before me	-	-	-	-	-	407
Cognizable by the Register, in the first instance	-	-	-	-	-	122
In appeal under 25 R ^e	-	-	-	-	-	56
Total depending before the Register	-	-	-	-	-	178
Depending before the Commissioners	-	-	-	-	-	7,207
Total number of causes depending before the three Tribunals, on the 31st December 1801	-	-	-	-	-	7,792

2.—What proportion does the number of causes now depending before the three Tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793 to the present period?

The following is a progressive annual Statement of the number of causes filed, decided and depending before the three Tribunals of the Judge, the Register, and the native Commissioners, during the several years commencing from the year 1793 to the 31st December 1801:

YEARS.	Causes filed.	Brought down from File of former Years.	Total Causes on File.	Causes decided.	Causes depending, and carried to File of succeeding Years.
1793 - -	1,364	- - -	1,364	280	1,084
4 - -	1,407	1,084	2,491	1,121	1,370
5 - -	19,580	1,370	20,950	15,527	5,423
6 - -	21,068	5,423	26,491	22,575	3,916
7 - -	18,742	3,916	22,658	19,166	3,492
8 - -	17,935	3,492	20,527	16,817	3,710
9 - -	10,807	3,710	14,517	11,626	2,891
1800 - -	13,701	2,891	16,592	12,870	3,722
1 - -	27,054	3,722	30,776	22,984	7,792

From this Statement, it will appear that the average number of causes usually depending before the three Tribunals is 3,711; and, consequently, that the number of causes now depending, 7,792, amount to more than double the number usually depending during the several years commencing from the year 1793 to the 31st of December 1801?

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

By me	-	-	-	-	404
By my Register	-	-	-	-	525
By my native Commissioners	-	-	-	-	22,055
Total decided	-	-	-	-	22,984

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what

what is the reason that the number of causes depending before those Tribunals respectively, is not reduced as low as you think it might be reduced?

Judging from an average of former years, I am inclined to suppose that the number of causes which must necessarily be depending before my Court, and that of my Register, and before the native Commissioners, will prove as follows:

Before my Court - - - - - from 300 to 400
 Before the Register's Court - - - from 100 to 150
 Before the native Commissioners - - from 3,000 to 4,000

But the future increase or decrease of these numbers must of course depend greatly upon the number of causes which may hereafter be filed; and the great variation which this is liable to, becomes evident from the circumstance of the number filed in 1801, amounting to very nearly double the average annual number filed during the three preceding years. The extraordinary number filed last year serves to account for the increased proportion of causes at present depending; and in answer to the latter part of the Interrogatory, I can only state that, all circumstances considered, I have no particular reason to think the number of causes depending before the three Tribunals respectively, is not reduced as low as I could well expect it might be reduced.

5.—Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different Tribunals to commit the depositions of witnesses, in causes not appealable to a higher Tribunal, to writing, or not, as the Judges might think proper?

I am not prepared to suggest the establishment of any rules, which (consistently with the due administration of the laws) would expedite the decision of suits; nor am I of opinion that this object would be in any material degree promoted by leaving it optional in the different Tribunals to commit the depositions of witnesses, in causes not appealable to a higher Tribunal, to writing, or not, as the Judge might think proper. In suits of a plain and simple nature, omitting to record the depositions of witnesses, might, in some trifling degree, tend to expedite the decision without hazarding a due administration of justice; but in suits of an opposite description, and such as cannot be decided on the same day the trial may commence, it might tend to overcharge the Judge's memory; and in all cases deprive the principals engaged in suits, who may not be present at the trial, of the satisfaction they now derive from procuring a written copy of the proceedings, and being able to ascertain how far their causes may have been well or ill conducted on the part of their vakeels.

6.—Are you of opinion, that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 R^s, and that of the Registers to sums exceeding sicca rupees 200.? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

I am not of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees; not only because the number of suits usually depending before them is such as precludes all probability of the general administration of justice in the district subject to my jurisdiction being in any degree expedited by the adoption of this arrangement, but because I am of opinion, their decisions are very frequently biased by corrupt and improper motives; and so little dependence can be placed in the integrity of the best characters among them, that any extension of authority granted to them would be fraught with the greatest mischief, and tend to defeat rather than expedite the ends of justice. By extending the jurisdiction of the Registers to suits for 500 rupees, with appeal to the Judge, the latter would be relieved from much troublesome investigation, which can be equally well conducted by the Register, and left more at liberty to attend to the more important duties of his station, as well judicial as magisterial; but I know not if the general administration of justice would be, in any considerable degree, expedited by the adoption of this arrangement.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits to be too considerable or otherwise?

If any just conclusion can be drawn from the increased number of suits filed, particularly during the last year, it will not appear that litigation has been anywise checked by the establishment of the several charges attending the institution of lawsuits specified in the Quere; and such is my opinion of the litigiousness of the inhabitants of this district, that I much doubt if any moderate addition to the present costs attending lawsuits would serve in any degree to check this spirit of litigation. At the same time, I cannot but consider the present charges as heavy enough, in all reason, in most cases; and on the smaller suits, perhaps too heavy.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications,

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to undertake those situations? Are the vakeels attached to your Court persons of the above-mentioned description; and are they, in general, well acquainted with the printed Regulations?

I think that the fees paid to the licensed vakeels, on suits instituted or defended by them, do constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations. I am however, sorry to observe, that many of the vakeels attached to my Court are not persons of the above description; nor do I think them in general so well acquainted with the printed Regulations as they ought to be.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of the licensed vakeels has, I am of opinion, contributed, in a trifling degree to expedite the decision of suits in some cases, by bringing more speedily and accurately before the Court the merits of the suits instituted.

10.—Do the vakeels, in general, discharge their duty to their clients with honour and fidelity?

Though the vakeels, in general, appear to discharge their duty to their clients with honour and fidelity, yet instances of great negligence in their conduct are by no means uncommon.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The zemindars and a few merchants, who may be considered as the principal inhabitants of my jurisdiction, are as well acquainted with the codes of their respective laws, Mahomedan and Hindoo, as individuals can be supposed to be informed of the laws of the country. To some, though not all of the few inhabitants who come under this description, the Regulations of Government are also pretty well known; but the grand mass of the people are totally illiterate and ignorant.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decisions of the suits, without endangering the due administration of the laws?

I am not prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decisions of the suits, without endangering the due administration of the laws.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public offices, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

I have, in my Court-room, a place allotted for the bench of the Judge, on a raised platform, on which the Mowlovie has a seat to the right, and the Pundit to the left. Below the platform, and in front, there is a space railed in, affording places for the parties, their vakeels and witnesses. The whole remaining space, in front, and on each side, is open to all persons who attend the Court, either on business or from motives of curiosity. After sitting a certain time, to receive miscellaneous petitions, I open the Court, by calling on the causes which are to come before me in regular order, according to previous advertisement given to the parties; but no other kind of forms or ceremonies are observed by me in opening or sitting in the Court.

14. Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

There are not any private schools or seminaries in the district under my jurisdiction, in which the Mahomedan or Hindoo law is taught.

15.—What is your opinion regarding the general moral character of the inhabitants of your division? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

My opinion regarding the general moral character of the inhabitants of this district is, that they are for the most part extremely indolent, ignorant and superstitious; pusillanimous, ungrateful, and not uncommonly revengeful; but selfishness, low cunning, litigiousness, avarice, a total disregard to truth, and insensibility to shame, appear to be the most prominent features in their general character. Taught from their infancy to consider the acquisition of wealth as the chief object of life, and bred up in the lowest arts of chicanery and dissimulation, imposture, fraud and deception, seem to be considered by them as meritorious accomplishments; in the exercise of which they are indefatigable, where there is any prospect of gratifying the passions of avarice or revenge with success and impunity.

Hence results that reciprocal distrust which exists among the individuals of every tribe and even family, and which is not to be exceeded among any people. At the same time it must be admitted, that they in general possess dutiful affection for their parents, which stimulates them to use every necessary exertion for their support, when age or other circumstances render them incapable of providing for themselves. Nor among their good qualities should their sobriety, the happy effects of a religious principle, pass unnoticed. Spirituous liquors

Liquors are never used by the higher classes; and among the lower, the vice of drunkenness much more rarely occurs than could possibly be expected, considering the low price of arrack, and the facility with which it can at all times be procured. It does not appear to me, that the moral character of the inhabitants in general has been improved or otherwise, by the system established by the British Government, for the administration of the laws and for the conduct of the internal administration of the country; nor do I think the leniency of the British Government at all calculated to meliorate the moral character of men so prone to vice, and ready to take advantage of every species of liberty granted them.

No. 1.

Answers by the
JUDGES.

Moorshedabad Division.

Zillah Rungpore,
13 April 1802.

16.—Are you of opinion, that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country, against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

I am clearly of opinion, that the inhabitants in general of the district under my jurisdiction, consider their private rights and property to be secured by the present constitution of the country, against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals.

17.—Are you of opinion, that the district under your jurisdiction is in a state of improvement or otherwise, with respect to its population, cultivation, and commerce, and its buildings or other works for religious, domestic, or other purposes; and on what grounds do you form your opinion?

From every information I have been able to procure, I am of opinion, that the population of the district under my jurisdiction has increased considerably of late years; and that cultivation has been greatly extended within these last six years, owing perhaps in some measure to the division of the larger estates, and the greater degree of attention paid by the new proprietors to the improvement of their newly acquired property; but chiefly owing to the large sums of money advanced by European residents for the express purpose of cultivation, and the encouragement which their extensive concerns in indigo hold out to the indigent and industrious ryots. Except in the article of indigo, I know of no considerable increase or extension of any particular branch of commerce; nor of any buildings or other works, for religious, or domestic, or other purposes, except the numerous factories which have been erected by European residents, for the purpose of manufacturing that article. I form my opinion from personal observation, made in the course of various excursions into different parts of the district, during the periods of vacation; as well as from the conversation of the native inhabitants of all descriptions, and of Europeans who have been long resident in the district.

18.—Are you of opinion, that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

From the greater degree of security which the inhabitants enjoy in their persons and property under the British Government, in comparison with what they ever experienced under any former government, it is but reasonable to conclude, that those at least who are possessed with knowledge sufficient to make the comparison must be satisfied, and I firmly believe that the generality of the inhabitants are so; though I must own, that I have met with none who have spontaneously expressed this satisfaction; nor does it appear to me, that any sensible degree of gratitude or attachment to the present Government has been excited by a consideration of the manifold and superior advantage they enjoy under it.

19.—Is the present system of police well calculated to insure the apprehension of offenders.

In my opinion, the present system of police is not altogether so well calculated to insure the apprehension of offenders as it might be. The causes of its inefficiency, and the measures which I would recommend to be adopted for its improvement, are fully stated in my letter of the 22d June 1799 to the Committee of Police, a copy of which accompanied my address to Government of the 16th June 1800, transmitted through the medium of the secretary in the Judicial Department; and as it would swell this answer beyond all moderate bounds to make the necessary extracts, I trust I shall be forgiven if I take the liberty of referring to the letter itself for my sentiments on the subject in question.

20.—Are the police establishments in the district subject to your jurisdiction, adequate to the duties required of them?

From the great extent of country placed under the jurisdiction of each darogah of police, and the little assistance which they can in general be expected to derive from the exertions or abilities of from 10 to 15 paiks or burkundazes, men of low description, whose pay seldom exceeds three rupees per month; I am induced to consider the Police Establishments in the district subject to my jurisdiction, as inadequate, at least to operate with any due degree of effect in the prevention of crimes; which I conceive to be a great object of such establishments.

21.—Are you of opinion, that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793, and to what cause do you ascribe the increase or diminution?

The following is a statement of the number of Causes tried annually in the Fouzdarry Court of this district, from the year 1793 to the 31st December 1801, and in most of these

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Causes a greater or less number of offenders have appeared charged with crimes of enormity.

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Tried in 1793	-	-	-	-	-	-	215
4	-	-	-	-	-	-	245
5	-	-	-	-	-	-	357
6	-	-	-	-	-	-	279
7	-	-	-	-	-	-	299
8	-	-	-	-	-	-	714
9	-	-	-	-	-	-	511
1800	-	-	-	-	-	-	1,054
1	-	-	-	-	-	-	1,157

From this statement it should appear, that the number of crimes committed annually in the district under my jurisdiction, has increased very considerably since the year 1793, without taking into consideration a great number which may be supposed to have been committed by persons, who have escaped in consequence of the difficulty which often attends the apprehension of offenders. It is remarkable, that no great increase occurs before the year 1798, prior to which, I am inclined to believe, that the majority of the ill-disposed part of the inhabitants of this district were in a great measure deterred from the commission of crimes, by the dread of incurring severe and uncertain punishments, and that they consequently desisted until they were able to ascertain the effects of the system of criminal jurisprudence established in 1793, as far as regarded the apprehension, conviction, and punishment of delinquents; but no sooner did they perceive the great chance of escaping apprehension under the new system of police, the difficulty of establishing guilt under the Mahomedan law, and the leniency with which that law was in general administered by the British Government, than the list of offenders began to increase. The causes therefore, to which I ascribe such increase, are, the want of a preventive and more efficient police, the difficulty of establishing guilt under the Mahomedan law, and the leniency with which that law is in general administered, particularly in cases where crimes of a heinous nature, if not of enormity, are punished by imprisonment; a punishment which probably, in consequence of our mild method of treating convicts, is regarded by the generality of the natives with perfect indifference, and at all events seems to produce little or no effect either by way of reformation or example.

22.—What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

Gang robbery which is commonly accompanied by murder and arson, is the crime of enormity most prevalent in the district under my authority. Its prevalence I am inclined to ascribe to the causes stated in my answer to the 21st Interrogatory, to which, in a great measure I attributed the increase of crimes in general, but especially to the want of a more efficient and energetic police establishment. Nor do I know of any means which I can recommend to be adopted for the suppression of this crime, except such as may tend to perfectionate the present system of police, and such as I have already suggested in my letter above referred to, of the 22d of June 1799, to the Police Committee.

23.—Do the inhabitants in general of the district subject to your jurisdiction, keep arms in their houses; what descriptions of arms do they retain; and for what purposes are the arms retained?

The principal inhabitants, such as the zemindars, bankers, and some merchants, generally keep in their houses a few spears and swords, and sometimes a few matchlocks, for the purpose of defending themselves and property in case of attacks from decoits or robbers. The lower classes seldom keep any other kind of arms than wooden bludgeons of various descriptions, though some few keep the roybause, a long thin solid bamboo, pointed with iron, or the birchee, which is a long thin pointed iron rod, oftentimes forked at the end like a fishgig; and these they retain for the professed purpose of attacking or defending themselves from wild animals. The roybause, birchee, various kinds of spears, and sometimes swords, are the weapons most commonly found on decoits, but seldom or never matchlocks, or any kind of fire arms.

24.—Are there any brick or mud forts in your district; in what state are the forts; and what is the nature of their construction?

There are no forts of any description in this district, which can be considered as deserving of notice.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district of all descriptions?

From every information that I have been able to procure, it should appear, that the number of Hindoo bear nearly an equal proportion to the Mahomedan inhabitants in the district subject to my authority; and though I am not in possession of data sufficient to afford any accurate estimate of the total number of inhabitants of all descriptions; yet I am inclined to think it cannot amount to less than a million, which is allowing something less than 100 inhabitants to the square mile.

26.—What are the names of the persons possessing the highest rank, and the greatest opulence, in the district subject to your jurisdiction; what number of followers,

followers, armed or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers armed?

There are no persons resident in the district subject to my jurisdiction, who can be considered as possessing any rank, except the Rajah of Cooch Behar. The most opulent inhabitants are the following, zemindars and merchants; of whom the former may be considered as more or less opulent, from the circumstance of their paying an annual revenue to Government of from twenty to seventy thousand rupees; and the latter, from their being reputed to possess property to the amount of from fifty thousand to a lack of rupees, and upwards; *Rajah Locknaut Nundy, of Baharbund; *Roy Danishmund, of Battasson; *Bamrooder Chondry, of Kankneah; Gopymohun and his brothers, of Surrooppore; Randerjendernarin, adopted son of Jorodoorgah.

Clowdrain, of Montanah; Pubecirah Chondram, of Bahmundanga; Joymoney Chondram, of Taipah.

Those marked by a star, are not actual residents in the district, but conduct their affairs through the medium of their gomastahs. The names of the merchants above alluded to, are, Molum Doss, the representative of Juggut Sca, Takeerchund Saha, Sunker Saha, Puddolochund Saha, Luckynarain Saha, and Mahotaub Roy. There are, doubtless, many other men of equal opulence in the district, but as the only information I can procure relative to the circumstances of any others, is grounded on vague and uncertain reports, I have not deemed it necessary to insert their names in the above list; most of these people maintain in their service, from four to ten, and some from ten to twenty followers, armed with swords, and sometimes matchlocks, for the purpose of escorting treasure, and protecting their property against decoits. The number they maintain varies in proportion to their property, and the degree of danger to be apprehended from the prevalence or otherwise of gang robberies, but none of them ever appear abroad with more than two or three of such armed followers, who in general carry swords, and run with their palanquins in the capacity of herkurrahs.

27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government; what are their names; and to what means do you resort for superintending their conduct; have these persons any influence in the district, and to what extent?

I know of no persons in this district who are supposed to be anyways disaffected to the British Government, nor of any whose conduct requires particular superintendancy, or who enjoy any considerable degree of influence in the district.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

I am decidedly of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories and to confer titles and other marks of distinction on its native subjects. A wise and judicious distribution of titles and other marks of distinction, could scarcely fail of operating on the subjects as the strongest stimulant to merit, at the same time that it would afford Government the cheapest and most effectual means of rewarding it. And I am inclined to think that the revival of such distinction among the subjects of this Government would be attended with peculiar advantages, as being likely to excite among the higher classes a laudable spirit of emulation, which has long laid dormant, and to inspire them with sentiments of honour, the want of which is so very conspicuous in the general tenor of their conduct.

29.—What is the state of the roads, bridges, and other public works in the district under your authority, and at whose expense are they kept in repair?

The roads in the vicinity of this place are always kept in the best possible state of repair by the convicts; a party of whom are now employed in the annual repairs of the great western road leading to Dinagepore, and three other parties in making the three principal roads recommended in my address to Government of the 16th June 1800, through the medium of the Secretary to the Judicial Departments, which are in a state of great forwardness, and when completed will prove of the greatest benefit to the public, by facilitating the communication from all quarters to this station. The only bridges built of masonry in this district, are those on the great western road leading to Dinagepore, which were built last year by the orders of Government; and three in the town of Rungpore which require some repairs, and others on the roads in the vicinity of this place, which have been erected at different periods by and at the expense of the European residents at this station, and at whose expense they are also kept in a perfect state of repair. I beg leave however to state, that many more bridges will be requisite on the three principal roads above noticed, in order to render the communication perfect during the rainy season. The exact number I am unable to ascertain at present, but as soon as the necessary surveys are made, I shall do myself the honour of informing Government, and of transmitting an estimate of the expenses likely to be incurred in erecting them, for the approval and orders of Government on the occasion.

30.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

Exclusive of the employment stated in answer to the foregoing interrogatory, in which

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the convicts have usually been and are engaged, they have within these last twelve months been employed in digging a large tank and raising the circumjacent ground, in order to destroy the noxious effects of a swampy spot in the vicinity of this place; and in clearing, levelling and improving the streets of Rungpore and other places in its neighbourhood; nor is there any other manner of employing them which appears to me preferable to the manner in which they are at present employed.

31.—What is the state of the jail in your zillah?

The jail in my zillah is in excellent order in every respect.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as Justices of the Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

In considering the expediency of granting to zemindars commissions, empowering them to act as Justices of the Peace, it must be admitted, that as their peculiar situations afford them the amplest opportunities of becoming intimately acquainted with the characters, conduct, and places of abode, of almost every individual residing within the limits of their respective estates, so no class of men have it more in their power to contribute to the suppression of crimes, to facilitate the apprehension of offenders, and otherwise to act with efficacy as officers of police. The investing them with such authority, appears also a measure well calculated to insure an effective co-operation of the present zemindary establishment of village watchmen, and a due observance of the rules of Government contained in Section 14 of Regulation XXII, 1793, their total neglect of which has already been fully stated in my address of the 22d June 1799, to the Committee of Police. But however strongly these considerations tend to favour an opinion of the expediency of investing the zemindars with authority to act as Justices of the Peace, my knowledge and experience of the character, general conduct, and views of most men of this description, residing within the district under my charge, justifies me in giving it as my decided opinion, that any such authority entrusted to them would inevitably be perverted to purposes of oppression and extortion, and entail the worst consequences, unless it were delegated under the severest restrictions and penalties; and such indeed as is probable might deter them from accepting that office, if left to their own free choice. Instances are not uncommon of zemindars coming forward, through the medium of their gomastahs and other principal servants, with petitions in favour of offenders, and of their even offering to become bail for the most notorious characters, when apprehended by the police darogahs; and experience assures me, that, generally speaking, no consideration of the permanent interest which they have in the prosperity of the country, from the possession of landed property, serves to operate with any effect in restraining their rapacious and improvident dispositions to derive, by every species of oppression, temporary or immediate benefits at the expense of all future views to greater and more solid advantages.

If these objections have any weight in determining the expediency of entrusting such authority in the hands of zemindars, they must apply with still greater force against the farmers; who, while they derive equal benefits from oppressing the cultivators, have little or no interest in their future prosperity. As to any other persons of character in this zillah among the natives, I know of none with whom such authority could, in my opinion, be prudently or advantageously entrusted. The indiscriminate appointment of darogahs of police, from among all classes of the natives, and the trifling salary annexed to those offices, not having been calculated to impress men of respectability with the slightest hope of deriving any additional consequence or personal distinction from holding similar employments; it is not to be expected that views of this nature could induce persons of character and independent circumstances to take upon themselves the trouble of officiating as Justices of the Peace; and I apprehend, that none would be found to offer their services from an honest disposition of proving beneficial to the country, unalloyed by a much stronger desire of deriving improper advantages from undue exertions of the authority which may be annexed to the office. It is among the European residents alone that men are to be found in this district, whose characters and situations in life place them far above all such unworthy views, and whose own safety and interest in the tranquillity of the country, would prove a sufficient inducement to undertake and faithfully discharge the duties of such an office. In case either zemindars or farmers are empowered to act as Justices of the Peace, I think the extent of the jurisdiction of such persons should be confined to the estates or farms of the persons to whom the commissions may be granted.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

Exclusive of the rules already suggested for the improvement of the police, in my letter to the members of the Police Committee, no other rules or regulations occur to me which I could recommend to be adopted, as being calculated, in my opinion, for the suppression of crimes in general; unless some extension of the authority at present invested with zillah magistrates, for the punishment of persons who commit breaches of the peace, petty crimes and misdemeanors, might be considered as likely to promote the object in view.

- 34.—What has been the operation of the last Regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

As far as I have been able to ascertain, from personal observation and enquiries, it does not appear that the last Regulation respecting the tax on spirituous liquors has operated with any obvious effect in checking the vice of drunkenness; nor am I of opinion that the establishment of the taxes now levied on spirituous liquors have rendered it more prevalent than it was previously to the establishment of those taxes?

- 35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

In the supposition that education alone forms the due basis of all improvements in morals, no measure occurs to me so likely to contribute progressively to the improvement of the moral character of the natives of this district, as the institution of public schools, under the auspices of Government, in which the higher classes might receive such an education as may be thought best calculated to instil virtue, and produce a beneficial influence on their habits and principles. But what species of encouragement on the part of Government would be necessary to induce the more respectable natives to admit of their sons being educated in so public a manner, I cannot pretend to say; neither am I at present prepared to suggest such rules and regulations as would be best calculated to give effect, and insure success to the institution of such public seminaries. All the lower, and indeed the middle classes of inhabitants, are so circumstanced, as, in my opinion, to preclude the possibility of any great number from among them ever acquiring the kind of education proposed.

- 36.—In your opinion, what has been the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead?

In my opinion, the Regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead, has produced little or no effect by way of example or determent, however it may have operated in reforming those on whom the stigma has been inflicted.

- 37.—What has been the operation of the punishment of transportation introduced by the British Government?

Judging of the operation of the punishment of transportation by the increase or decrease of the crimes for which it was intended as a punishment, no beneficial effects seem to have been produced by it, as it is evident that such crimes have greatly increased since the introduction of this punishment by the British Government. At the same time, I have reason to believe, that transportation for fourteen, or even seven years, is, in general, more dreaded than imprisonment for life; and that transportation for life is commonly dreaded as much as death itself: but whatever terror this kind of punishment may carry with it at present, I am clearly of opinion that it must decrease daily, and ultimately lose all its effects, when time shall have brought back to the country any of the convicts who have been transported for specific periods, however inconsiderable may be the number of those who return.

- 38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

I am of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is in general administered with too much lenity; at the same time that the discretionary powers, with regard to the degrees of punishment, which lie in the hands of the native law officers, render it very liable to be administered with too much severity in many cases, which I have reason to think often happens. The consequence produced by the operation of the spirit in which the criminal law is, in my opinion, administered, is that species of disregard or contempt for the law itself, which serves as the greatest encouragement to offenders, and points out the expediency of fixing certain bounds to the discretionary powers of law officers in all cases, if not of revising the criminal code itself, and reforming it of many subtleties which it at present contains.

- 39.—What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

The conduct of the Europeans, not in the service of the Company, who reside within my jurisdiction, has ever been of the most exemplary nature; and to them have I been often indebted for important information, and the country in a great measure for its present improved and improving state of manufactures, cultivation and commerce.

No. 2.

Answers by the
JUDGES.

Moorshedabad Division.

Zillah Rungpore,
13 April 1802.

No. 1.

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Zillah Rungpore,
13 April 1802.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufactures in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and to the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

The general condition of the weavers and other manufactures in my jurisdiction, but especially of the former, is, I believe, much the same as that of all the other inhabitants; who, with as little expense of labour as can well be imagined, are able to gain by cultivating the land, more than sufficient to procure the few necessaries of life which they require, and to maintain themselves and families independent of any other occupation or employment. A great proof of this, and at the same time of their extreme indolence or want of industry, is the difficulty which very frequently occurs in inducing them to receive advances for goods, however well assured they are of gaining a full and adequate compensation for their labour as manufacturers, without risking any material interruption of their occupation and pursuits as cultivators of the soil. Their chief inducement to labour as manufacturers seems to arise less from necessity, or motives of industry, than from a well known disposition (governed by custom) to engage more or less in the same business in which their forefathers have been occupied; and I am credibly informed, that out of thousands who have been accustomed to receive advances from the merchants for years together, few if any are found, like the manufacturers of most other countries, to express the least concern, or complain of suffering any consequent distress, when, from stagnation of trade or other causes, the merchants are obliged to withhold from them suddenly, or for any length of time, the usual supplies of cash for the provision of goods. The existing laws and regulations are perfectly well calculated for insuring justice to the weavers and manufacturers, in their dealings with the officers of the Company and with private European merchants; but neither the officers of the Company, nor private European or native merchants, have the same certainty of obtaining from the weavers and manufacturers the punctual performance of their engagements for the provision of goods. Few men of this description are possessed of any property; or if they are, it is so easily and so constantly transferred to their relations, whenever they receive notice of any intended prosecution for balances, that the merchant, in very few instances, is enabled to recover the money which he has advanced to them, and which they may have dishonestly appropriated to other purposes than those for which it was originally advanced.

Zillah Rungpore, }
13th April 1812. }

J. Wordsworth,
Judge and Magistrate.

Patna Division.

ANSWERS to the Interrogatories respecting the State of the Country, &c.—
received from the Magistrates of this Division; viz.

Court of Appeal and Circuit; - - -	dated the 19 Nov. - 1801.
City - - - - -	13 May - 1802.
Zillah Sarun - - - - -	16 Dec. - 1801.
D° - Behar - - - - -	9 D° - - D°.
Acting Magistrate Shahabad - - -	11 D° - - D°.
Magistrate Zillah Ramgur - - - -	21 D° - - D°.
D° - - D° - Torhoot - - - - -	22 D° - - D°.

Received, per Cornet, 3d January 1803.

TO NEIL BENJ. EDMONSTONE, ESQ.

Secretary to the Government.

SIR,

WE have the honour to acquaint you, for the information of his Excellency the Most Noble the Governor General, that, in conformity to his orders, as communicated by you on the 20th ultimo, we have submitted to the Honourable the Vice President in Council, our specific Answers to the several Questions enclosed in your Letter of the above date.

2. Although his Excellency was not pleased to direct us to submit to him a Copy of our Answers, yet, as it occurs to us, that his being furnished with it may enable his Excellency to make such further enquiries into the subject as he may deem proper, and be the means of rectifying any mistakes or omissions on our part, we think it our duty to request that you will be pleased to lay before his Excellency the inclosed Copy of the Answers in question.

We have the honour to be, Sir,

Patna,
the 19th November 1801.

Your most obedient humble Servants,
C^r Keating. Arch^d Seton.

The REPLIES of the Judges of the Provincial Court of Appeal and Court of Circuit for the Division of *Patna*, to the Questions transmitted on the 20th October 1801, by the orders of his Excellency the Most Noble the Governor General.

QUESTIONS.—1. What is the number of Appeals depending before your Court?
ANSWERS.—Eighty-four.

2.—What proportion does the number of Appeals now depending before your Court bear to the number of Appeals usually depending, during the several years commencing from the year 1793 to the present period?
This proportion appears from the following Statement:

STATEMENT of the number of Causes depending in the Provincial Court of Appeal, for the Division of *Patna*, on the 1st day of November of the following years.

1793 - - - - -	Causes - - - - -	49
1794 - - - - -	D° - - - - -	93
1795 - - - - -	D° - - - - -	68
1796 - - - - -	D° - - - - -	28
1797 - - - - -	D° - - - - -	32
1798 - - - - -	D° - - - - -	42
1799 - - - - -	D° - - - - -	58
1800 - - - - -	D° - - - - -	97
1801 - - - - -	D° - - - - -	84
TOTAL - - -		551

Which gives, as the annual average of 9 years - - - 61 Causes.

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3.—What number of causes was decided in the past year, by your Court?
One hundred and sixty-six.

4.—What number of causes do you suppose must necessarily be depending before your Court; and what is the reason that the number of causes depending before your Tribunal, is not reduced as low as you think it might be reduced?

The average number of depending causes, taken on a medium of 9 years, viz. from the institution of the Court to the present time, may perhaps be considered as the number that must be "necessarily depending" before us. By the foregoing Statement (in the answer to the second question) it appears that this average amounts to 61, and that the number now depending is 84, consequently the number depending exceeds the average by 23. This increase may be attributed to the increased number of suits instituted; since it appears by the following Statement, that the causes filed during the two years ending on this day, the 1st November 1801, viz. 342, exceeds the number filed in the three preceding years, viz. 327, by 15.

STATEMENT of the number of Causes annually filed, from May 1793 to the 1st of November 1801, in the Provincial Court of Appeal from the Division of Patna.

To the 1st of November		1793	filed	Causes.	
D°	- - - -	1794	- D°	-	148
D°	- - - -	1795	- D°	-	109
D°	- - - -	1796	- D°	-	127
D°	- - - -	1797	- D°	-	96
D°	- - - -	1798	- D°	-	115
D°	- - - -	1799	- D°	-	116
D°	- - - -	1800	- D°	-	189
D°	- - - -	1801	- D°	-	153
TOTAL - - - -				1,102	
Average of 9 years - - - -				122	Causes.

In accounting for this increase of suits, we think ourselves warranted to say, it is our firm belief that it may be traced to a cause highly honourable to the British Government; viz. to the increased value of every species of property, but more especially of landed property, in the eyes of the natives, from their confidence in its security; which confidence leads them at present to prosecute for the recovery of rights, real or supposed, which in other times, and under other circumstances, they would not have considered as objects worthy attention. This confidence, we believe to have been greatly strengthened by the faithful adherence, on the part of Government, to the terms of the decennial settlement, which declared the land tax to be no longer liable to increase.

5.—Are you prepared to suggest the establishment of any rules which (consistently with the due administration of the laws) would expedite the decision of suits? Are you of opinion that the object would be in any degree promoted by leaving it optional to the different Tribunals to commit the depositions of witnesses, in causes not appealable to a higher Tribunal, to writing, or not, as the Judges may think proper?

However desirous we are of expediting the decision of suits, we cannot venture to recommend the measure of occasionally omitting to record the evidence of witnesses, as, in our opinion, it would be removing a very useful and salutary check, not only to retraction on the part of the witnesses, and to misrepresentation in the parties, but also to those errors and misconceptions in the Courts themselves, from which no human tribunal is totally exempt. We are therefore of opinion, that all evidence ought to be recorded; but, to guard against a wanton or expensive abuse of this privilege, we beg leave to recommend that the testimony of two witnesses only should be allowed to be taken upon common paper; and that all the remaining depositions should be recorded upon such stamp paper as is applicable to the value of the suit. This measure would, we conceive, tend to induce the parties in suits to produce those witnesses only who might be necessary, instead of loading the proceedings, as is now the case, with depositions which are totally irrelevant to the matter at issue, with a view of gaining time, or practising chicanery.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and of the Registers to sums exceeding 200 rupees? What is the amount to which you would recommend the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice, in the division subject to your jurisdiction, be expedited by the adoption of this arrangement?

As the decisions of the native Commissioners are, in no instance, final, we are not aware of any objection to extending their jurisdiction to suits for personal property not exceeding 100 rupees; which, besides relieving the Registers, would probably enable the Judges to find men better qualified for the office than many who have been hitherto employed, as the allowed perquisites would then be made considerable. The relief which this measure, if adopted, would afford to the Registers, would, we imagine, admit of their undertaking suits

of a larger amount than those which are at present cognizable by them; which would have the further salutary effect of enabling the Judges to bestow more of their time and attention on objects of magnitude. We therefore recommend, that the Judges be authorized to refer to their Registers all suits for the recovery of real or personal property, the amount of which shall not exceed rupees 500; that an appeal lie (as is now the case) from the decisions of the Register to the Judge; that in matters of personal property, the amount of which does not exceed Rupees 200, the decision of the Judge be (as at present) final; but that in all matters whatever of real property, and in all cases of *personal* property, when the amount sued for exceeds 200 rupees, an appeal lie from the decision of the Judge to the Provincial Court of Appeal.

We are not prepared to state the degree in which the general administration of justice would be expedited by the adoption of this measure; but we are of opinion its operation would be great and salutary.

- 7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits; of the fees paid to the vakeels; of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law suits to be too considerable, or otherwise?

That litigation has been checked by the establishment of fees, and that of stamp duties, is evident from *this*, that previous to the institution thereof, and while justice was administered gratis, which was the case from May 1793 to May 1795, the Courts were overwhelmed with numbers of wanton complaints, the greater part of which, in consequence of the establishment of the institution fees, and fees on exhibits, was either withdrawn or dismissed on nonsuit, without any attempt to reinstate them.

It does not appear to us that the several charges attending the institution of suits are too considerable; and yet it must be acknowledged, that the charges authorized by the Regulations are not the only expenses with which suitors are burdened, since, exclusive of regular pleaders to conduct the *forms* of the business, they must (especially in matters relating to *land, watercourses* or *inheritances*) employ *mokhtars* or agents well acquainted with their family affairs, and with local usages, to *instruct* those pleaders; which, of course, occasions an additional expense.

- 8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the vakeels attached to your Court persons of the above description; and are they, in general, well acquainted with the printed Regulations?

Though the fees paid to the licensed pleaders be not heavy, yet, from the number of candidates (some of them respectable men) who are always desirous of being appointed to vacancies, it appears sufficient to attract attention, and sometimes to stimulate exertion. The present vakeels are, in general, men of respectable character, and some few of them are well acquainted with the Regulations, and apply them with judgment and accuracy.

- 9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the court the merits of the suits instituted?

It must be acknowledged, that the pleas urged by the authorized vakeels are frequently frivolous, and tend to create unnecessary delay; but as on such occasions they generally plead the express orders of their clients, it might be hard to throw the whole blame on the vakeel.

- 10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

No instance has as yet occurred in this Court, of any vakeel having failed to his client in point of honour or fidelity, we cannot, however, speak equally favourable of them in point of *attention*; and we therefore recommend, as a stimulus to exertion, that every Judicial Court be vested with the power of taxing the fees of such pleader as may appear to be guilty of gross inattention to the interest of his employer.

- 11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

As far as we can judge, the principal inhabitants within our jurisdiction have but very faint and imperfect notions, either of the principles of British jurisprudence or of the laws of the country as they now stand, inchoated by British justice, policy and humanity.

- 12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would expedite the decision of the suits, without endangering the due administration of the laws?

It does not appear to us, that any of the existing forms in civil suits could be abolished or abridged, endangering the due administration of the laws. That the forms in question may sometimes occasion unnecessary trouble and delay we are well aware; but we are of opinion, that their abridgement might lead to still greater inconvenience. If we only adverted to our own division, we might be induced to recommend, that the period fixed for preferring appeals to us from decision passed in the zillah courts should be limited to six weeks, as being fully sufficient for the purpose; but as this may not be the case in other divisions, we do not think ourselves at liberty to propose it as part of a general arrangement.

- 13.—Have you in your Court-room any place allotted to the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons

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who attend your Court; and what forms and ceremonies do you observe in opening your Court or sitting in it?

There is in our Court-room a large raised platform, divided off for the bench of the Judge, the Register, the law officers, and other officers of the Court, as also for the parties and their pleaders, and for witnesses; the ceremony of opening and closing the Courts, consists in a proclamation made three times by the Nazir in an audible voice, notifying the period for which it is so closed or that it is again opened for business. The house, which is the property of Government, is large and well adapted to all its required purposes. But with a little alteration it might be rendered still more so, which shall be made the subject of a separate address to his Excellency the Most Noble the Governor General in Council.

14.—Are there any private schools or seminaries in the division under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

If there be any such schools or seminaries, their existence is unknown to us, nor have we any regular means of endeavouring to ascertain the point except by applying to the magistrates, who will of course, in reply to the question put to them directly by his Excellency the Most Noble the Governor General, submit to the Honourable the Vice President in Council, such information on the subject as they may be in possession of; and we therefore think it unnecessary to postpone our answer on this account.

15.—What is your opinion regarding the general moral character of the inhabitants of your division? Has the moral character of the inhabitants in general improved, or otherwise, by the system established by the British Government for the administration of the laws and for the conduct of the internal administration of the country?

We are not prepared to state with certainty, the effect which the British system of administering the laws, and conducting the internal government of the country, has had upon the moral character of the inhabitants of these provinces. We think it, however, fair to suppose, that the general purity of the system and the difficulty of attaining improper ends by unworthy means, must in time improve their moral character, and teach them to convert practices of low cunning and intrigue to habits of honest industry and exertion. To their conviction of the impartial administration of the criminal law since the commencement of the present system in 1793, it is perhaps to be attributed, that violent breaches of the peace (such as gang robberies) take place much less frequently now than formerly (that is than previously to 1793.)

16.—Are you of opinion that the inhabitants in general of the division under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

We are of opinion that confidence is now completely established, and that the inhabitants of these provinces think themselves perfectly secure from any invasion of their private rights or property, even by the supreme executive authority; to the confirmation of this confidence, it appears to us, as already observed, that the declaration of Government respecting the permanency of the decennial settlement, must have greatly contributed; as we can assert from our own knowledge, that previous to the proclamation to that effect, great doubts were entertained by the landholders. The great and beneficial effects of this confidence in the justice of Government are evident, from the considerable increase which has taken place in the value of land within these few years past.

17.—Are you of opinion that the division under your jurisdiction is in a state of improvement or otherwise, with respect to its population, cultivation, and commerce; and its buildings or other works, for religious, domestic, or other purposes; and on what ground do you form your opinion?

The cultivation of the land in our division has certainly increased greatly of late, and still continues to increase. We have also reason to believe, that population and commerce are upon the increase; but we have not the means of obtaining such satisfactory information on those points as could enable us to speak with accuracy or certainty on the subject. The religious buildings appear to us to be on the decline, in consequence of the natives having no longer the same means as formerly, of constructing edifices of that nature. The few which piety, superstition, or vanity, still finds means to erect, are, in general, poor and insignificant, when compared with those which used to be constructed in former times, when power and inclination went hand in hand. This observation appears to us also to hold good with respect to domestic buildings, few, if any, being now erected upon a grand or expensive scale.

18.—Are you of opinion that the inhabitants of the division subject to your jurisdiction, are in general satisfied with the British Government?

This question might lead to discussions of a very delicate nature. We have grounds to believe that many of the native inhabitants of this division are dissatisfied with the British Government. As, however, old habits and prejudices are not easily worn out, we do not think it unlikely that the principal inhabitants, especially the Mahomedans, may reflect with regret on the loss of their former privileges and advantages, and view with disgust that impartial principle of British Jurisprudence, which tends to lessen their consequence. In all probability, however, this sensation will in time subside, and give place to a conviction of the real advantages which they now possess, in the security of themselves, their families and property, under the protection of the British Government; especially

if the humane and enlightened policy of that Government takes measures for relieving the wants, and soothing the feelings of the representation of decayed families.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

It appears to us that the present system of police, if well administered, and supposing the establishments to be efficient, would be well calculated to insure the apprehension of offenders. We are, however, of opinion, that from the weakness of the establishments, the extensiveness of the jurisdictions, and the smallness of the salaries granted to the darogahs, the objects of the system are not completely answered. To give to the plan all the advantages of which it is susceptible, we recommend, either that the extent of the jurisdictions be diminished, or that the establishments be strengthened; as also that the salaries of the darogahs be increased, in order to render the office worthy of being held by men of respectability. Upon a former occasion we submitted it as our opinion, that the placing the police under the charge of respectable zemindars, would be attended with advantage, as Government would thereby secure a set of men whose estates might be considered as a sort of security for their good conduct, whose local knowledge must be accurate and extensive, whose influence must give them the means of checking criminal combinations, and detecting notorious offenders; and whose situation in life being above need, but not above the necessity of preserving respectability of character, occurs peculiarly to qualify them for the discharge of the duties of police officers. To this opinion we shall continue to adhere.

20.—Are the police establishments in the division subject to your jurisdiction, adequate to the duties required of them?

We are of opinion that the present police establishments are not adequate to the duties required of them, as stated at large in our reply to the foregoing questions.

21.—Are you of opinion that the number of the crimes committed annually in the division under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

The accompanying detailed statement, marked (A.) which is taken from the records of our Court, specifies the number of persons found guilty of crimes punishable by the Court of Circuit, or the Nizamut Adawlut, during the last six years, commencing 1796; previous to that period none of the present Judges were members of the Court, and the mode in which it had been usual to keep the records, does not admit of our submitting, with sufficient accuracy, the same specific and detailed information which is given for the subsequent period.

The statement in question exhibits such only of the persons committed by the several magistrates, as have been ultimately found guilty at the half-yearly Sessions and the monthly jail deliveries for the city of Patna. As it specifies the number of crimes of each class, as also the number of delinquents convicted in each year at each station, our superiors will, we presume, derive more information from a reference to it, than from general observations submitted in any other form. It will appear that the number of persons found guilty in the years 1799 and 1800 respectively, exceeds that of the delinquents of any single preceding year.

To explain the increase of delinquents in the year 1798, compared with 1799, and that of 1799 compared with 1800, it is necessary to go into some detail, to shew the nature of the crimes, and the places or jurisdiction in which such increase has occurred. We take the year 1798, as exhibited in the statement, as a standard, omitting the current year, the business of which is not complete from the second Sessions, and four months jail deliveries not being yet entered upon; the result is exhibited in the following abstract:

The city of Patna exhibits for the year 1799, the following increase of delinquents punished; viz.—Administering poison 1; adultery 8; breach of trust 3; highway robbery and dekoity 17; theft 10.

And for 1800, an increase on 1799, as follows:—Assault, battery, and breach of the peace, high crimes and misdemeanors, 15; assault, battery, and wounding, 6; fraud 1; perjury and subornation of perjury 5; receiving stolen goods, knowing them to be stolen, 4; robbery, robbery and wounding, 5.

Zillah Shahabad exhibits an increase for 1799, as follows:—Assault, battery, breach of the peace, &c. 6; assault, battery and wounding, 11; burglary and housebreaking 1; highway robbery and dekoity 10; murder, accessory to murder, with other acts of atrocity, 23.

And for 1800, an increase on 1799, as follows:—Forgery 1.

Zillah Saram exhibits an increase for 1799, as follows:—Adultery 2; Assault and battery, breach of the peace, &c. 8; assault, battery and wounding, 7; burglary and housebreaking 14; perjury and subornation of perjury 1; stealing cattle 3.

And for 1800, an increase on 1799, as follows:—Adultery 2; burglary and housebreaking 20; perjury and subornation of perjury 2; receiving stolen goods, &c. 5; robbery, robbery and wounding, 3; theft 12.

Zillah Tirhoot exhibits an increase for 1799, as follows:—Assault, battery, breach of the peace, &c. 7; assault, battery and wounding, 9; perjury and subornation of perjury 1; theft 17.

And for 1800, an increase on 1799, as follows:—Coining 1; murder, accessory to murder, &c. 26.

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Zillah Behar exhibits an increase for 1799, as follows:—Assault, battery, breach of the peace, &c. 12; burglary and housebreaking 3; highway robbery and Dekoity 5; murder, accessory to murder, &c. 1; rape 1; theft 16.

And for 1800, an increase on 1799, as follows:—Highway robbery and dekoity 34; perjury and subornation of perjury 4; receiving stolen goods, &c. 3; robbery, robbery and wounding, 1; theft 25.

Zillah Ramghur exhibits an increase for 1799, as follows:—Assault, battery, breach of the peace, &c. 2; assault, battery and wounding, 2; highway robbery and dekoity 5; murder, accessory to murder, &c. 10; plundering villages, &c. 7; theft 5.

And for 1800, an increase on 1799, as follows:—Assault, battery, breach of the peace, &c. 4; forgery 1; murder, accessory to murder, &c. 9; plundering villages, &c. 35; theft 22.

It is necessary to observe, in the first place, that the above abstract does not exhibit an increase of *all* crimes; since those offences in which a *decrease* has taken place are omitted, as being less immediately connected with the question.

On a reference to the abstract in question, it will appear, that the following are the crimes of magnitude, in which an increase has taken place, viz.—Adultery, *assault and battery*, and *violent breaches of the peace, assault, batteries, and wounding*, burglary and housebreaking, highway robbery and dekoity, murder, being accessory to murder; together with acts of atrocity, perjury, and subornation of perjury, plundering villages, and carrying off crops, and theft. We have deemed it our duty to exhibit this increase in as detailed a manner as possible, for the information of our superiors. But in endeavouring to explain the causes of it, we confess ourselves at a loss; since the increase is neither confined to any particular zillah, nor to any particular crime by which we might be furnished with data for the information of our judgment, and enabled, with any degree of accuracy and precision, to trace the increase to some possible cause; possibly the more perfect and detailed knowledge which the several magistrates possess of the character and conduct of the inhabitants within their respective jurisdictions, may furnish them with the means of supplying this deficiency in submitting their replies to this question

22.—What crimes of enormity are most prevalent in the district under your authority? what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

In answer to the preceding question, we have detailed the several crimes of enormity which are most prevalent, distinguishing such as are on the increase. To avoid repetition and prolixity, we beg leave to refer to that answer, instead of here recapitulating its contents.

In that answer we have confessed ourselves at a loss how to account for the increase in the commission of certain crimes; their prevalence may, we think, be ascribed to various causes, some of which are of a general, and some of a particular and local nature. That burglary should frequently take place in a country where the houses of a greater part of the inhabitants are only protected by slight doors or mats, and where the houses themselves are constructed of mud, is a thing rather to be lamented than wondered at. That in a climate where irrigation is absolutely necessary to render the soil productive, disputes about the right to watercourses should frequently give rise to serious broils is also to be expected; with respect to some of the other crimes of magnitude, we think their prevalence may be ascribed to particular causes, of a local nature, in different parts of the country. In Patna, for example, and its vicinity, they probably originate in these loose, idle and vicious habits, which are generally found in and near large cities. In Ramghur murder is frequently committed from the ignorance and superstition of the inhabitants, who often put people to death from a belief that they possess the power of magic, and make a destructive use of it. The number of crimes in zillah Behar may perhaps be ascribed to the great concourse of pilgrims whom piety or superstition attracts to Ghya; such wealth as these persons possess is generally composed of money, jewels, cloth, or other personal property, which holds out to avarice a temptation that receives an additional stimulus from the defenceless condition of the greater part of the owners. Exclusive of this, it may be observed, that frays and breaches of the peace may naturally be expected to arise in the vicinity of a place like Gya, where a number of foreigners is frequently assembled. To pursue this subject further, by endeavouring to account for the prevalence of every species of enormous crimes, would lead to details beyond what, we believe, we are now expected to furnish.

With respect to “the best mode of *suppressing* these crimes,” we beg leave to refer to our reply to the 19th Question on the subject of the Police; and also as being still more immediately connected with the present answer to our reply to the 33d Question, where the subject in point is discussed at large. We have only to add, in general, that the vigilance of the magistrates may, we conceive, do a great deal towards the prevention as well as the detection of crimes, both by their own personal exertions in the discharge of their duty, and by unceasingly watching over the conduct of their police officers.

23.—Do the inhabitants of the division under your jurisdiction keep arms in their houses; what description of arms do they retain; and for what purposes are the arms retained?

We have not the means of ascertaining what description of arms the inhabitants keep in their houses, without having recourse to measures which would probably create a general alarm. We believe, however, that, in conformity to the known custom of the country,

every

every native, however low his degree, is provided with a sabre; and that men of rank and condition keep arms of various sorts in their houses. But we have not the smallest grounds for believing, that in either case they are retained from mischievous or offensive motives. It is well known, that the being attended by an armed retinue forms part of the state of men of rank in this country, when they appear abroad. We recommend, however, for the reasons stated at the conclusion of our answer to the 33d Question, that when the attendants of natives of rank exceed a certain number, their masters be obliged to register them, and to be answerable for their good conduct.

24.—Are there any brick or mud forts in your division. In what state are the forts; and what is the nature of their construction?

It is not in our power to give an accurate or satisfactory answer to this question, without a reference to the magistrates of the several zillahs composing our division. But this deficiency will of course be supplied by those answer of the officers.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the division subject to your authority; and what do you suppose to be the number of the inhabitants of your division, of all descriptions.

We have not the means of ascertaining either the absolute population of the inhabitants of our division, or the relative population of the Hindoos with respect to the Mahomedans, without making enquiries through the magistrates, which might occasion disquietude in the minds of the community; and even then, as there are no registers of births kept, our information must be vague and inaccurate.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the division subject to your jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

To the best of our knowledge the following are the names of the persons possessing the highest rank in this division.

Inhabitants of Patna.—The Nabob Kurreen Cooly Khan, Nabob Abbas Cooly Khan (sons of the late Nabob), Mummcer ul Doulah, Rajah Coor Dowlut Sing (son of Mohi Rajah Cullean Sing), Rajah Bussunt Roy, Syr Mahomed Banker Khan, Abboo Mahomed Khan (son of the late Behader Beg) Mahomed Hoosim Khan, Mahomed Cawzin Khan, Corbain Ali Khan, Ahmud Hussum Khan, Sirfray Khan.

Inhabitants of Behar proper.—Rajah Mitterjeet Sing, Mehedy Ali Khan (grandson of the late well known Ghulaum Hobsseyu Khan), Rajah Futch Nerain, the heirs of the late Rajah Ghulaum Hoosim Khan, Rajah Ram Sing.

In zillah Sarm.—Rajah Beerkisore Sing, the family of the late Rajah Seree Kishur Sing, Baboo Chutter D'harry Sing, Bheya Madho Kam.

In zillah Tirhoot.—Rajah Madho Sing, Shaikh Ahmud Hoosim Baboo Runjut Sing.

In zillah Ramghur.—Rajah Nunnee Naut Sing, the Rajah of Palamoro. the Rajah of Juldah.

In zillah Shababad.—Rajah Bickerma Yut Sing, Baboo Doost Dowun Sing, the heirs of the late Baboo Bhoop Nerain Sing, Roy Hurbuncze Roy (son of the late Rajah Mull).

There are also several opulent bankers in Patna and elsewhere.

Of the persons above specified, some, though men of rank by birth, are by no means opulent, but, on the contrary, in distress. Such, for example, are Corborm Ali Khan, and Ahmud Hoosim Khan; both of whom, though descended from the former Nazims of these provinces, are at present in very indigent circumstances.

27.—Are there any persons in the division subject to your authority, who are supposed to be disaffected to the British Government? What are their names; and to what means do you resort for superintending their conduct? Have these persons any influence in the division, and to what extent?

We are not aware that there are at present any persons in our division who are disaffected to the British Government.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government, to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

We certainly think, that the British Government's declaring itself the sole source of honour within its Indian territories, and its conferring titles and other marks of distinction on its native subjects, would be attended with most salutary effects, more especially if those titles conveyed certain honorary privileges, and were, on some occasions, accompanied by pensions. By pleasing the feelings and gratifying the innocent vanity of the persons so distinguished; their minds would be gradually, but effectually, weaned from that respectful attachment which many of them still bear to the memory of the former system, and the British Government would daily increase in that species of useful popularity which may tend to add to the stability of its dominion in the East. This appears to us to be a measure not only of sound policy, but also of great humanity; as it would eventually be the means of relieving the distress of many of the descendants of respectable, but decayed families, with-

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out adding to their political consequence, or rendering them dangerous to the established Government, since they would be solely indebted to it, for the comfort or privileges which they might enjoy.

29.—What is the state of the roads and bridges, or other public works, in the division under your authority, and at whose expense are they kept in repair?

With respect to the state of the roads and bridges it is not in our power to furnish satisfactory information; it will, however, of course be supplied by the magistrates of the several zillahs.

30.—How are convicts usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

The convicts are in general employed in repairing the roads in the vicinity of the jails, where they are respectively confined. As the difficulty of preventing their escape, if carried to a distance from the jails, appears to us to be a strong objection to that measure, we know not that they could be more usefully or safely employed than in labouring at such work, near their respective places of confinement, as may be conducive either to the health or to the convenience of the community; viz. in making or mending roads, digging tauls, clearing away thickets, or the like; more especially as, generally speaking, they are utterly unfit for such work as requires manual skill or dexterity.

31.—What is the state of the jails in your division?

When the alterations which, with the sanction of Government, are now making in the jails at Patna, Chittra, and Gya, are completed, they will in every respect correspond with the provisions of the 9th Regulation of 1793.

The jails at Arrah and Chuprah are merely constructed of mud, and situate in the middle of the bazars of the towns to which they belong. We recommend that new jails be constructed at those stations with as little delay as possible. The jail at Muzzufferpoor is situated on a high, open, and healthy spot; but being built merely of mud, is very insecure, as is evident from several convicts having effected their escape from it. We think it our duty to recommend, that a secure and substantial jail, constructed upon the plan laid down in the 9th Regulation of 1793, be also erected at Muzzufferpoor.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character, in your division, commissions empowering them to act as Justices of Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

Although there are, no doubt, some zemindars and farmers whose character and conduct are sufficiently respectable to lead us to suppose that, if appointed Justices of the Peace, they would not abuse the power; yet their number is so limited, and the temptation to which they might be exposed so great, that we do not feel ourselves prepared to recommend the adoption of the measure as part of a general system. Those to whom such commissions might be granted, would certainly have the means of oppressing, not only their own immediate dependants, but also those of their neighbours; and even of harassing their neighbours themselves, when their interests chanced to clash, which might frequently be the case, from claims to disputed watercourses, reservoirs, or boundaries. On such occasions we cannot but be apprehensive that, if vested with the power which commissions of Justice of the Peace would convey, motives of self-interest or pique might possibly lead them to abuse it; and we are therefore of opinion, that the placing them in that predicament would not be advisable.

We do not, however, conceive that the same objections can be urged to being employed as police darogahs, if well qualified for the situation; since, in that capacity, their functions would be merely of a ministerial, and not of a judicial nature.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

It appears to us, that the vesting greater powers in the magistrates would be conducive to the suppression of crimes. At present they are not allowed in any case to levy fines; and it is only in cases of theft, that they can, of course, sentence persons convicted of the most serious frays to a short imprisonment; unless, indeed, in cases where one or other of the parties has been wounded; but to persons, such as those who are usually concerned in broils, mere imprisonment is in fact no punishment. We recommend, therefore, that the power of fining or of inflicting corporal punishment on such persons, be vested in the magistrates; more especially as the promptness of such punishment would greatly add to its effect, not only on the mind of the culprit himself, but upon the community at large, and consequently would operate as a salutary example, which is the most useful and desirable end of all punishments. We are also of opinion, that it would contribute to the maintenance of good order, if all the inhabitants of all large cities were registered, together with their respective occupations; and if all strangers, and the persons with whom they might reside, were obliged to report themselves immediately to the magistrates of the cities at which they might arrive. By the adoption of this measure, the magistrates of cities would be made acquainted with the condition and probable means of subsistence of all the inhabitants, and enabled to distinguish such as gained their livelihood by honest industry from idlers and vagabonds. We are also

of opinion, that when the followers or retainers of natives of rank exceed a certain number to be fixed at the discretion of the magistrates, their masters ought to be obliged to deliver in a list of their names, and to be in some measure answerable for their good conduct. This measure, if adopted, would possibly induce natives of rank to be attentive to the character and demeanor of their servants and retainers.

34.—What has been the operation of the last Regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

We are of opinion, that the tax on spirituous liquors has been attended with most salutary effects. By rendering the means of intoxication less easily procurable, it must no doubt have diminished the vice. We therefore consider this tax as highly beneficial, both to the health and to the morals of the lower classes of inhabitants, and as contributive to the prevention of broils and breaches of the peace. So important to the maintenance of good order and to the comfort of society do we deem these advantages, that the circumstance of the tax being a productive branch of the public revenue, appears to us to be, however desirable, only a secondary consideration, when compared with the benefits which the police derives from its establishment.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the division?

It is not to be expected that the moral character of the lower classes of the inhabitants can be improved by the operation of any of those finer impulses which actuate liberal or enlightened minds. We are rather of opinion that the probability of detection, and the certainty of punishment, if detected, will be found the most effectual means of progressively improving their moral character, by gradually weaning them from bad habits. As the prevention of crimes is an object still more important than their detection, and as idleness and want of employment are the principal promoters of vice, we are of opinion that the encouragement of whatever might tend to diminish these, would be attended with beneficial consequences; such, for example, would be the establishment of schools, for teaching the lower or middle classes whatever is practically useful towards procuring a livelihood, and the endeavouring to give employment to all classes of men who are willing to be industrious.

36.—In your opinion, what has been the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

The law which brands the foreheads of perjurers with a conspicuous mark of infamy we consider as highly proper. Unfortunately, the natives of this country do not attach to this dangerous crime, that idea of infamy and moral turpitude which ought to be inseparable from it. The proofs which the Mahomedan law requires to establish the offence, are, moreover, such as can seldom be obtained; and, even if proved, the punishment which that law awards is by no means adequate to the magnitude of the crime. We are therefore of opinion that the infliction of a personal stigma is productive of the best effects, by forcing, in a manner, the whole community to consider the offender as infamous and degraded.

37.—What has been the operation of the punishment of transportation introduced by the British Government?

We consider the punishment of transportation as most salutary in its effects, especially with respect to Hindoos, whose religion and habits tend to attach them strongly to their native spots. To such persons, therefore, we are of opinion that the punishment of transportation is frequently worse than death; and even to Mahomedans it must be rendered dreadful, by the gloomy and dreary obscurity which hangs over the fate of men separated from their families, and removed to a distant and unknown region across the sea. For these reasons we consider transportation as a mode of punishment peculiarly well adapted to this country.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

The following are the principal innovations made by British policy and humanity on the Mahomedan criminal law, viz. The abolition of mutilation and of all barbarous punishments (such as impaling, &c.) the depriving the heirs of murdered persons of the dangerous power of pardoning murderers, and the making the guilt or innocence of persons charged with murder depend rather upon the evident intention of the prisoner, than upon the nature of the weapon.

These alterations we consider as great improvements on the Mahomedan criminal law, as it originally stood; and we are of opinion that the mode in which that law, so meliorated, is now administered, is productive of consequences highly beneficial, from the certainty of detection being followed by punishment. Further improvements may no doubt be made, as cases occur; since it is the duty of all Judges of Circuit to submit all such cases to the consideration of the Court of Nizamut Adawlut.

39.—In what period does the Judge, who makes the half-yearly jail deliveries, usually complete the circuit?

The circuit of the Judge who holds the half-yearly jail deliveries, is usually completed in two months and a half.

No. 1.

Answers by the
JUDGES.

Patna Division.

Court of Appeal
and Circuit,
19 November 1801.

PAPERS RELATING TO

(A.)

Detailed STATEMENT of the number of Delinquents found guilty and punished by the Provincial Court, of Circuit for the Patna, commencing with the year 1796; specifying the number and nature of the various Offences, and the number of Delinquents

CITY and ZILLAHS of	PATNA.							SHAHABAD.							SARUN.							
	1796.	1797.	1798.	1799.	1800.	1801.	Total.	1796.	1797.	1798.	1799.	1800.	1801.	Total.	1796.	1797.	1798.	1799.	1800.	1801.	Total.	
Administering Poison	-	-	-	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Adultery	-	-	-	8	2	4	14	-	-	2	-	-	-	2	-	-	-	2	4	-	-	6
Arson	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Assault & Battery, Breach of the Peace, &c.; High Crimes and Misdemeanors	5	22	17	-	15	-	59	1	13	3	9	-	1	27	-	-	1	9	3	4	17	
Assault, Battery, and Wounding	3	4	2	-	6	2	17	1	1	12	23	-	-	37	-	-	-	7	1	-	8	
Assault, Battery, and Ravishing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Breach of Trust	-	-	-	3	-	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Burglary and Housebreaking	3	3	9	4	-	-	19	1	3	-	1	1	6	1	1	1	15	35	3	56		
Coining, and uttering base Coin	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1	
Fornication	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Forgery	1	1	-	-	-	-	2	-	-	-	-	1	1	-	-	-	-	-	-	-	-	
Fraud	-	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Highway Robbery, and Dekoita	-	-	3	20	-	-	23	-	-	-	10	-	5	15	-	-	2	6	6	-	20	
Homicide	-	1	-	-	-	-	1	-	-	6	-	-	6	-	-	1	-	-	-	-	1	
Murder, Accessory to Murder, with other acts of atrocity	1	1	5	1	1	1	10	-	1	5	28	6	40	11	-	2	2	1	2	18		
Perjury; Subornation of Perjury	6	-	14	1	6	5	32	2	-	2	-	-	4	-	-	-	1	3	-	4		
Plundering Villages, Crops, &c.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rape	-	1	-	-	-	-	1	-	1	-	-	-	1	-	-	-	-	-	-	-	-	
Receiving stolen Goods, knowing them to be stolen	10	1	6	3	7	2	28	-	1	2	1	-	5	-	7	-	-	5	-	5		
Robbery, Robbery and Wounding	-	1	1	-	5	6	13	-	-	-	-	-	-	-	-	-	-	3	-	3		
Stealing Cattle	-	-	-	-	-	-	-	-	6	2	-	-	8	-	-	-	3	-	5	8		
Theft	90	28	31	41	40	18	248	32	13	20	15	7	87	14	18	27	11	23	5	98		
TOTAL	119	63	88	82	83	37	472	37	33	58	89	15	7	239	26	20	40	56	84	19	245	

Of the above, the Trials and Sentences took place as follows:

In the Years	Number of Trials.	Number of Delinquents punished.
1796	239	391
1797	150	267
1798	195	368
1799	195	437
1800	218	492
First Sessions of the year 1801, and City of Patna Monthly Sittings, for eight months of the same year	79	131
	1,076	2,086

(A.)

Division of Patna, or by the Nizamut Adawlut, in the past eleven Sessions, in the Zillahs, and at the Jail Deliveries for the City of Patna, and in each of the several Zillahs comprising the Divisions of Patna.

TIRHOOT.							BEHAR.							RAMGHUR.							Total Delinquents found guilty and punished for each Case.	
1796.	1797.	1798.	1799.	1800.	1801.	Total	1796.	1797.	1798.	1799.	1800.	1801.	Total	1796.	1797.	1798.	1799.	1800.	1801.	Total		
	4					4																5
								2	2				4		4						4	30
									1				1	1							1	9
2	4		7		1	14	19		17	29	24	11	100		2		2	6			10	227
3			9			12	18	6	9	3		4	40		1		2	1			4	113
							3						3									3
																						3
10	7	2	2			21	14	15	16	19	19	2	85		4	8	1	1			14	201
				1		1			2				2									4
													2									2
													1					1			1	5
																						1
							3	2	5	10	44		64	11	10		5				25	143
	3					5		4	5				9									22
15	1	1	1	27	1	46	15	9	12	13	4	1	54	8		2	12	21	7	59	218	
7			1			8	4	3	1	1	5	3	17									65
														2	17	9	16	51	9	124	104	
										1			1									3
		1				1	2	3	9	1	4		17									53
		5				5			20		1	3	33			7					7	61
5	2					7	2		2			7	11	3							3	57
23	9	8	25	3	2	70	20	28	24	40	65	16	193	17	8	5	10	32	1	73	759	
65	53	17	45	31	4	191	103	73	131	117	166	47	653	42	46	31	48	113	17	297	2086	

Note.—The whole of the Delinquents above specified, viz. 2,085, were comprised in 1,076 Trials.

Cr. Keating.
Archd Seton.

No. 1.

Answers by the
JUDGES.

Patna Division.

City of Patna,
13 May 1802.

To G. DOWDESWELL, Esq.

Secretary to Government in the Judicial Department, at Fort William.

SIR,

I HAVE the pleasure to enclose my Answers to the Questions proposed to me by his Excellency the Most Noble the Governor General, on the 22d of October last.

I have the honour to be, Sir

Your most obedient Servant,

J. S. Douglas,
Judge & Mag^{re}.Patna,
13th May 1802.

The ANSWERS of the Judge and Magistrate of the City of Patna to the Questions put to him on the 22d of October 1801, by his Excellency the Most Noble the Governor General.

1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

At the time the last Report was made, which was on the 1st of January 1802, the causes depending were as follow :

Before the Judge	-	-	-	-	-	-	769
Before the Register	-	-	-	-	-	-	1,080
Before the native Commissioners	-	-	-	-	-	-	272
							2,121

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793 to the present period?

The average of the number of causes depending at the end of each year, from 1793 to 1800, is 2,250; and the number of causes remaining undecided at the end of 1801, is 2,121. The jurisdiction of this Court has been enlarged by the addition of three pergunnahs since the year 1798; otherwise the number of undecided causes at the end of 1801 would have been much smaller.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

From the 1st of January 1801 to the 1st of January 1802, the number of causes decided is as follows :

By whom Decided.	Decreed on Trial.	Dismissed on Nonsuit.	Adjusted by Razinamahs.	TOTAL.
Judge - - - - -	104	4	49	157
Register - - - - -	108	6	26	140
Native Commissioners - -	165	91	48	304
				601

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively is not reduced as low as you think it might be reduced?

The number of causes now depending is reduced as low as it can be, unless the plan proposed in the Answer to the sixth Question is adopted, which would have a very great effect in that way.

5.—Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion, that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

No rules which would tend to expedite the decision of causes at present occur to me. The object would be very little promoted by not committing to writing the depositions of witnesses in suits not appealable to a higher tribunal; as, besides its being liable to objections, the suits of this description are so very few, that the effect would hardly be perceived.

6.—Are

- 6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding rupees 200? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice in the city subject to your jurisdiction, be expedited by the adoption of this arrangement?

I am of opinion that it is not only advisable, but absolutely necessary, to extend the jurisdiction of the native Commissioners to suits not exceeding rupees 100, and that of the Registers to suits not exceeding rupees 300. The administration of justice would thereby be expedited a third more at least, and the speedy decision of suits would check litigiousness in a very considerable degree.

- 7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law suits to be too considerable, or otherwise?

There is not a doubt that the expenses specified in this question have given a considerable check to litigiousness; and I do not think that they are by any means too heavy.

- 8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court persons of the abovementioned description, and are they in general well acquainted with the printed Regulations?

I am afraid that the fees in question are not a sufficient inducement to men of character, and who are possessed of a knowledge of the Mussulman and Hindoo laws, to become vakeels. Let me add, that the tax of 5 per cent. on the fees is trifling to Government, but irksome to the vakeels. The vakeels of this Court are men of good character for natives; but they are, in general, ignorant of the Mussulman and Hindoo laws, and they are not so well acquainted with the printed Regulations as could be wished.

- 9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

It has had some effect, but not in that degree which might have been expected. The natives have but a very imperfect knowledge of the forms, precision and brevity requisite in pleadings; and the parties trust too little to the vakeels in these points.

- 10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

I do not recollect any instance of the contrary having been proved; but frequently a want of zeal, and generally a deficiency of activity, are observable.

- 11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The principal inhabitants are as well acquainted with the Mussulman and Hindoo laws as persons who have not made them their particular study can be supposed to be; but they have very little knowledge of the Regulations of Government.

- 12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

No necessary alterations of the existing forms occur to me at present.

- 13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court or sitting in it?

In the Court-room places are allotted for the bench of the Judge, for the officers of the Court, for the parties and their vakeels, for the witnesses, and for all persons who choose to attend the Court. No particular forms are observed in opening the Court nor in sitting in it.

- 14.—Are there any private schools or seminaries in the city under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

I believe that there are not any regular private schools or seminaries, in which the Mussulman or Hindoo laws are taught; students in this branch of knowledge are instructed by private tutors.

- 15.—What is your opinion regarding the general moral character of the inhabitants of your city? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws and for the conduct of the internal administration of the country?

The moral character of the inhabitants is very far from being good, nor does it seem to be in a state of improvement, but rather the contrary. Drunkenness, a vice which was formerly almost unknown, now prevails in a very shocking degree. Housebreaking, robberies and

No. 1.
 Answers by the
 JUDGES.
 Patna Division.
 City of Patna,
 13 May 1802.

and thefts, which were formerly confined to a certain description of persons, are now committed by men whose castes and situation in life should seem to preclude them from being guilty of these crimes. The inhabitants appear to be losing gradually their veneration for many parts of their religion. There is some radical defect in their religion and education, the bad effect of which can only be counteracted by the severity of the laws, which are at present administered in too lenient a manner, I think.

16.—Are you of opinion that the inhabitants in general of the city under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

I believe that the inhabitants in general are perfectly satisfied that the present constitution of the country has every tendency to secure their private rights and property from infringement by individuals, by the officers of Government, and even by Government itself.

17.—Are you of opinion that the city under your jurisdiction is in a state of improvement, or otherwise, with respect to its population and commerce, and its buildings or other works, for religious, domestic or other purposes, and on what grounds do you form your opinion?

I am of opinion that Patna is in a state of improvement, with respect to its population and houses; and I judge from my own observation, and from report. I have not observed any new religious buildings; and many of the old ones are falling into decay. I am not able to form any correct judgment of the state of commerce, as, there not having been any custom-house established here till very lately, it has been impossible to obtain any accurate knowledge of the imports and exports.

18.—Are you of opinion that the inhabitants of the city subject to your jurisdiction, are in general satisfied with the British Government?

I believe that the inhabitants of Patna are, in general, perfectly satisfied with the British Government.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

I think that the present system of police in Patna is so far defective, that the magistrate is not authorized to offer a reward for the apprehension of offenders till he obtains an order of Government for that purpose, by which much time is lost, and the effect of the measure is in a great measure done away; neither is the magistrate empowered to pay money for intelligence. For what I have to propose on this subject, I beg leave to refer to my answer to the 31st Question.

20.—Are the police establishments in the city subject to your jurisdiction, adequate to the duties required of them?

I think that the police establishments in the city are adequate to the duties required of them, but this is not the case with the tannahs of Futwah and Bankipoor, which having been lately extended, the establishments of them ought to be increased. It is my intention to address Government on this subject.

21.—Are you of opinion that the number of the crimes committed annually in the city under your jurisdiction, has increased or diminished since the year 1793, and to what cause do you ascribe the increase or diminution?

The number of crimes has certainly increased of late years. It appears to me, that the causes are, the increased depravity of the morals of the inhabitants, as described in my answer to the 15th Question, and to the want of sufficient severity in the administration of the criminal laws.

22.—What crimes of enormity are most prevalent in the city under your authority? what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

Thefts are very frequent, and housebreaking and robbery happen now and then. The number of complaints for assault and battery, and abusive language, is most astonishing; and drunkenness prevails in a shocking degree. For the means of suppressing these crimes, I beg leave to refer to my answer to Question the 31st.

23.—Do the inhabitants of the city under your jurisdiction, keep arms in their houses; what description of arms do they retain; and for what purposes are the arms retained?

The inhabitants in general keep arms (tulwars chiefly) in their houses. The custom of the country is, for every person to have a tulwar for his defence; but it very rarely happens that they ever use them when attacked by robbers; they allege that it is prohibited to kill a robber, even in defence of themselves, though this is merely to conceal their want of resolution.

24.—What proportion do the Hindoos bear to the Mahomedan inhabitants in the city subject to your authority; and what do you suppose to be the number of the inhabitants of your city of all descriptions?

The Hindoos are in the proportion of ten to one Mussulman, and the number of inhabitants is about 250,000, I believe.

25.—What

25.—What are the names of the persons possessing the highest rank and the greatest opulence in the city subject to your jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

The persons at Patna who hold the highest rank are the Nowahs Curreem Coolce Khan and Abbass Coolce Khan; and the Rajahs Coor Dowlut Sing, Bussant Roy, and Jhaoo Laall. None of them are in opulent circumstances, I believe: they may have from 20 to 30 followers, who are possessed of arms. All of their followers are not armed when they attend their masters abroad.

26.—Are there any persons in the city subject to your authority, who are supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct; and have these persons any influence in the city, and to what extent?

I do not believe that there are any persons in Patna who are disaffected to the British Government.

27.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories; and to confer titles and other marks of distinction on its native subjects?

It is natural to suppose, that the measure in question would tend to strengthen the attachment of the natives to the British Government.

28.—What is the state of the roads and bridges, or other public works, in the city under your authority; and at whose expense are they kept in repair?

During the rainy season, the roads in Patna, and its suburbs, have always been in a very bad state, which proceeds from their not being sufficiently raised, and covered with bricks and soorky; and from the covered drains across them being in a ruinous condition. They have hitherto been repaired, in the dry season, by the convicts, in the best manner that circumstances would admit of, and without any expense. I have lately obtained the sanction of Government for repairing the roads in a certain degree; that is to say, I am authorized to expend the sum of R^s 4,000, or R^s 5,000, in raising the roads, and covering them with bricks and soorky, in places where it is absolutely necessary; and also in repairing the cross drains; and I am now employed about it. The roads in this city and its suburbs can never be in very good order till they are paved throughout with bricks on edge, and covered with coar and soorky, and pukka drains are made on each side. I beg leave to recommend this strongly, as being a measure which is absolutely necessary.

There are very few bridges within my jurisdiction; the one at Futwah has been ordered to be repaired at the expense of Government. The bridge over the easterly ditch of Patna is of wood, and is in a very ruinous state; it ought to be rebuilt of brick. In observing that the bridge over the westerly ditch of Patna was built by Mr. David Colvin, at his own expense, I am happy to record so meritorious an instance of public spirit in a private individual.

The gates at the east and west ends of Patna are of no use, as the ramparts are demolished; and, from their ruinous, if not dangerous state, they are a disgrace to so large a city, and ought to be pulled down.

There is not any fund for the repairs of roads and bridges; and, if it is thought that the expense ought not to be defrayed by Government in future, I would beg leave to suggest a small increase on the town duties, as being the least objectionable mode of raising a fund for this purpose.

29.—How are the convicts usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

The convicts are employed in repairing the roads; and no other mode of employing them occurs to me at present.

30.—What is the state of the jails in your city?

The jails in Patna are in excellent order; the jail for debtors is newly built.

31.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

The regulations which I would recommend are as follow:

1st. That the taxes on spirituous liquors and taree should be greatly increased; and that drunkenness should be made punishable.

2dly. In cases of assault and battery, and other trifling misdemeanors, it frequently happens that the offenders cannot pay the fine, and imprisonment for 15 days is not considered by them as any punishment. The magistrate should be authorized, where necessary, to punish such offences by flogging; the number of stripes not to exceed 20; or by imprisonment for one month.

3dly. The present punishment by the magistrate for petty thefts, is 30 rattans, or one month's imprisonment; it should be increased to 50 rattans, or imprisonment for six months, and hard labour.

4thly. The magistrates ought to be authorized to offer rewards for the apprehension of

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offenders, when necessary, without waiting for the previous sanction of Government on each particular case; and also to pay money for intelligence, when requisite.

5thly. Housebreaking and robbery should, in every instance, be made punishable with death; and every person twice, or oftener, convicted of theft, should be liable to transportation.

32.—What has been the operation of the last Regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

The last Regulation respecting the tax on spirituous liquors has had very little effect in giving a check to drunkenness, which still prevails in a very shocking degree. The tax on fermented taaree is evaded in a very considerable degree by the parsees selling it fermented, under the pretence of its being in its unfermented state; though it is a well known fact, that no person drinks the latter. From a combination among the parsees the tax on taax trees falls on the proprietors of the trees, and not on the consumers of the taaree.

33.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the individuals of the city?

Exclusive of the Regulations for the suppression of crimes, which I have stated in my answer to the 31st Question, no other measures occur to me at present, which would contribute to the improvement of the morals of the inhabitants.

34.—In your opinion, what has been the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead?

The Regulation is a very excellent one; but the punishment prescribed by it has taken place so seldom in Patna, that no judgment can be formed of its effect from experience. I am of opinion, that its effect is nearly done away by the restrictions laid down in Regulation 3, of 1801, which, though only intended to check improper prosecutions for perjury, have thrown such obstacles in the way, as to prevent prosecutions for this crime, even where they are necessary.

35.—What has been the operation of the punishment of transportation introduced by the British Government?

The punishment of transportation for crimes committed in Patna, has taken place so seldom, that its beneficial effects have not been experienced yet.

36.—Are you of opinion, that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

I am of opinion, that the Mahomedan law, with the alterations made by the British Government, is administered with too much lenity; and that the consequence of it is a very great increase of crimes.

37.—What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

The Europeans of this description conduct themselves with propriety; that is to say, I have received very few complaints against them.

38.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers, in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

The condition of the weavers is in general good, as far as it has come within my knowledge. The existing laws and regulations respecting them are, I should think, adequate to their protection, and to compel them to fulfil their engagements. I do not recollect that there have been any suits by or against them in this Court.

Patna,
13th May 1802.

J. S. Douglas,
Judge & Magistrate of Patna.

His Excellency the Most Noble Marquis WELLESLEY, K.P.
Governor General.

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MY LORD,
IN obedience to the orders of the Honourable the Vice President in Council, I have the honour to transmit to your Lordship a Copy of my Answers to the Questions forwarded to me by Mr. Secretary Edmonstone, under date the 20th October last.

Zillah of Sarum,
16 December 1801.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble servant,

Zillah of Sarum,
the 16th December 1801.

Chas. Boddam,
Judge and Mag^r.

ANSWERS to the QUESTIONS proposed by his Excellency the Most Noble the Governor General.

Question 1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

The number of causes now depending in this district, on the 30th November, is as follows:—Before the Judge, including appeals, from decisions of the Register and Commissioners, 70; before the Register, 21; before the native Commissioners, 20,063. I have been obliged to take the number of causes depending before the native Commissioners as they stood on the 1st of July last, as it required a considerable time to collect their accounts of suits now remaining undecided. Of these, however, 4,184 have been determined by them, and others have been added to their files.

2.—What proportion does the number of causes now depending, before the three tribunals, of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793 to the present period?

The number of causes depending, during former years, were as follows:

BEFORE the JUDGE.				Before the Register.	Before the Native Commissioners.
ORIGINAL SUITS.	Appeals from the decisions of the Register.	Appeals from decisions of the Commissioners.	TOTAL.		
1793 - - 332 - - - -	- - - -	- - - -	332	2,454	—
1794 - - 857 - - - -	- - - -	- - - -	857	3,444	—
1795 - - 373 - - - -	- - - -	- - - -	373	1,191	—
1796 - - 393 - - 128	128	142	663	800	—
1797 - - 350 - - 104	104	156	610	159	13,991
1798 - - 309 - - 75	75	147	531	86	30,074
1799 - - 120 - - 13	13	87	220	36	25,012
1800 - - 80 - - 20	20	44	144	23	20,601

From which it will appear, that the number of causes have annually decreased.

3.—What number of causes was decided, in the past year, by you, by your Register, and by your native Commissioners?

The number of causes decided in the year 1800, was as follows:—By the Judge, 357; by the Register, 104; by the native Commissioners, 17,829.

4.—What number of causes do you suppose must necessarily be depending before your Court and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

It is not in my power to state, with any degree of accuracy, what number of causes must necessarily be depending before the Judge and Register of this district; but I am confident, that, with common attention, they may always be kept down to a very small number. In regard to the native Commissioners, the case is very different. These men do not receive any salary, but depend solely on the fees they obtain from the institution of suits, and are therefore perfectly indifferent what kind of causes come before them. The clause in the Regulations, which restricts the receiving or trying a suit, in which the cause of action shall have arisen previous to the Company's accession to the Dewanny, or even twelve years before the institution of such suit, they pay no regard to, but admit and decide

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decide on every thing that is brought before them, and even divide suits, which ought to be tried in the first instance before the Judge, into a number of small causes, so as to reduce them to sums below fifty rupees; and I do not believe that more than five in the hundred of the appeals which have been brought before me from decisions of the native Commissioners have been confirmed. I have ever been of opinion, that the institution of the tribunals of the native Commissioners, so far from corresponding with the wishes of Government, of affording relief to the lower classes of people, by giving them an opportunity of recovering their just claims in a speedy manner, without the trouble, expense, and delay which must necessarily attend prosecuting in the regular Courts, situated at a considerable distance from their habitations, has been attended with consequences the very reverse of what was originally intended at the institution of this office.

5.—Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

I certainly am not prepared, at present, to submit any rules which would, in my opinion, expedite the decision of suits. Summary processes, in certain cases, would be of great use, and prevent delay; but I would not recommend omitting to commit the depositions of witnesses to writing in any case whatever, as instances have occurred of persons denying, or giving contrary evidence, in one suit to what they have deposed in another. The limitation of appeals from suits decided by the Judges of the Zillah Courts to the Provincial Courts of Appeal, to the sum of 25 rupees only, in suits regarding personal property, is in my opinion much too low, especially as a suit for real property, even should the amount be less than one rupee, is appealable. If, according to the former system, previous to the year 1793, appeals on suits decided by the Judges of the Zillah Courts, wherein the cause of action shall not exceed 1000 rupees, were not to be admitted, litigation would, I am convinced, be considerably checked; as most people now, however just the claim against them may be, appeal solely with a view to create delay, or to distress the opposite party.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding sicca rupees 200? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended, and to what degree would the general administration of justice in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

When the tribunals of the native Commissioners were first instituted, under Regulation 49, of 1793, no person whatever, who was known to possess any landed or other property, agreed to undertake this office. Those who have been appointed, the cauzies excepted, are of this description; and experience has proved, that the opinion I formerly entertained of what would be their conduct, has, in regard to this district, not been erroneous. I cannot, therefore, take upon myself to recommend, that their jurisdiction should be extended. In regard to the Courts of the Registers, I am clearly of opinion that great benefit would arise from extending the present limitation of suits to be tried by them to sicca rupees 400, under the existing regulations, especially in those districts where the balance of suits undecided amounts to a considerable number; and a great many causes, which under the present system must necessarily be delayed, would then be brought to a speedy determination.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits, to be too considerable, or otherwise?

Litigation has undoubtedly been checked by the establishment of the fee paid to Government on the institution of suits. When Regulation 38, of 1795, was first promulgated, the number of causes reduced in this Court, in consequence, was as follows:

Withdrawn by the parties	- - - - -	460
Dismissed in consequence of the nonpayment of fees	- - - - -	3,106
Total	- - - - -	<u>3,575</u>

Of which number, about 100 have again been instituted. The several charges attending lawsuits are in my opinion highly proper, and by no means burthensome to the parties.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court persons of the above-mentioned description, and are they in general well acquainted with the printed Regulations?

The fees paid to the vakeels are fully sufficient to induce men of character and proper qualifications to undertake those situations, but I am afraid they are not in general filled by persons of that description, or who are well acquainted with the Regulations. Those attached to this Court are, I believe, as good as those in the other Courts.

9.—Has

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

It was formerly the custom for the parties in suits, who could not appear themselves, to appoint a mokhtar, or manager, to attend the Courts; and these persons carried on their suits, either as their authorized vakeels, or in their character of managers. Since the institution of the authorized vakeels, the same custom has been continued, and the managers still attend the Courts on the part of the principals, which is an additional expense to them. I do not conceive that the licensed vakeels do in anywise contribute to expedite the decision of suits, or that the parties concerned have any confidence in them, or they would not in almost every instance appoint a mokhtar to attend for them, who in fact is the responsible man, as the vakeel has nothing to do but to plead as he directs him, and to deliver into the Court the exhibits and other proofs furnished by him; which duty the mokhtar is equally capable of performing. I should imagine, that the situation of licensed vakeel might be done away, without any detriment to the parties, who might be allowed to appoint any person they thought proper, to act either as vakeel or mokhtar, and to whom the Courts should adjudge the same fees as at present established for the licensed vakeels, the greater part of whom would still attend the Courts, in hopes of being employed.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The principal inhabitants of this district are, for the most part, very illiterate, and do not give themselves the trouble of acquiring a knowledge of the laws and regulations of Government, which they leave entirely to their vakeels or mokhtars. It generally occurs, when a principal zemindar is summoned to appear before the Court on any business, except as a witness, on a question being put to him, that he turns to his vakeel or mokhtar, who either answers for him, or tells him what answer he is to give.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

The forms at present established for the trial of civil suits, appear to me highly proper; and I do not know of any alterations which would contribute to expedite the decision of causes.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

The Cutcherry at this station consists of a large bungalow, containing two extensive apartments; and the records are kept in separate brick buildings, rented by me for this purpose. There are not any particular places allotted for the Judge, parties or witnesses; but in the plan for a court-house, which I had the honour to submit for the consideration of Government, in my letter under date the 8th November 1800, all these places were to have been erected. The forms observed by me, in opening and sitting in the Court, are as follow; viz. The sherishtadar attends with a list, containing twelve or more suits, according to the numbers on the register, with the names of the parties, and their vakeels. The first cause on the list is called for, and the vakeels take their station on each side of the table. The plaintiff's vakeel reads the plaint from his own copy; the defendant's vakeel the answer; after which, the reply and rejoinder, if such papers have been filed, are read by the respective vakeels. The plaintiff's vakeel then delivers in his exhibits, and other papers, with a list of his witnesses, and relates what he may have to urge in behalf of his claim. When he has finished, the defendant's vakeel gives in his papers, &c. in a similar manner. If any witnesses are in attendance, their depositions are next taken, or an order is issued for their being summoned. If the whole of the proceedings can be closed at that sitting, a decision is passed. The same ceremony takes place with all the suits on the file produced by the sherishtadar; and when they are all gone through, the vakeels and other persons present miscellaneous petitions, on which orders are passed; after which the Court is closed for the day.

14.—Are there any private schools or seminaries in the district under your jurisdiction in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

There is not a single institution of this nature in this district; the only schools which exist are those kept in almost every large village, where Hindoo children are taught reading, writing, and accounts, for which the parents pay a weekly stipend to the master.

15.—What is your opinion regarding the moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws and for the conduct of the internal administration of the country?

The inhabitants in Sircar Sarun have never been remarkable for the goodness of their morals; on the contrary, they have been proverbial throughout the rest of the Behar province. During the native Government, the aumils were obliged to maintain a considerable armed force to support their own authority, and to prevent the zemindars plundering each other.

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other. Since the British Government has been established, very few disturbances or open acts of violence have taken place, especially since the conclusion of the decennial settlement, when every man has been confirmed in his rights. The morals of the lower class in general certainly are not better than they were in former times, for the crimes of robbery, house-breaking, forgery, and perjury, have increased in a great degree.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

When the decennial settlement was first concluded, and even for many years after, notwithstanding the proclamation issued by Marquis Cornwallis, and which now forms the first Regulation of 1793, the zemindars had not the most implicit confidence in the Government, as they entertained apprehensions that a new settlement would be formed at the end of the ten years. As, however, the original settlement made with them has been confirmed without any alteration, they now consider their rights and property to be well secured, and have, as far as I have been able to ascertain from conversing with some of the principal landholders of this district, entirely got rid of their fears respecting a new settlement. The other classes of inhabitants are, I have every reason to believe, fully satisfied in this respect; and whenever any person attempts to infringe their rights they have recourse to the Civil Courts, with the fullest confidence of obtaining justice. That oppressions are committed on the lower classes of the people in the interior part of the country, cannot, I believe, admit of a doubt; and, as these people are prevented by poverty from preferring their complaints to the Courts situated at a considerable distance from their residence, they suffer in silence. The Regulation of Government, which prevents the Judges and Magistrates quitting their immediate stations without obtaining permission from the Governor General, and delivering over their charge to some person appointed for that purpose, is a great bar to their receiving intelligence, or affording redress in cases of this nature. Was this restriction removed, and were the Judges and Magistrates directed to make a circuit of their districts, at least once in the year, the most beneficial effects would accrue from their visiting different parts of the country, and they would be enabled to redress many grievances which otherwise cannot come to their knowledge. They could also, from personal observation, furnish Government with an accurate account of the state of the districts under their jurisdiction; whereas at present, whenever questions are proposed to them, they can only rely for information on the natives, who, in many cases, are interested in deceiving them.

17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings, or other works, for religious, domestic or other purposes, and on what grounds do you form your opinion?

Sircar Sarun has for a long period of time been in the highest state of cultivation. There is scarce any waste land or jungles in it; and the inhabitants are under the necessity of sending their cattle into other parts to graze, there not being sufficient for them in this sircar. It is still in a very flourishing state, and cultivation has increased, as far as it was capable of improvement.

Sircar Champaran suffered severely during the famine in the Fossil year 1177, when more than half the inhabitants are supposed to have perished; and as the zemindars of this sircar were for many years deprived of their lands, which were leased to rapacious farmers, who committed great oppressions, the greater part of the inhabitants remaining after the famine, quitted that district, which almost became a desert. Since the zemindars have been re-established by the decennial settlement, many of the ancient inhabitants have returned, and cultivation has increased in a considerable degree, as I have ascertained, both from the zemindars themselves, and from Europeans who have been in that part of the country trading in timbers, by whom I have been informed that many places formerly waste, are now well cultivated.

In regard to buildings for domestic purposes, I cannot take upon myself to say whether they are in a state of improvement, or otherwise, as I have not received any information on this subject. Only two buildings have been erected for religious purposes in this district, during the last thirty years, one a Hindoo temple, built by Rajah Beerkishurir Sing, near his residence at Bettiah in Champerun, and the other a mosque, erected at Chupreh by a Mussulman, both of which have been finished about two years.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction are in general satisfied with the British Government?

The inhabitants of this district are, I believe, well satisfied with the British Government; at least I have never had any reason to suppose the contrary.

19.—Is the present system of police well calculated, to insure the apprehension of offenders?

20.—Are the police establishment, in the district subject to your jurisdiction, adequate to the duties required of them?

The police establishment of this district, under Regulation 22, of 1793, at present consists of seventeen darogahs, with a jemmadar, mohurrir, and ten berkundaues to each station, and a cotwaul for the town of Chuprah, with jemmadar, mohurrir, fifteen berkundaues, and fifteen chokeedars; but I do not conceive that this establishment is by any means

means adequate to insure the apprehension of offenders, or to perform the duties required of them, even supposing every man to be as active and attentive as he ought to be, which is by no means the case. The darogahs, so far from adhering to the rules prescribed, and endeavouring by their exertions to prevent the perpetration of crimes, and affording protection to the inhabitants of the respective jurisdictions, are for the most part extremely indolent and inattentive. They are, however, sufficiently cautious not to commit any acts from which they would be in danger of losing their appointments. Indeed, under the present system, they appear to me to be a heavy expense to Government, and the country experiences little benefit from them.

21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

The number of crimes committed annually in this district, bears, as far as I can learn, nearly the same proportion as previous and subsequent to the year 1793, excepting robbery, which has greatly increased.

22.—What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

The crimes most prevalent in this district are housebreaking and highway robbery, which have increased to a very great degree since the alteration of the system of government in May 1793. All the districts in the Behar province are infested with gangs of thieves and idle vagabonds, who commit depredations in various parts of the country, particularly in the vicinity of the Ganges; and scarce a month passes without complaints being preferred by merchants and passengers, that their boats have been plundered; and as the thieves have an easy, ready, and constant mode of disposing of the property, no part is ever recovered, as indeed is generally the case whenever a robbery has been committed in the interior parts of the country. It appears to me that this very great increase of robbery has originated from three causes; namely, 1st. The taking off the responsibility from the zemindars in whose estates the robberies have been committed. 2dly. To the inadequacy of the Mussulman laws to the punishment of crimes; and, 3dly. To the great quantity and cheapness of liquor produced in every district.

During the former system of government, the zemindars were held responsible for the police of their respective estates; and in the event of the escape of persons who had committed a robbery, on sufficient proof being adduced by the party complaining, the zemindars were obliged to pay the value of the property stolen; with a view, therefore, to their own security, they were particularly careful to prevent disorderly persons and men of bad character residing on their estates. They entertained pasbans or watchmen to preserve the peace in their own villages, and granted to them certain portions of land exempted from the payment of revenue, in lieu of pay, as a reward for their services. When any traveller took up his abode in a village for the night, the zemindar, or his agents, on his application, granted him some of those pasbans for his security, and his person and property were safe, as they considered themselves responsible for both. This practice has been in existence from time immemorial, and was established during the ancient Hindoo government, long before the Mussulmans had any authority in Hindostan, and continued to prevail until the promulgation of the 22d Regulation, in 1793, which exempted the zemindars from this responsibility. The establishment of the pasbans is in general kept up in all villages, but no circumstance or entreaty could now induce a zemindar to afford protection to the unfortunate traveller, who is every night in danger of losing his property; and should he, when robbed, apply for assistance to the zemindar, he is told to go to the magistrate and complain. The zemindars now, far from entertaining any scruples in regard to the character and morals of the persons they admit to reside on their estates, indiscriminately allow every vagabond to settle on them, on his entering into engagements to abstain from robbing the inhabitants of that or the other villages belonging to them. There are in various parts of the country, gangs of men who do not cultivate land, or keep shops, and who have no visible means whatever of gaining their livelihood; yet these persons are established in villages, where they spend a great part of their time in idleness and drunkenness, and are never known to be in want. If they do not commit depredations in other parts of the country, how could they possibly subsist? Many of these persons have been apprehended, and the only account they have given of themselves is, that they were in search of "service," which is a cant term among them for robbery; and as no positive proof of their malpractices has been brought against them, they have been released. That the thieves are encouraged and even supported by the zemindars, must, I think, appear evident, or how could they dispose of the stolen goods. Various instances have occurred of robbers being pursued and traced to their own houses, but the property stolen has seldom been found; and it is a general rule with them, when a robbery has been proved upon them, to pay the value in money, but never to restore, if possible, any part of the original property. When the system of responsibility on the part of the zemindars prevailed, even during the period that the revenues from the lands were subject to fluctuation, and when they themselves were liable to every species of extortion and oppression from the farmers of the country, they never offered the smallest objection to it; they surely cannot now, when their property is secure, and the rents of their lands are fixed at a low, and in general at an adequate rate, have any plea for objecting to this mode being again adopted.

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23.—Do the inhabitants in general of the district subject to your jurisdiction keep arms in their houses? What description of arms do they retain, and for what purpose are arms retained?

Most of the inhabitants of this part of the country keep swords, and some few have matchlocks; but they retain them, I believe, merely for self-defence, or because it is an ancient custom. Sometimes, indeed, they make use of them, when two zemindars quarrel about boundaries or watercourses, when they call out the inhabitants of their respective villages to meet, and a battle sometimes ensues; but this custom, formerly so prevalent, has of late years been seldom put in practice. The ancient usage of carrying bows and arrows seems in a great measure to have been laid aside.

24.—Are there any brick or mud forts in your district? In what state are the forts, and what is the nature of their construction?

Almost every village had formerly a mud fort belonging to it, to which the inhabitants used to retire, as a defence from the oppressions of their neighbours. The remains of the greater part of these forts are still in existence, but they are all in so ruinous a condition that no use could possibly be made of them. There are not, as far as I can learn, the remains of any brick forts in this district.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants, in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

There are very few Mussulmans in this district, and only two zemindarries of any considerable extent, held by persons of that persuasion; so that I should imagine the Hindoos bear the proportion of at least five hundred to one to the Mahomedans. The inhabitants of the two sircars, forming this district, are supposed to amount to about twelve hundred thousand.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers armed?

The persons of the highest rank in this district are as undermentioned, and they are by far the most opulent, possessing considerable zemindarries; but many of them, though the leases of their estates have been granted in their names, have relations who share among them the profits arising from these estates:

Sircar Sarun.—Armurdun Sahy, Soob'h Narain, Shunker Sehay, Permeisher Sahy, Permeisher Sing, Rashbehary, Ramoo Sing, Jafer Shah, Moolchund, Shehamut Ally Khan, Mohammed Ally, Assud Ullah, Chutter Dhary Sahy, Seu Thahoor, Madhoram, Sunbhoo Dut, Ray Silwunt Ray, Narsing Narain.

Sircar Champarun.—Rajah Beerkishwur Sing, Rajah Hercomardut Sein, Gungadut and Tillukdhary, the sons of Rajah Sirry Kishen Sing and Abdhoot Sing, were in possession of two of the four pergunnahs forming this sircar, at the commencement of the decennial settlement; but in consequence of their misconduct, the greater part of their lands have been sold by public auction, for balance of revenue, and they are now reduced to a few villages to each of them. It has not ever, as far as I have been able to ascertain, been the custom of the zemindars of this district to maintain any number of armed followers, but merely to keep a few peons, who accompany them when they go out.

27.—Are there any persons, in the district subject to your authority, supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

I have never heard of any persons of this description, or I should have adopted every means in my power for bringing them before the Court of Circuit.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

I do not conceive that Government conferring titles on its native subjects would, in any respect, contribute to strengthen their attachment to the British Government in India. The zemindars are the people with whom Government is chiefly concerned, and they are the only persons who can expect favour, by their regularity in paying their revenues. The higher classes of natives are excluded from places of trust, and cannot therefore merit titles; and the native officers, who by their good conduct and meritorious services are deserving of reward, would be better pleased with a pecuniary compensation than with any other mark of distinction. In certain cases, however, were Government to confer titles on the native inhabitants, it might have very good effects.

29.—What is the state of the roads, bridges, and other public works, in the district under your authority; and at whose expense are they kept in repair?

There are not any roads in this district (at least not what can properly be termed roads) except one leading from the ghaut at Cherand to Goodnah, the late residence of the Collector of the Government Customs, being about thirteen miles, part of which is annually repaired by the convicts, and the remainder by the zemindars; the rest are merely paths from one village to another, and kept up by the zemindars, who were always obliged, by their

their engagements, to keep them in order; and a clause is still inserted in their lease, with Government for the same purpose, under the head of Kherch Beidurree.

There is not a single bridge in the whole district, though there are a great number of small nullahs, which are either dry or fordable during the dry season, and there are many boats kept on them in the rains.

There have been sundry edifices for religious purposes, under the charge both of Mussulmans and Hindoos, for the support of which lands have been granted; but on the death of the original grantee, his heirs have divided the lands among them, as if they had been hereditary estates, and all the buildings which formerly existed are either demolished, or in a ruinous condition.

30.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

During three months in the year, the convicts of this district are employed in repairing the roads in this neighbourhood, and the streets of the town of the Chuprah; but during the other nine months, there is little or nothing for them to do; they are however constantly engaged in working in the gardens of the gentlemen at this station; which duty, though by no means adequate to their sentences of hard labour, serves to preserve them in good health, and to prevent their passing their time in idleness. I formerly recommended, that the convicts should be employed in any public works that might be carrying on at the time, or in the mines of Ramghur and Beerbhoom, as suggested in the Extract from the Proceedings of the Most Noble the Governor General in Council, under date the 14th March 1800.

31.—What is the state of the jail in your district?

There was originally no Foujdarry jail at this station. The prison under the charge of the darogahs of the Naibnazim's Court have been used by the Magistrates for the prisoners under his jurisdiction. On the alteration of that system, the Magistrate took possession of the jail, which consisted of two small mud houses, surrounded by a mud wall. When I arrived at this station the jail was in a miserable condition; and I submitted an account of it, with an estimate of the expenses for erecting a new one, to the Governor General in council, under date the 20th October 1794. Since that time some additions have been made to it; but it is still in a wretched state, and has cost Government a considerable sum annually to keep it in repair.

The Dewanny jail is in a much worse condition than the other, and consists of a mud house erected by the late Judge, surrounded with a mud wall, with the addition of a few sheds built by me. This prison is much too small to contain the number of persons usually confined in it; and as the Foujdarry prisoners are also put in this jail before they are committed to take their trial before the Court of Circuit, murderers, robbers, and thieves of every description, are enclosed in the same room with persons of the highest caste, who have the misfortune to be confined in civil suits. This jail is in so bad a state, that notwithstanding the repairs which have been annually made to it, I do not think it can possibly stand another year.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character, in your zillah, commissions empowering them to act as Justices of the Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom commissions might be granted, or otherwise?

I do not conceive that any benefit could arise from granting to zemindars or farmers commissions empowering them to act as Justices of the Peace; or that any of those in this district would be willing to accept and undertake the duties annexed to this office; or indeed, should they be induced to receive them, that there are any persons of this description capable of conducting such duties with justice and impartiality, as most of them are too much interested to apprehend persons accused of crimes, especially if those persons cultivate land on their estates. It is, however, necessary that some person should be stationed in different parts of the country to superintend the police, and to apprehend offenders; but the Magistrates experience great difficulty in procuring men of ability and respectable character to fill such stations. This circumstance, I conceive, is owing in a great measure to the smallness of the salary at present annexed to this office. The cauzies of the pergunnahs are in general old and infirm men, and their want of activity must render them incapable of undertaking such a charge. If the salary annexed to this office was liberal, and sufficient to place the holder of it above temptation, I have no doubt that a person of good character might be selected from some of the respectable families which still exist in this province, to officiate as a Justice of the Peace, in the place of the present police officers, in each pergunnah, which should be the extent of his jurisdiction, under the present existing regulations or such as might be framed for the occasion, with credit to himself, to the satisfaction of the inhabitants, and to the advantage of Government; and as he would be totally unconnected with the zemindars or farmers of that part of the country where he might be stationed, he would act in every instance with the strictest impartiality.

Answers by the
JUDGES.

Patna Division.

Zillah of Surma,
16 December 1801.

No. 1.

Answers by the
JUDGES.

Patna Division.

Zillah of Sarun,
16 December 1801.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

In my answer to Question the 38th, I have stated, that the Mussulman law is, in my opinion, totally inadequate to the suppression and punishment of crimes in general; and it is in a great measure owing to the lenity, or rather deficiency of that law, that crimes have increased, and must still continue to be perpetrated without the fear of punishment, while the operation of that code remains in its present state. Were the members of the Courts of Circuit to be considered as the sole Judges, and to pass sentence in all cases under a code of laws to be drawn up for the occasion, with a reference to the Sudder Nizamut Adaulut, in offences of a capital nature, criminals, who now escape from defects in the law, would then receive the punishment due to their offences, and crimes in general would annually decrease.

34.—What has been the operation of the last regulation, respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion, that the establishment of the taxes, now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

The regulations at present in force are, in my opinion, by no means sufficient to discourage the sale of spirituous liquors, or to put a stop to the vice of drunkenness, which prevails in a great degree among the lower classes of people, but are rather calculated to promote the extension of this pernicious trade, by admitting any persons, who may be so inclined, to engage in it, by taking out licences at an expence very trifling in comparison to the advantages they reap from a species of traffic so generally in demand. The number of shops, which exist in every part of the country, and the cheapness of the liquor, tend, in a great measure, to the encouragement of idleness and debauchery. It is in these houses where worthless vagabonds assemble, and settle over their liquor where they shall commit robberies; and I have great reason to believe, that the distillers are in general either concerned with them, or well acquainted with the thieves and their haunts, and assist them in the disposal of the stolen goods. The distillers are, for the most part, men of property, and some of them even act as bankers, and lend money; but, during fourteen years I have been employed in the judicial line in this province, I have never heard of an instance of one of these persons having been robbed, either by the thieves who reside in the same district with them, or by those who come from a distance to plunder, being equally respected by all classes of robbers. They pay little attention to the restrictions inserted in their licences, as specified in Regulation 34, of 1793, and 6, of 1800; and I meet with great difficulty in keeping in order those persons who have stills or shops in the town immediately under my own inspection: those, therefore, in the country villages can be under little or no restraint, as I fear the police officers are not so active in this respect as they ought to be. Liquor, also, is so cheap, that a large quantity can be purchased for a mere trifle, as the distiller has not made any addition to the price of the liquor, notwithstanding the tax paid to Government; for though he does not expend so large a quantity of the materials from which the liquor was originally prepared, as he used to do before the tax was increased, he mixes with it water, and various pernicious drugs, which are very cheap, and easy to be procured, and which render the liquor equally intoxicating and more unwholesome.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

If an efficient code of laws for the trial and punishment of criminals were to be established, it would, in my opinion, greatly contribute to the improvement of the moral character of the natives of the British dominions in India, by putting a stop to a number of crimes to the punishment of which the Mussulman law is inadequate. The suppression of a number of stills and shops for the sale of spirituous liquors, with a considerable addition to the tax now levied, by rendering that pernicious article much dearer than it is at present, would undoubtedly be of great service. Severe examples should also be made of every person who either evades or acts contrary to the restrictions inserted in his licence.

36.—In your opinion, what has been the effect of the regulation, which declares persons convicted of perjury liable to be marked on the forehead?

The little regard which the natives of India pay to oaths in general, and the total want of respect or attention paid to those now in use in our Courts, is a charge so well founded, that every gentleman who has superintended a Court of Justice in this country must have observed it. I have heard that there are certain classes of people in the principal towns, who gain their livelihood by being witnesses, and who can be procured to give evidence in any suit at a very low rate. No person has as yet been punished in this district under this regulation, but I should conceive that a few instances of its having been carried into effect, would be attended with the most beneficial consequences.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

Very few instances have occurred of a sentence of transportation having been passed on criminals from this district, so that the operation of this punishment cannot at present be ascertained; but I am convinced, from the information I have obtained on this subject, that it will have a great effect on the morals of the people.

38.—Are

38.—Are you of opinion, that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity, or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

It has ever been a general complaint, that the Mussulman law is not adequate to the punishment of crimes; and strong instances in proof of it occur during every sessions of the Court of Circuit. In one particular, this defect is obvious, there being no law whatever for the punishment of rebellion, or crimes against the state, forgery, perjury, receiving stolen goods, and accessories (except in cases of murder); crimes of a serious nature, are scarcely noticed. The sentences of the Court of Circuit, in cases of housebreaking and highway robbery, being, in general, for one, two or three years imprisonment and hard labour, though apparently severe, are in fact nothing.

The Mussulman law, for the most part, consists of a few sentences extracted from the Koran, and from the Huddees, or verbal sentences or opinions of Mohammed, and from some of the Imauns, his immediate successors, which have been collected and recorded; and the commentators of the two sects differ materially in their explanation and application of these opinions. To prevent, however, any bad effects from this difference of sentiments, the British Government has framed a regulation, that the determination of two only of the commentators, namely, Yoosuf and Mohammed, shall be adopted as a general rule. The Mussulman code of criminal law, notwithstanding this alteration, is still defective, and by no means adequate to the punishment or suppression of crimes. There is another circumstance also which might be brought into consideration, which is, that at least nine tenths of the inhabitants subject to the British Government in India are Hindoos; I am therefore clearly of opinion, that the present system of criminal jurisprudence would admit of great alteration; and that if a code of laws, specifying distinct and adequate punishments for different crimes, including the above-mentioned, was to be framed, it would be a great and certain step towards diminishing the defects of the present police of the country, and would be the means of effectually putting a stop to the numberless crimes which are daily committed.

39.—What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction?

There are only three Europeans not in the service of the Company, who reside in this district; but others go to Boggah, at the proper season, to purchase timbers. Mr. Blake has a considerable indigo work at Acherpoor; Mr. M'Entie has one at Dirouly, on the banks of the Dewa, but he principally trades in timber; and Mr. Massyck has a small indigo work near to Mr. Blake's. I have never received a single complaint against either of these gentlemen; on the contrary, I have every reason to believe, that the inhabitants of that part of the country in which they reside, are perfectly satisfied with their conduct, and reap great benefit from the money expended by them in their manufactories.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

There are very few articles of trade manufactured in this district. Government have two factories, one for the provision of cloth of a particular kind, and the other for collecting saltpetre, of which a very large quantity is produced, and the whole of it is provided on the Company's account. European merchants have not any dealings in this district, as the cloths manufactured in general would not suit them. The existing laws and regulations appear to me to be well calculated for insuring justice to the weavers and manufacturers, in their dealings with the officers of the Company and private merchants, and they, as well as the native merchants, seem, as far as I have been able to ascertain, to be perfectly satisfied.

To N. B. EDMONSTONE, Esquire.
Secretary to the Government, &c. &c. &c.

SIR,

ACCORDING to orders received from Mr. Secretary Dowdeswell, I have the honour to transmit to you, to be submitted to his Excellency the Most Noble the Governor General, a Copy of the Reply to his Lordship's Questions, with which I was favoured with your letter of the 20th of October.

There are some questions which I have not been able to reply to, as they depend on local information, which I have been obliged to call on the police darogahs for; when their answers enable me to communicate the Reports yet wanted, I shall lose no time in submitting them to you, and, agreeably to your orders, to the Honourable the Vice President in Council.

I have the honour to be, Sir,
Your most obedient humble servant,
A. Tufton, J. & M.

Zillah Bahar,
9th December 1801.

No. 1.

Answers by the
JUDGES.

Patna Division.

Zillah of Sareu,
16 December 1801.

No. 1.

(Copy.)

Answers by the
JUDGES.

Patna Division.

Zillah Bahar,
9 December 1801.

ANSWERS to the Questions received in Mr. Secretary Edmonstone's Letter of the 20th October.

1.—On the 1st of July, the latest date to which the Reports were transmitted to the Presidency, the following number of Causes was depending.

Before the Judge	-	-	-	-	-	1,470
the Register	-	-	-	-	-	2,760
the Commissioners	-	-	-	-	-	3,299
Total						<u>7,529</u>

2.—The following statement will shew.

On the 1st July of each year.	Before the Judge	Register	Commissioners.	TOTAL.
1793 - - -	59 - - -	217 - - -	187 - - -	463
1794 - - -	544 - - -	1,688 - - -	400 - - -	2,641
1795 - - -	544 - - -	582 - - -	1,066 - - -	2,192
1796 - - -	920 - - -	3,145 - - -	2,213 - - -	6,278
1797 - - -	1,142 - - -	3,702 - - -	2,208 - - -	7,052
1798 - - -	1,248 - - -	3,803 - - -	2,266 - - -	7,317
1799 - - -	1,302 - - -	3,836 - - -	1,882 - - -	7,020
1800 - - -	1,287 - - -	3,082 - - -	3,092 - - -	7,461
1801 - - -	1,470 - - -	2,760 - - -	3,299 - - -	7,529

3.—By the Judge	-	-	-	-	333
the Register	-	-	-	-	1,008
the Commissioners	-	-	-	-	5,597

Total - 6,936

4.—I cannot precisely answer this Question, but I think there is great reason to believe more decisions will now take place in the Judge's and Register's Courts, since fifteen pergunnahs have been separated from the district.

5.—The rules at present in force are very excellent. The only inconvenience is, that more is committed to one person than he can well execute. Yet I think it will be the means of bringing many a suit to an immediate end, if the defendant was to be obliged to give in his answer on oath; because I know that many men would not swear falsely, who would nevertheless benefit by false witnesses. It would shorten my labour very much to reply to the latter part of this Question in the affirmative, but I am convinced it would make perjury more common and more successful.

6.—I am sincerely of opinion, that the country would be a great gainer, if the Commissioners were authorized to decide to the amount of 200 rupees, and the Register to the amount of five hundred; and I have no doubt the administration of justice would be greatly accelerated by this measure, but to what extent is more than I can possibly say.

7.—I cannot concur in opinion with those who talk of the litigiousness of the people, because I have generally seen, that the Courts of Justice are filled with suitors from the dishonesty of the defendants. I allude to the Civil Courts; for the Foujdarry certainly is infested with many groundless complaints. It is with pain that I am obliged to say, I think the charges attending lawsuits almost equivalent to shutting the door of the Adawlut.

8.—They certainly do. To the character of the vakeels I have nothing to object, but I cannot honestly say I think them all qualified for pleaders, or that in general they know much about the Regulations. Yet I must add, in justice to them, that they appear to be more studied than formerly.

9.—Not in the least, with respect to expedition, but somewhat with respect to accuracy, though not near so much as could be wished.

10.—I have heard of no complaints, nor can I in this respect assert any thing to their detriment.

11.—By no means, as far as I have had occasion to observe.

12.—In answer to the 5th Question, I have stated what appears to me most important, but there are other points which may come under this or that head. It is very difficult to procure the attendance of witnesses; and though I must confess they wait very often a considerable time, yet they sometimes return without permission. The Regulations authorize their arrest in these cases, but they take care to prevent that in general. The power to attach their property, with the disability to sue in any Civil Court until they should appear, would render them more obedient. It often happens, that after a plaintiff or defendant has taken out subpoenas for his witnesses, he fails to attend when they refuse to appear, or cannot be found, or to send any authorized person to swear what witnesses are necessary to his cause.

In this stage of the proceedings the Court can do nothing. The Cause in all such cases, should be nonsuited when the plaintiff is in fault, and when the defendant makes a default of this kind, it should be proceeded on *ex parte*. But in all nonsuits, the plaintiff should be allowed to bring his claim forward once more, without paying the institution fee again. I do not know whether it is taken with strict propriety in these cases, but the practice cannot now be altered without superior authority.

13.—If a fixed place be meant, as in the Supreme Court, there is nothing like it here, for the room in which the Court is held will not allow it. The first object is to obtain as much air as possible; without some comfort in this way, it would be scarcely possible to get through business. There is a place for the officers of the Court, but the pleaders, parties, &c. &c. sit, where they can find seats. The witness who is giving evidence stands nearly in front of the people and opposite to the Judge; other witnesses are at a distance, that they may not hear what any other has deposed. No forms or ceremonies are observed.

15.—That it is very low, but this I ascribe to want of tuition in the bulk of the people, and to bad examples set them by their superiors. I cannot say I have discovered any improvement, but I have no doubt they would improve, if the regulations could be executed as well as they ought to be.

16.—Private rights are generally not secure from invasion, because the delay of justice is too great to admit of any adequate compensation being made, and dishonesty finds but too many encouragements in consequence. I will not venture to say, that people are not afraid of complaining against natives entrusted with authority, as *tehsildars*, *darogahs*, &c. as well as against their *zemindars*; but this chiefly, if not solely, arises from want of that complete protection which prompt justice alone can give. I am persuaded, many complaints are not made on this account. Against Europeans in the service of Government they have less hesitation to complain; and indeed I do not know that they have any, though I believe they would much rather be on good terms with such persons. With respect to the Government itself, I am convinced they have none, but rely with entire confidence on its justice, when they think they have cause for complaint.

18.—I can safely answer this question in the affirmative, always excepting a particular class of the natives, who from personal considerations cannot be reconciled to any foreign Government.

19.—I am sorry to say, I do not think it is at present calculated in the smallest degree for the principal purposes of a police.

20.—They are much the reverse.

21.—The general opinion, in which I concur, is, that they have increased; and I attribute this circumstance to the want of a police, and to the too great lenity in punishing offenders; the chances in favour of a thief, robber or burglar, nay murderer, that he will escape, are many, and the punishment, except for the last offence, they do not seem to feel.

22.—I have answered this question in a paper expressly on the subject of police, which is annexed.

27.—If there are such, I know them not, nor have I any reason whatever to suspect it; with the exception before alluded to, I have every ground to suppose that the conduct of Government cannot possibly produce disaffection, but quite the contrary; but I know of no disaffection, although the secret wishes of particular individuals must be adverse. In my humble opinion, every thing is perfectly secure; and could speedy justice and a good police be effected, I have no doubt that the natives would be as loyal subjects as any under the British empire.

28.—I should suppose they would have effect. Titles of late years have fallen in estimation, from the manner in which they are procured; but as they would be conferred on other motives by Government, they would have a far superior value.

30.—They are employed only on the roads about Gya; but this is, in fact, doing little beyond making the place more agreeable to those who keep carriages, and nothing for the public. They cannot be sent to a distance, because there are not guards enough, or allowances for making them temporary habitations. A road from *Shehrghauty* to *Patna* is much wanted; but it would require the joint labour of the prisoners of three or four jails, and many parts of the road must be made of solid masonry, as well as many small bridges and drains erected; all this would require a very great expense. The next best mode of employing them is in a workhouse, where I would have them not only earn what they eat, but likewise to repay the value of the property they have plundered. If any thing can teach industry, this I should think would produce that effect. In whatever manner they are employed, I would recommend, that a European superintend; for his integrity might be relied on, and he would avoid the extremes of needless rigour and total relaxation of discipline, which the natives generally fall into in all their operations.

31.—The jail has been undergoing a thorough repair, or rather it has been pulled down and rebuilt, with an exception to four outer walls. It will soon be finished; when, I dare say, the Circuit Judge will report on it. In my opinion, it is calculated for the health and comfort of the prisoners, but I cannot say it is secure; for not long ago it was broken, and three

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prisoners escaped; and every day convinces one more and more of the total want of discipline and correctness in the Sebundy Syapalices.

32.—I have offered my opinion on this subject in the annexed paper; to which I have only to add, that the less zemindars are employed the better.

33.—This question I have also endeavoured to answer in the paper annexed.

35.—I know of none better than prompt execution of the laws; unless, what may be deemed impracticable by some and romantic by others, a system of public instruction could be devised. It is I believe universally admitted, that Christians are superior to Mahomedans, Hindoos, or other Pagans, and that Protestants are again superior to Catholics; and if I am not mistaken, this arises principally from their being instructed in their duties in a language which they understand. The poverty of the people is a bar to every thing, and Government cannot assist them as much as might be wished. I beg leave to observe, that it would not be a bad measure to declare, that Sunday shall be considered a day of rest, and work prohibited on that day, as in England, with certain exceptions. It would be attended with great advantages, if a Mahomedan and Hindoo, properly qualified to instruct the people, were appointed in the towns and villages to read lectures on morality every Sunday in the common language of the country, and to keep a day school for reading, writing, accounts, and moral instruction, for all the young men in the place; their pay to be settled by Government, by an easy assessment on the people. Where villages are too small, one teacher of each persuasion may serve for two or three more. Sunday will be considered sacred by the Hindoos, nor is there any thing which can hurt the feelings or prejudices of the Mahomedans. The knowledge taught should be practical and easy, and no doubt, many pious and learned natives would supply Government with epitomes of moral doctrine for the use of the people; but the work would not be immediately useful, as it would be chiefly on the young that it would produce salutary effects.

36.—I have offered my opinion in the paper annexed.

37.—It has been so seldom enforced here, that I do not think it has had a fair trial.

38.—I think the law infinitely too mild, and that nothing but very severe punishments will answer in this country: but I mean not cruel punishments, and in no case would I propose capital ones, but for wilful murder. Of the law in general, I think there can be no doubt that offenders are not at all deterred by it.

39.—I am most happy to bear testimony to the good conduct of the Europeans in this district. Two complaints only have been made against them within these last four years, and they arose not from any dishonesty or oppressive conduct, but from that haste and want of consideration which Europeans not conversant with the people and strangers to the language are sometimes apt to indulge in. The natives are, however, grown very impudent.

40.—If I am authorized to draw any conclusion from there being no complaints, I should suppose the weavers and manufacturers were satisfied, and that nothing is wanting in this department for the mutual protection of both parties. The Regulations appear to me sufficient in every respect.

(Signed)

A. Tufton,
Judge & Mag^{te}.Gya,
the 15th November 1801.

On the POLICE.

BEFORE the separation of the pergunnahs which have been lately annexed to Shahabad Ramgurh at Patnah, there were seventeen thanahs in this district. One of them was established not long ago; at the time there were only sixteen. The following Report was received from the darogahs, of the extent of their jurisdictions:

EXTENT in coss of the Boundaries of each Jurisdiction, from the darogahs station.

	East.	West.	South.	North.
Bircrum now under Shahabad	5	3	5	5
Bar	5	5	5	—
Arwul now under Shahabad	5½	—	5	8
Durriahpoor	9	1	10	—
Jehanabad	5	5	6	5
Hilsah	5	7	3	6
Hulas Gury	5	4½	4	4½
Behar	6	7	7	6
Shaikhporrah	8	8	7	7½
Denhrah now under Shahabad	6	6	6	5
Noabad	12	8	10	8
Gya	10	11	10	8
Aurungbad now under Ramgurh	11	5	4	6
Nubbinagur	5	3	5	5
Mujhiawan	6	15	4	8
Sheherghauty	10	13	10	6

The seventeenth thanah, at Nobutpoor, affected only those of Bicrum and Hilsah. The strength of each thanah, it is known, consists of a darogah, mohurrer, jamadar, and ten burkundauz. By an inspection of the Regulations, it will be seen that the whole of the police depends on the thanah establishments and the pausbauns. The darogahs, it was probably expected, would be ready to give assistance wherever it was wanted, and the pausbauns to give the darogahs information to enable them to check offenders. It is true the Regulations require assistance on the part of the people, but as yet their co-operation has not been made effectual.

To understand how far the present plan is likely to answer the end of its institution, it will be necessary to consider the strength of the thanahs and the use of the pausbauns.

1st. The Thanahs: The extent of jurisdiction assigned to each darogah, must be sufficient to demonstrate that, be his exertions never so great, he cannot protect many distant places. The attack of robbers is sudden; and when they have secured their plunder they separate, and are in safety long before the darogah knows what has happened. His ten burkundauz furnish little real strength, for half of them are absent on various calls, and in the discharge of their several duties; but his power would be still very limited if they were all present, unless for the protection of the thanah. Robbers have not yet arrived at that degree of daringness to assault the darogahs themselves, but many of the places where the thanahs are established have been plundered. The whole use, therefore, of the thanah, at present, is to search for offenders; and this is generally ineffectual, as their names and their retreats are so seldom known. This gives rise to what I am afraid is little less than robbery; searching houses with or without grounds of suspicion, and putting many an honest man to pain and loss, while the real offender is secure.

2. The Pausbauns. From the distance of the thanah, most of these officers attend it only when they please; that is, just to save appearances; and when they are more attentive it produces little good. Although they know every thing that passes, and cannot be ignorant of the idle, suspicious characters which are lurking about, the best information which the darogahs receive from them in general, is, that a robbery or theft, or other felony, has been committed. It very seldom happens that they anticipate the act, by giving timely notice at the thanah. Can this be wondered at? They are under no control, unless that of the darogah may be so called. They are very badly paid; and their allowance being made to them in land, they are obliged to give a good deal of time to the cultivation of it. This land being a part of the estate of the zemindars, it is natural for both the pausbaun and the zemindars to consider those officers rather as their servants than as those of the public. A darogah may possibly discover the misconduct of a pausbaun but the zemindar every day feels the wants of his services; and he knows he is in much greater danger from the resumption of his jagheer or his dismissal, than of any punishment for neglecting the public. Thus the pausbauns, in their best state, are but nominal servants; yet they alone supply the darogah with what little he knows of his district, which, to say the truth, is seldom worth knowing. But the pausbauns are very often the robbers and plunderers whom they are appointed to protect the country from, or intimately connected with them. This fact is proved by the records of the Foujdarry; and when they are not convicted, the suspicions entertained of them are but too well founded.

In estimating the strength of the police, the people are entirely out of the question; for they have no public character, and will not unite. They are also afraid; for a notion prevails, that an innocent man may be tried for his life, if he should be obliged, in any situation, and under any circumstances, to put an offender to death. It may be easily conceived whether this does not tend to that dangerous height to which robberies have arrived. A burkundauz of one of the thanahs fell a sacrifice to this opinion, receiving two wounds, and being assaulted by several of his prisoners, without attempting to return a blow. A gentleman near Bah, after defending his house a whole night, when threatened, and almost attacked, enquires afterwards of the darogahs whether he might have fixed upon the robbers. By whatever means it can be effected, this fear must be removed, or all the regulations which can be devised will be fruitless.

It would be unpleasant to detail the state of this district. Robbery, theft, and burglary, prevail to that degree, that nothing can be more insecure than the lives and properties of the people. It is needless to describe every minute offence; because, if those of a more serious nature can be checked, the police will be abundantly equal to the rest. The principal offences are burglary, highway or footpad robbery, theft, and stealing of cattle. Theft is chiefly committed at mailahs, and other public meetings; the other offences require no explanation. But burglary is of so dangerous a nature, that I should leave this business completely unfinished if I did not describe it. By burglary I mean what, if I understand Burne, the word originally imported, theft or robbery, with or without violence, at the dwellings of people. It here appears in every form, from the single thief, who, in the dead of the night, creeps into a house, and pilfers what he can lay his hands on, without exciting alarm, to the gang robber, who sets whole towns and villages at defiance. No house is safe, nor even property a protection, for nearly a whole village has been robbed and set fire to. Those daring burglars are generally in large gangs, well armed. They shew no mercy, but force their way into a house, killing or wounding all who are so unfortunate as to fall in their way. Sometimes a hole is made in the wall; sometimes the door taken off, or the thatch lifted up, till an opening is made. I have known an instance of two burglaries in one house in a night, and two or more in the same village. One person described to me that he saw them enter and walk about his room. But they are not content with plunder;

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inflicting often the most shocking wounds, and sometimes death, which it appears they generally intend.

Having made several enquiries, in consequence of Mr. Secretary Tucker's Letter of the 1st May 1800, I beg leave to state the result; as, in my opinion, many useful hints may be extracted from it.

1. It is observed, that almost all robberies and thefts are committed with the knowledge and connivance of the pausbauns; that there are many in which they are directly or indirectly concerned; that pausbauns and dusadhs, gualahs, domes, chummurs, mooshurs, rujwars, and people of some other low castes, are the principal offenders. They recommend that mockulcahs be taken from those persons, binding them to produce all public offenders, with the stolen property.

2. That formerly, where robbers attempted to enter a house, and the master of it alarmed the neighbourhood, the whole ward immediately came to his assistance, that if the offenders offered the smallest resistance, or did not suffer themselves to be taken, they were cut down. They add, that Government never thought of calling any one to account for having acted in such a manner.

3. That it is at all times extremely difficult, and often impossible, to produce two witnesses to acts committed often in secrecy, and generally in the dark, and that many notorious offenders escape in this way.

4. That the present plan of police is not at all oppressive, and would be a good one, if the powers of the darogahs were not too limited and if they could give assistance immediately where it is wanted; that the establishments of burkundauz should be augmented to twenty or twenty-five.

5. That the punishments inflicted on convicts are much less than their offences deserve, considering the facility with which they may be committed, and the extreme difficulty of detection and proof. That they are so well used in jail, confinement is no punishment, but tends to confirm them in their bad habits; that perpetual imprisonment alone can preserve the public from these disturbers of the peace of society; that formerly a capital punishment was occasionally ordered on the conviction of robbers, and even thieves, which had good effect, by inspiring culprits with some awe.

6. That abcaurs, goldsmiths, blacksmiths, and other artificers of similar descriptions, as well as cloth sellers, be required to execute mockulcahs not to buy or sell second-hand property, but on haut days, and that such sales should be registered in the police office. That the same restrictions be extended to the sale of cattle.

7. That people of inferior castes, before enumerated, be not allowed to leave their respective places of residence, to wander about and idle away their time as they please.

8. That all descriptions of people be required to remain within doors, and all shops be shut, after the sixth ghurry of the night.

9. That travellers be required to remain at the serai, or other place where they may put up, from after the sixth ghurry of the night till morning.

10. That vagabonds and idlers of the lower descriptions of the people, who are without visible means of subsistence, particularly if their expenses are disproportionate to their condition, and they spend much in spirituous liquors, and all other persons of notorious bad character, be taken up and confined, and kept to hard labour. Of all whom I consulted, there are only two, and they are two of the darogahs, who recommend the police to be put under the landholders; the rest are decidedly against that measure. As Government have asked my opinion on this proposition, I will offer it; it is, I think, the way to frustrate much of the benefit of the Regulations, and consequently to impede the improvement of the country. There can be no doubt that the sooner and the more completely the bulk of the people are emancipated from their present degraded state, from which however they are emerging, the better it will be for the country at large. When they are less dependent, their characters will, of course, be more respectable; they will not be easily brought to swear to facts they know nothing of, or which they are conscious are totally different from the declarations they are taught to make; neither will they be ready to obey the call of every zemindar who wishes to dispossess his neighbour of his estate, or to fight for a watercourse. I take it for granted, when they begin to know their rights as they ought, they will value them too much to sacrifice every thing to gratify the avarice or revenge of an opulent zemindar. The emancipation of the lower orders will not be inconsistent with the rights of the zemindars, whose legal interests can never be so completely promoted as by encouraging the husbandman; or with the rights of Government, which is deeply concerned in the content and happiness of the lower classes, not only from the direct advantages to be derived from their exertions, but also from that firm attachment which must be the result. If the zemindars are to be entrusted with the powers of Justices of the Peace, it is generally thought they will convert their powers to their own advantage, in all cases where their interests are concerned, and such cases will constantly arise, or rather there will be none but such. If there were Civil and Criminal Courts, where every cause might be speedily heard and determined, this objection will be less strong; but under the present Government of the country I think it is insuperable. It is well known what influence the zemindars have; how easily they can raise a mob to execute the most unlawful purpose, and afterwards justify it by false witnesses. How then can a poor but honest man, who has resisted unlawful demands, hope to escape their vengeance? Power every where creates too much influence; even the darogahs, who are strangers, have more than needful; that of the zemindars would be irresistible. This measure, therefore, appears

appears to me highly objectionable, as it will create a power interested to defeat the objects of public justice and to substitute legal oppression, which no exertions of the Civil or Criminal Courts will ever be able to correct. But there are other arguments against it also; the zemindars have quarrels between themselves; in these they will be the arbiters of their own rights: moreover such of them as I have seen, with a few exceptions, are not qualified by abilities and education for so important a trust. Those who are really honest, would either be inactive from want of knowledge, or would introduce more confusion than their best exertions would atone for; of this I have had some experience in the police darogahs, whom it is often necessary to instruct on parts of their duty which appear to be little liable to doubt.

It would be still more objectionable to revert to the old plan of making the zemindars responsible for robberies, for it would throw all back again into that state from which the British Government has been redeeming the country, and produce oppressions which would be endless and beyond controul. For every rupee which they would be compelled to pay, they would reimburse themselves with interest, not in a direct manner, but by abuse of that almost unlimited power which such great responsibility would oblige Government to delegate to them.

The following is the outline of the plan which appears to me necessary :

1. I recommend that there be four more thannahs erected in this district; that each darogah receive a salary of sixty rupees, and each jemadar and mohurrer a salary of fifteen; and that there be an establishment of twenty burkundauz at each thannah; the whole expense will be as follows :

14 Darogahs	- - -	at 60	-	-	-	-	-	-	840
14 Mohurrers	- - -	at 15	-	-	-	-	-	-	210
14 Jemadars	- - -	at 15	-	-	-	-	-	-	210
280 Burkundauz	- -	at 4	-	-	-	-	-	-	1,120
5 Rupees a month allowed to each darogah, for cutcherry, stationary, powder, ball, &c. &c.	- - -		-	-	-	-	-	-	70
									<u>2,450</u>

Present Establishment :

8 Darogahs	- - -	at 25 R ^s	-	-	-	-	-	-	200
2 - D ^o	- - -	at 30 D ^o	-	-	-	-	-	-	60
10 Mohurrers	- - -	at 5	-	-	-	-	-	-	50
10 Jemadars	- - -	at 8	-	-	-	-	-	-	80
100 Burkundauz	- - -	at 4	-	-	-	-	-	-	400
Allowance for cutcherry, &c. &c. as above	- - -		-	-	-	-	-	-	50
									<u>840</u>
									<u><u>1,610</u></u>

It would be superfluous to attempt to prove, that the mohurrers, who have the care of the records, and on whose fidelity so much depends, or that the jemadars, who often supply the daroghahs place, are very ill paid. With respect to the daroghahs, the allowance of twenty-five or thirty rupees is nearly absorbed in their public expenses; they must keep a horse or a set of bearers; and moving from place to place, to which they may be summoned any time of the night or day, must put them to superfluous charges. The duty requires some education, abilities, address, perseverance, integrity, great bodily labour, and undaunted courage.

2. When the daroghahs are fixed, they should immediately subdivide their jurisdictions into eight or ten, or as many districts as may be expedient. From each of these they should select a certain number of the most respectable independent and intelligent persons, to whom, or to as many of them as may be necessary, the magistrate should have authority to grant sununds, empowering them to hear and decide on all petty prosecutions in the Foujdarry, alluded to in section 8, Regulation 9, 1793. I propose that their decisions be final, but that that part of them which relates to fines and imprisonment, be executed by the magistrates. They may assemble once a month, and three of them at least should be obliged to attend. I may venture to promise their labour will not be very great, for most of these suits arise from a wish to punish the party complained against, and not from any real injury sustained; and when the prosecutors see that they cannot push their revenge so far as they may wish, they will only go to the tribunal when they have real cause to complain. Numbers of witnesses suffer from being brought to a distance from their homes on these frivolous complaints.

3. These Commissioners should then procure the appointment of a police officer in every town and village within their division; and this I propose to be in the following manner: They are to nominate for each place, a certain number of persons whom they deem best qualified for the trust, and the inhabitants an equal number; it may then be determined by lots who is to officiate. To these police officers, I propose to give authority to suppress affrays, and to apprehend felons, vagrants, or other idle persons, as well as people of notorious bad character; but they are to have no judicial authority whatever.

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4. Persons of notorious bad character, vagrants and idle persons, when arrested, should be carried before the Commissioners, who, if not then assembled, should be assembled for the purpose, that enquiry may be made into the circumstances and evidence alledged against such persons; the Commissioners should transmit the prisoner and their proceedings to the magistrate, or cause the police officer to do so. When the magistrate is satisfied with the proceedings and evidence, he is to proceed against the prisoners in the manner to be hereafter mentioned. If he wishes for further information, he may either summon witnesses or direct the Commissioner to make a further report. When he is of opinion there is no cause to detain the prisoners, he shall be authorized to release them immediately.

5. To introduce order and regularity, the following rules are recommended:—That every male be obliged to register himself, his caste, profession or occupation, in a register to be kept by the police officer; children to be registered by their parents and guardians. That none of the labouring classes be allowed to move from one place to settle at another, without first obtaining a certificate from the police officer; this will fully discriminate the industrious from the idle. That none of the lower classes be allowed to carry arms abroad, but to keep them in their houses; this should extend to the suwarries of great men (natives) and to all whom they employ. That all shops and houses be shut, and people of every description required, and, if need be, compelled to remain within doors from after dark. Notice of the time may be given by beat of drum; or some other manner. If this rule be strictly observed, there never will be any danger of mistaking an honest man for a thief. That travellers and strangers be compelled to stay at the serai, nor suffered to remain in the skirts of the town or village after dark; nor to leave it either then or at any time, if they cannot reach the next place before dark. Travellers must also be rigidly compelled to pursue the direct road, and not allowed to wander from it at any time; much will depend on the faithful execution of this regulation. That bhuttiarâhs and bhuttiarins be made responsible for all thefts and robberies committed on travellers, and for drunkenness at the serai, as well as for travellers infringing these rules. They ought to give security for their good conduct, and execute mochulcahs to the above purport; but they should all be appointed by the magistrate, on a report from the Commissioners, that they and their sureties may be trusted. Great complaints have been made of these people, and every check should be thrown in their way. That ferries be put under the police officers. The boatmen to give security for their good behaviour, and execute mochulcahs engaging to keep good boats, and always in repair; to receive no more passengers into a boat than a certain number, to be fixed, nor higher rates than are allowed, nor to take any passenger after dark; the number of passengers for each boat and the rates of fare should be ascertained and settled by the Commissioners and reported to the magistrate, and afterwards fixed up at the ferry. That the police officers keep a register of the sales of all second-hand property and cattle, and that all persons on whom articles of this kind, and cattle, may be traced, which have been stolen, and the same have not been registered, be considered as aiders and abettors of thieves and robbers; that the venders of spirituous liquors and fermented taury, be settled as near the police office as possible. It would be much better, in my opinion, if the stills were worked in the towns and villages, as the refuse of them was never experienced, that I know of, to produce any bad effects. The abcaurs might be required to dispose of it so that no nuisance could arise; but though in such large places as Patna it may be detrimental, I never heard it complained of at Gua. By working the stills out of the town, a great deal of smuggling may be carried on; and if the abcaurs are connected with thieves, there will always be an asylum for them, which will in a great measure prevent the regulations proposed from having their full effect.

6. It is recommended, that the controul and direction of the pausbauns rest solely with the police officer. Upon taking charge of his office, he should take a muster of them, and all such as from age, infirmities, or misconduct, may be deemed unfit to be retained, should be dismissed; but the power of appointing and dismissing should be exercised under the approbation of the Commissioners. With respect to the pausbauns, they should all be residents of the place; and it should be the particular duty of the police officer to see that they are all armed with a sword, shield, and spear; that they keep watch from sun-set to sun-rise at the places appointed. The police officer must also instruct them to keep watch in silence, and what signals to make when aid is wanted, and such other parts of their duty as require his superintendence.

7. Whenever a police officer may be of opinion that the number of pausbauns attached to any place is too small, or that the jageer land allotted to them is insufficient for their maintenance, he should signify the same to the Commissioners; and if they, on enquiry, should be of the same opinion, they should be empowered to call upon the proprietors of land in which the town or village is, to assign such a further quantity of land as they may deem necessary, and direct the police officer to entertain the additional number of pausbauns which they may authorize; nor should this be optional with the landholders; on refusing to comply within the time limited, the Commissioners should report the affair to the magistrate of the zillah, who should be empowered to order the land to be immediately measured off. It is proposed that the pausbauns be all paid at one rate, and in cash, monthly. This is, I trust, no infringement of the decennial settlement, by which the zemindars were responsible for the police.

8. It is proposed that all the jageer lands assigned to the pausbauns in each subordinate division, be farmed out under the management and controul of the Commissioners.

9. That a reward of fifty rupees be given by Government on the conviction of every burglar, highway robber, or murderer taken in the fact, or in actual pursuit; and twenty per cent.

cent. on the value of property rescued in the above manner from robbers: this is to be given by the owners.

10. The pausbauns are to exert themselves to arrest all persons in the commission of crimes, as well as all others found out of doors after dark; and with the police officers and others to pursue them to the next town or village, whence they are to be followed in the the same manner from place to place, until they are apprehended. If any such persons should resist, or not suffer themselves to be taken, and there be no other way of securing them, the police officers, pausbauns, and all other persons, should be authorized to kill them, rather than suffer them to escape. This power should of course be so expressed and qualified as to prevent it from being wantonly abused; but the plain fact must be told, or the resistance will never be effectual. People are now really afraid of coping with a robber, lest, if they should be obliged to put them to death in any situation, they should take their trial as murderers. I beg leave to refer to the English law in matters of an infinitely less serious nature. I have not any apprehension this power would be abused; for first, a regimen is proposed, by which all honest men may take care to be out of the way of danger; and in the next place, I do not think the people are of a sanguinary disposition. If, unfortunately, it should be necessary to put a man on his trial, nothing but proof that the blow was unnecessary and deliberate could justify any punishment whatever. The question, however, for Government to determine, is, whether they will authorize the exercise of a natural right, and tell the people so, although it is possible an innocent man may suffer from his own fault or folly; or whether they will disarm the inhabitants, and leave them exposed to every assault from the merciless villains who now infest the country. To me there appears no medium.

11. To keep a communication between different parts of the country, without depriving any place of its pausbauns, all letters, prisoners, and packages, should be forwarded through the police officers, and the pausbauns of one place be obliged to go no further than the next. The police officers must also be instructed, that they again may instruct the pausbauns in what manner stolen property is to be secured, that it may be known and proved, when opened before the magistrate. Much of this minute kind of regulations may be safely left to the magistrates.

With regard to punishments, it may be first remarked, that this is one of the cheapest countries in the known world, and that very slender exertions are sufficient to enable the poor to maintain themselves; that there is always employment, consequently they can have no excuse whatever for idleness. I am and have long been of opinion, that a very moderate portion of industry might enable a family of the labouring classes in this country to live much better, and to have many more comforts than fall to the lot of the same descriptions of people even in England. If, therefore, in that country want be no excuse, and idleness be punished, it ought here to be treated with at least equal severity. When the poor are idle, there is always danger to be apprehended. My next position is, that as criminals seldom or never reform in this country, temporary imprisonment is almost always insufficient. The prisoners grow hardened in jail, and leave it infinitely more likely and more able to do mischief than before. The next consideration is, the extreme facility with which burglary, which is the principal offence, may be committed. The people are all disunited, unarmed, and either obliged to throw their doors open and expose themselves to the open air during the greatest part of the year, or their houses are too slender to resist an attack.

Upon these grounds I shall, without further preface, propose a scale of punishments. In whatever manner they may be modified and improved, I believe all the magistrates will agree in the principles I have suggested. The punishments will appear moderate or otherwise, according to different views.

1. For theft, committed without threats or violence, on the person or house of an individual, but not at night; for shoplifting; and for stealing cattle; for the first offence, five years imprisonment and hard labour.—For the second, fourteen years imprisonment and hard labour.—For the third, perpetual imprisonment, hard labour, transportation, and loss of caste.

2. For highway robbery, not attended with wounding; for the first offence, fourteen years imprisonment and hard labour.—For the second, perpetual imprisonment, transportation, hard labour, and loss of caste.

3. For highway robbery, attended with wounding or beating, but not death; for the first offence, perpetual imprisonment, transportation, hard labour, and loss of caste.

4. For highway robbery or murder, either immediate or consequential, death.

5. For burglary, without forcible entry, threats or violence; for the first offence, fourteen years imprisonment and hard labour; for the second, perpetual imprisonment, transportation, hard labour, and loss of caste.

6. For burglary, with forcible entry or wounding; for the first offence, perpetual transportation, hard labour, and loss of caste.

7. For burglary and murder, immediate or consequential, death.

In order to deter from the commission of these crimes, it should be made known in the most public manner, that no discriminations will be made, but that all the gang will suffer alike. This will, in my opinion, greatly prevent gang robbery.

Although those who commit these crimes seldom have any property, yet that is not always the case; therefore, in all felonies, the property, real and personal, of the convict, should be confiscated.

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All persons convicted of felony should be rendered incapable of prosecuting in any Civil Court, or giving evidence in any Court whatever, or bringing a prosecution in the Criminal Courts, but for the sake of public justice.

Another scale might be framed upon the principle of remuneration; and as idleness is the parent of most crimes, this mode of punishing would not fail of good effects. For this purpose, that, in addition to the temporary imprisonment, be ordered further imprisonment, until the value of the property should be restored.

8. For receivers of stolen property of every kind, and cattle, or persons on whom such may be found, unless they shall have registered the same in the police office; for the first offence, fourteen years imprisonment and hard labour, with the obligation to restore the value of the property; for the second, perpetual imprisonment, transportation, hard labour, and loss of caste.

It can require no argument to prove, that the receiver is as bad as the thief; nor can any person pretend ignorance if he fails to register his purchase, which act will secure him.

I have taken no notice of murder committed by those who intend neither to rob nor steal; because it is generally understood that this crime, when deliberate, is to be punished with death.

With respect to vagrants, idlers, and persons of notorious bad character, magistrates should be empowered to confine them to hard labour from one to four years, according to the circumstances of the case.

The treatment of the prisoners in jail has been complained of as too good; but the only alterations I can suggest, are, that if provisions cannot be made for their safety, and they cannot be sent to make a road which would be useful to the public, as from Shehrghauty to Patna, which is much wanted, but which would require the labour of the prisoners of two or three jails, a workhouse would be the best mode of making them feel their sentence; but in either case, a European ought to superintend. They now save something out of their allowance, and lending, borrowing, and thieving, are very common amongst them. They must be taken off from their work earlier than labourers, to allow them time to dress, their victuals; and so much delay occurs in the morning and evening in counting them, that their work is but trifling. The area of the jail is covered with filth, arising from their cooking. On these accounts, I strongly recommend that the money allowance be discontinued, and that a Brahmin and a Mahomedan cook be appointed to dress their victuals. This will save something to Government, will preserve cleanliness and contribute to health, will prevent many quarrels, put an end to stealing, and enable that part of the sentence which enjoins hard labour to be better carried into execution.

There is a crime, which, if possible, is greater than any I have yet noticed, I mean deliberate perjury, and, what is the same, subornation. It does not come under the head of police, but strikes at the very foundation of justice, civil and criminal, and renders the honour, life, and fortune, of every individual in the highest degree precarious. I am much afraid it has increased, and will continue to increase, in consequence of the 3d Regulation of 1801.

Of this Regulation I beg leave to observe, what may be said of some others, that it was not necessary for this district. I am not aware there ever have been here those iniquitous prosecutions which it supposes, and I am obliged to say, that, in my opinion, it is hardly possible to enact too many pains and penalties, or to establish too many ordeals, by which the validity of testimony may be tried; so dreadfully great and common is the crime of perjury. There are now two causes in the Dewanny Adawlut, in which the witnesses of the two parties have sworn directly opposite to each other, with regard to the existence or non-existence of physical points; for instance, whether in a particular village there be one or two watercourses. It is evident, that this species of falsehood is convicted by a bare sight of the ground, and is not a matter about which any error of judgment can be formed; it is therefore impossible to suppose, but that the witnesses of one side or the other have knowingly and deliberately spoken contrary to truth. In short, to speak my mind without reserve, this crime is so common and audacious, that it has excited in me the most complete scepticism with respect to all evidence which is offered, and I seldom pass a decision, without having cause to doubt if I have not been imposed upon. The manner in which witnesses who directly contradict each other, stand cross examination, and the effrontery with which they look people in the face, is really astonishing. The person who has to decide, must frequently lay hold of the smallest inaccuracy, or trust to what appears a greater probability, or remain suspended between two opinions, of which he cannot otherwise find any reason to prefer one to the other. There is now a man in jail, who has been committed for the most deliberate perjury, in swearing point blank contrary to his former testimony on the same matter. So far from being impressed with any sense of shame at a public conviction of his crime, he appeared to consider himself an injured man. He acknowledged, his former evidence could not dispute its difference from that which he was then giving, but said that the plaintiff's agent had betrayed him; that he had agreed to give false evidence before, but as a salvo to his conscience, was assured, that instead of the Koran, the Guliston or Bostan should be put in his hand. In this manner, I have no doubt, ignorant wretches may be induced to give false evidence; and if this will avail in general, we know that the Hindoos may by their religion swear falsely in so many cases, that the veracity of all their depositions may be called in question. I am seriously of opinion, that some attention should be paid to the education of the lower classes of the people, who now are quite uninformed on every subject which may distinguish them from the brute creation. The religion of the Hindoos holds out no threat to them, and that of the Mahomedans is but little known to the lower classes; at all events, it is evident that

temporal

temporal punishments alone are likely to have any effect. These punishments must be pretty sharp, nor must we forget to avail ourselves of prejudices, which perhaps may contribute more towards the suppression of this crime than any other measure.

I propose therefore, that every person convicted before a Court of Circuit or the Nizamut Adawlut of wilful and deliberate perjury, or of subornation of perjury, be punished in the following manner. That all his property, real and personal, be confiscated by Government; that he be for ever incapable of giving evidence in any suit whatever, or of suing in any Civil Court or in a Criminal Court, if he can derive any personal advantage from it; that he be incapable of inheriting any estate or receiving any gift; that he be marked in the forehead, as already directed. If the perjury or subornation shall be of that nature, that if it had not been timely detected, the party whom it was intended to affect might have been sentenced to death, to the foregoing penalties and disabilities, perpetual imprisonment, transportation, and loss of caste, should be added.

After what has been said, it will, perhaps, be advisable to leave as little as possible to the evidence of witnesses. It is therefore necessary that the rules relating to pottahs, and receipts for rent and revenue, should be rigidly enforced. So little are they regarded, that I doubt if one single person in the whole district has complied with Section 58, Regulation 8, 1793; and I have had occasion to see that people are very ignorant of them. Whatever indulgence may be shewn in districts where written deeds are very seldom in use, here need not be extended. It can be no hardship for a ryot who may take a pottah for ten years, to apply for one, or for a zemindar to grant it. If a zemindar does not keep a putwarry in every village, one active man may suffice for many. Neither are the terms on which the ryots cultivate in Behar at all inconsistent with the most complete enforcement of the rules in this respect, for the Regulation already cited provides for almost every form and condition; perhaps in some cases a condition may be requisite respecting water, and the mode of dividing or ascertaining the value of the crop. All this the Collector might easily settle, by allowing the parties to introduce any stipulations, provided the substance of the Regulation be attended to. I do therefore offer it as my firm opinion, that after the people are apprized of these rules, by means of a publication, all claims should be dismissed when the party suing has neglected them.

If a ryot cannot readily obtain a pottah, let him apply to any of the public authorities in the district; and, if a receipt be refused when he tenders his money, he may make his payment through the same medium. Should the ryots cultivate any land without taking a pottah, or seeking to obtain it in a legal way, the landholder or farmer should be authorized to cut down the whole crop, without leaving the ryot a single grain. These means will bring both parties to their senses, and to a proper respect for the Regulations.

The Regulations relating to the attachment and sale of property for arrears, allow the Commissioners no power to scrutinize into the right of the claimant: so much has this power been abused, that I am told perfect strangers have actually, in this way, committed robberies. The ryots again, who may owe something, but not the whole sum demanded, are seldom backward in rescuing their property from the distrainer.

Thus robbery and violence prevail. As I could not conceive that it was intended that the Commissioner should act against his knowledge, or that he should take the distrainer's word in every instance, I took the liberty of directing these officers, as well as the darogahs, not to assist any distrainer, much less to sell what he might attach, unless they were certain, from the documents which the distrainer could produce, that there was at least the relative situation of ryot and renter, or proprietor, between them. I have not heard that this has stopped a single rupee from finding its way into the zemindar's coffers, and have been assured it has almost entirely cut up the evil by the root. I would beg leave to observe, that the Commissioners, being at a distance, can seldom know the truth of the demand; that therefore either the police officer, or the new Commissioners whom I have described, should be applied to when the other Commissioner is not so near; and that something of an examination of accounts, to render it highly probable, at least, that the arrear demanded is really due, should take place, and be recorded by the Commissioner or other person entrusted with this power, and a copy of it given to the ryot or renter, against whom the process may be directed; that if he chooses to bring the affair before the Adawlut, it may be seen what sort of justice has been dealt to him.

There are two other offences which I might, with propriety, have classed under the police; I mean violent dispossessions, and quarrels respecting watercourses; but, as they are not committed by public offenders, and are generally followed by a suit in the Adawlut; I have reserved them for separate consideration.

I have generally observed, that those parts of the Regulations which can be converted to purposes of fraud and chicancery are best understood. Dispossession is sometimes effected by fraud as well as force, but however effected, it throws the injured party into a very unpleasant situation; for perhaps false witnesses may be procured to disprove his previous possession, or from collusion with an amlah, or possession being taken during their absence, it may be very doubtful how it was: the person dispossessed is then obliged to institute a regular suit to prove his right, which, in other words, is being thrown out of his estate for years, before a regular decision can take place. On the other hand, dispossession is often fictitious; a dismissed agent, or a farmer, whose lease has expired, pretends that he has been dispossessed, when he had no right whatever to be in the estate at the time; or a person watches the opportunity to get in, colludes with a few ryots or amlah, and when prevented by the real occupant from thus stealing his rents, brings his action for dispossession. Thus, in various ways, are excellent regulations perverted to bad purposes. The

No. 1.

Answers by the
JUDGES

Patna Division.

Zillah Bahar,
9 December 1801.

travellers or others may be understood by the natives, which now is not always the case, owing to the fundamental errors of that geographer, in his total want of a system of orthography. I take the liberty to mention, on this subject, that it would be a great improvement to the maps, if the Collectors, &c. were to be called upon to send a list of names of places, rivers, mountains, &c. &c. according to one uniform standard of writing, which Government might previously dictate. There are many works of gillandauzy to be performed, which the zemindars are not equal to. For instance, the rising of the Soane is always attended with loss, for it deposits sand, which renders the ground barren. Embankments, which would not cost a very large sum, might prevent this waste, and surely it cannot be a matter of indifference to Government. In other places inundations, to which many parts of the district on the banks of the Ganges and in that quarter are subject, might be stopped. A single proprietor of land in pergunnah Ghiaspore assured me, that the entire produce of the khurreef crop of three of his villages had been thus destroyed this year. He has indeed some hope from the rubby, but this is much abated by the uncommon cheapness of grain at present. I have spoken to some of the zemindars on this subject, and have reason to think they would regard the aid of Government in this respect as a further distinguishing proof of that parental care which they gratefully acknowledge.

Disputes for water occupy much time in the Adawlut; and though they, of all other suits, ought to be decided most expeditiously, it is more difficult to determine them than any others. I do not see why the Kauzy or Commissioner for hearing civil suits, or the Commissioners I have recommended, may not bear and determine these disputes, when they are not interested in them; and after applying to one authority, the parties may appeal to another, when they are not satisfied, and only have recourse to the Adawlut when they have thus failed of obtaining what they may deem their rights. I should suppose that some of these public officers, by going to the spot and taking the opinions and the evidence of skilful people acquainted with the rights and customs of the parties, might generally decide these affairs, without rendering it necessary for them to waste their time and money in lawsuits; but if nothing of this kind can be effected, still it is necessary to put a stop to affrays, on this account; they are sometimes attended with murder, and generally with violent assaults. I therefore beg leave to propose as follows:

That all persons, who assemble to dispossess another of a watercourse or land, or to take the water or crops by force, and an affray ensues, and any person be dispossessed or beaten, be punished by three years imprisonment in the Fouzdarry jail, and disqualified during that period from bringing any civil suit or giving evidence in one. That when a severe wound has been inflicted, the punishment and disqualifications extend to ten years; and death, when any person, of whatever party, has been killed, together with confiscation of property real and personal. That the party dispossessed, or whom they attempted to dispossess, be entitled to the land, watercourse or crop, at least as far as relates to the rights of the affrayers; if any agent of a landholder, or other person claiming such land or watercourse or crop, be present, his rights should be made over to the injured party. In order to determine who are the aggressors, in cases of claims regarding water, it should be declared, that they who came last to the spot shall be so considered; if both came together, then they who did not repair the works or quietly enjoy the water last year, shall be considered the aggressors; when both are in this predicament, both parties are evidently the aggressors. That there may be no doubt who did repair the works, the accounts of them, certified by the police officer, when he is not concerned, should be deposited in the Kauzy's office, under his seal and signature, to be called for as required. It is to be observed, that there is a certain point of honour in these affairs, and that the parties are confident their adversaries are alone culpable, when any of the side of those who come to complain have been killed or wounded. It is impossible to discriminate; they all go to fight, and are all, in the eye of reason, equally culpable. In many of these disputes it is impossible to say who ought to be prosecutors or prisoners, and I have sometimes found it necessary to disregard their accounts entirely, and to hear witnesses only; but the witnesses are frequently objected to, as being concerned in the dispute. To determine who are the zemindars agents, it is, in my opinion, absolutely necessary to direct that all their sunnuds shall be registered in the office of some of the public authorities, to which ryots may have recourse, without trouble, to satisfy themselves to whom they are to pay; and all payments made to any but such registered agents, should be deemed no payments at all. The zemindars too should be enjoined to take counterpart engagements from those whom they employ, to be registered in the same manner; and if copies of the sunnuds were published and fixed up at some place in the village, where the appointments are made, it would tend further to remove all doubt. That the ryots alone may not suffer, it would be well if the receivers of rents, without sunnuds, were to be subject to double repayment, with costs, whenever the ryots may prosecute them in the Civil Courts.

I have thus offered my sentiments on many important points, sensible of my complete inability to do justice to the subjects on which I have touched, but thoroughly convinced that some similar regimen is extremely wanted for the improvement of the country, for the happiness, and even safety of the people.

Zilla Behar,
15th November 1801.

(Signed) A. Tufston, Mag^{te}.

(A true copy.)
A. Tufston, Mag^{te}.

No. 1,

Answers by the
JUDGES.

Patna Division.

Zillah Shahabad,
11 December 1801.

To N. B. EDMONSTONE, Esq. Secretary, &c. &c.

SIR,

IN obedience to the orders of the Honourable the Vice. President in Council, I beg leave to submit to his Excellency the Most Noble the Governor General, Copy of specific Answers to the several Questions transmitted in your Letter of the 20th of October last.

Zillah Shahabad,
11th December 1801.

I am, Sir,
Your most obedient servant,
Geo. Webb,
Acting Judge and Magistrate.

1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

Depending before the Judge	-	-	-	-	-	242
Depending before the Register	-	-	-	-	-	177
Depending before the native Commissioners	-	-	-	-	-	387
Total						806

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793 to the present period?

The causes now depending before the three tribunals, bear an equal proportion to the number usually depending during the several years commencing with 1793.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

Decided by the Judge, 103; decided by the Register, 104; decided by the native Commissioners, 11.

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

I do not suppose that any causes must necessarily be depending before the Courts. The reason that any are depending is; First, That appeals are admitted without reason assigned; Secondly, That the time of the Judge is chiefly occupied in the executive duty of the Register, and in the office of Magistrate; the time of the Register, in the executive duties of his own Court, and in the office of assistant to the Magistrate; and the Commissioners are men who have to support themselves, and have no adequate inducement to exert themselves in judicial duties. Thirdly, As the duties of Magistrate are at present executed, he is a Judge rather than a Magistrate.

5.—Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges may think proper?

I am prepared to suggest rules, which, consistently with the due administration of the laws, would expedite the decision of suits.

I am of opinion that neglecting to commit the depositions of witnesses to writing, would not promote the decision of suits, but would make them extremely intricate.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding rupees 200; what is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners, and of the Registers should be extended; and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

I am of opinion that it would be advisable to extend the jurisdiction of the native Commissioners; they should be munsiffs, and take cognizance of all suits under 200 rupees, being allowed the fees now received by the Register for their trouble, which would draw men into the service of the Government of much higher rank and better education than will now accept the office.

I am of opinion that the judicial duties of the Register should be entirely done away. By the above arrangement, I am of opinion that no causes would be in arrear.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these

these several charges attending the institution of lawsuits to be too considerable, or otherwise?

Litigation has not been checked. These charges are too considerable on causes under 500 rupees.

8.—Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake these situations? Are the vakeels attached to your Court persons of the above-mentioned description; and are they in general well acquainted with the printed Regulations?

The fees paid to licensed vakeels, are sufficient to induce men of proper qualifications to undertake these situations, as far as emolument is the object, but the situation itself is not sufficiently respectable; it might be made so with considerable advantage.

The vakeels attached to this Court, are not persons of the above description; and are not in general well acquainted with the printed Regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of licensed vakeels has not contributed to expedite the decision of suits, by bringing more speedily and accurately before the Courts the merits of the suits instituted, in my opinion much the contrary.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

I have never had any complaint against them.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The principal inhabitants of this district are as well acquainted with the Mahomedan law, as individuals can be supposed to be informed of the laws of the country. The Shaster is scarcely known.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am prepared to state such alterations in the forms established, as will much expedite the decision of suits, without endangering the administration of the laws.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

I have no such places in my Court-room; no forms or ceremonies are observed in opening the Court or sitting in it.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

There are none.

15.—What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

I have a very bad opinion of the moral character of the inhabitants of this district, their moral character does not appear to have been affected by the system established by the British Government.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

In my opinion they do.

17.—Are you of opinion that the district under your jurisdiction, is in a state of improvement, or otherwise, with respect to its population, cultivation, and commerce, and its buildings or other works, for religious, domestic or other purposes; and on what grounds do you form your opinion?

The district is in a state of improvement, in every particular. I found my opinion on experience; I have no particular facts, the improvement is too notorious to require them.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

Undoubtedly.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

By no means.

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Answers by the
JUDGES.

Patna Division.

Zillah Shahabad,
21 December 1801.

20.—Are the police establishments, in the district subject to your jurisdiction, adequate to the duties required of them?

They are not.

21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

They have not increased, I think they are diminished; because property is in general better secured.

22.—What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

Murder and housebreaking are the crimes of enormity most prevalent in this district: the cause of the prevalence of murder is principally the delay of justice in the Dewanny Courts, occasioned by a loose undefined form of proceeding, and the power of appealing, in all cases, from the decision of the Judge.

The remedy is a clear, concise form, and making the decisions of the Judges, in boundary disputes, final. Housebreaking is an hereditary profession; the trade of a receiver of stolen goods, is carried on with as much regularity as any mercantile transaction, and with little danger of detection, because the police is exceedingly bad; the remedy is, a fund in the hands of the magistrate to reward dangerous service, or good information, at his own discretion.

23.—Do the inhabitants in general of the district subject to your jurisdiction, keep arms in their houses? What descriptions of arms do they retain, and for what purposes are the arms retained?

The inhabitants, in general, keep arms in their houses; matchlocks, spears and tulwars. They are kept for use in boundary disputes, and for personal protection in travelling.

24.—Are there any brick or mud forts in your district? In what state are the forts, and what is the nature of their construction?

There are no brick or mud forts in this district.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

I estimate the proportion of the Hindoo inhabitants, at ninety-eight in the hundred, and the number of inhabitants of all descriptions, at one million and a half.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers?

Rajah Bickermajeet Sing is the only man of rank, and I believe he is opulent, though the natives are of a different opinion. He has no armed followers, except a few for parade, probably about 100.

27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

There are none.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were the Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

I am decidedly of opinion, that it would greatly contribute to strengthen the attachment of the natives to the British Government in India, were the Government to declare itself to be the sole source of honour, and to confer titles, and other marks of distinction, on its native subjects. The neglect of this is the principal cause of the complaint of men of condition, that the lower ranks of society are grown insolent and troublesome; and that they are daily losing the respect which they consider as their right.

29.—What is the state of the roads, bridges and other public works, in the district under your authority, and at whose expense are they kept in repair?

The roads and bridges are in excellent order, and are kept in repair by the Collector. The expense is defrayed by a rate of 1 per cent. on the sudder jumma, fixed by Mr. Augustus Brooke at the decennial settlement.

30.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

The convicts are usually employed in digging. I know no manner of employing them which would be preferable.

31.—What is the state of the jail in your zillah?

The state of the jail is excessively bad. I may almost say, we have none.

32.—What

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as Justices of the Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

I am of opinion, that the measure proposed is undoubtedly inexpedient; far from facilitating the apprehension of offenders, and the suppression of crimes, the authority which must be given to the zemindars would give security to purchased concealment, increase the number of crimes, and be productive of the greatest confusion. The moral character of the natives of this description, is, to my understanding, an insuperable objection to such a measure; and no law can be good, which is to be administered under clauses of restriction, enforced by pains and penalties.

33.—Are there any rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

Crimes in this country are wonderfully few, compared to the number of inhabitants, and the mass of wealth. The few which do prevail would be easily prevented by a well planned system of police, carried into execution by officers possessing the confidence of Government.

34.—What has been the operation of the last regulation, respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, has rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

The regulations respecting the tax on spirituous liquors, have not operated to the suppression or increase of the vice of drunkenness.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

No measures occur to me. Government can only regulate the moral character of its native subjects, by using the advantage it has in the political establishment of castes, by supporting with its authority the privileges of each, till time shall have enabled it to regulate the higher orders, and use them as agents to instil principles of good faith and honesty into the mass of the people.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

In my opinion it has had no effect, nor is likely to have. Perjury is now so common, that it is no longer disgraceful. Transportation is the only effective remedy.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

The operation of this punishment has been admirable. If pursued and extended, the punishment of death might be struck off entirely.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

The Mahomedan criminal law, with the alterations made by the British Government, has been certainly well administered; it is neither too lenient, nor too severe. The operation of the spirit in which the criminal law is, in my opinion, administered, has been to suppress crimes.

39.—What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

The conduct of the Europeans, not in the service of the Company, who reside in this district, has been very correct.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for ensuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

The general condition of the weavers and other manufacturers, is thriving. The laws and regulations are well adapted to their purposes.

Zillah Shahabad,
the 11th December 1801.

(L.S.) *George Webb,*
Acting Judge and Magistrate.

No. 1.

Answers by the
JUDGES.

Patna Division.

Zillah Ramghar,
21 December 1801.

To N. B. EDMONSTONE, Esq. Secretary to Government.

SIR,

IN conformity to the directions contained in Mr. Secretary Dowdeswell's circular letter, under date the 5th instant, I have the honour to enclose you my specific Replies to the Interrogatories that accompanied your letter, some under date the 20th October last, for the information of his Excellency the Most Noble the Governor General, which I had the honour to submit to the Honourable the Vice President in Council, on the 11th of last month.

I have the honour to be, Sir,

Your most obedient and humble servant,

Zillah Ramghar,
December the 21st 1801.W. T. Smith,
Judge & Mag^{te}.

1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

Answer.—The number of causes depending before me, before the Register, and native Commissioners, are as follows: before the Judge, 27; before the Register, 49; before the native Commissioners, 339.

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793 to the present period?

The causes depending in this Court, commencing from the year 1793, and including those cognizable both by the Judge and Register, exceed in number the causes instituted in the intermediate years up to the present period, in the proportion of 9 to 1, a difference that will not, I conceive, create much surprise, when it is understood that in October 1799 the pergunnahs Baughmundy, Bagungadah, Bulleapore, Cutrass, Hishah, Jelda, Jereah, Japoor, Mucumpoor, Nowaghur, Chuclah, Pacheate, Patcoom, Toorany and Toonder, were separated from their jurisdiction, and annexed to the jurisdiction of Beerbhoom.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

The number of causes decided by me, by the Register, and by the native Commissioners, in the past year, were as follows: by the Judge, 27; by the Register, 78; by the native Commissioners, 2,037. I beg leave to observe, I only took charge of my office on the 5th of January last.

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

In consequence of the late annexation of six pergunnahs from the district of Behar to this jurisdiction, I should suppose that the necessary causes depending before this Court will amount as follows: before the Judge, 150; before the Register, 400; before the native Commissioners, 3,500. The delay in the decision of causes in this jurisdiction I imagine to be principally occasioned from the difficulty of obtaining the necessary witnesses, occasioned by the mountainous and unfavourable nature of the country.

5.—Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

In reply to this question, I beg leave to mention a circumstance that certainly tends, in my opinion, to retard the decision of suits. Much of the time of the Court is taken up in summoning the witnesses of the plaintiff; and it is not unfrequently found that the assertion of the plaintiff, with respect to the place of residence of his witnesses, is unfounded, and invented to gain time and protract the investigation of the suit. Much of the Judge's time is wasted by this means, and the defendant is taken from the occupation of his profession or business, and put to a very heavy and unnecessary expense. I certainly think that the delay and inconvenience attending this practice might be obviated, by not allowing the plaintiff to have recourse to the name of a second place, after failing in obtaining his witnesses from the place mentioned by him in the first instance, unless he can afford very satisfactory proof to the Court of such witnesses having removed from the place first mentioned by him, either from sickness, or otherwise. I do not conceive that any good could arise from not committing the depositions of witnesses to writing, but rather think it would create some confusion in the investigation of suits.

5.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding R^o 200? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

On the first of this month, I received intimation from the Court of Appeal for the division of Patna, of the annexation of six pergunnahs in the Behar district to this jurisdiction, and, if I may credit the general report of the country (for I have not received charge from the Judge of Behar of these six pergunnahs) there are very heavy arrears of causes undecided in these pergunnahs, of many years standing. To obviate the evil tendency of an heavy institution of new suits, ere a proper attention and investigation can be bestowed on the old, which must, I conceive, constantly keep up arrears of causes undecided, and to carry into effect the remedy for which the above-mentioned annexation of jurisdiction was, I conceive, proposed, it is certainly my opinion that it would be more for the interest and happiness of the inhabitants in general, as also greatly expedite the decision of suits, by extending the jurisdiction of the Register and native Commissioners, even to the authority of deciding causes to double the amount they do at present; but which extension of judicial authority may be considered as temporary, until the heavy arrears of causes undecided in the six pergunnahs aforementioned are entirely cleared.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits to be too considerable or otherwise?

I can without hesitation say that litigation has been considerably checked by the establishment of the fees paid to the vakeels, by the fees paid on exhibits in the Court of Judicature, and of the stamp duties. I do not consider the charges attending the institution of lawsuits to be too considerable.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court persons of the above-mentioned description; and are they, in general, well acquainted with the printed Regulations?

I conceive the fees paid to the licensed vakeels, on suits instituted or defended by them, to constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations. The most of the vakeels of this Court are persons of the above-mentioned description, and are in general acquainted with the printed Regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

I have every reason to believe that the establishment of licensed vakeels contributes to expedite the decision of suits.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity.

I am of opinion that the vakeels in general do discharge their duty to their clients with fidelity.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

Such is the uncivilized state of this district, that the natives cannot be expected to be so conversant in the laws of their country as individuals are generally supposed to be, in other parts of the Honourable Company's territories.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am not prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of suits.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

The house at Chittia, now occupied by me, has lately been appropriated by Government to a public Cutcherry. I hold my Court in a large upper room, in which there is a bench for the Judge, and proper departments for the respective officers attached to the Court, as well as for the parties. I adhere to those forms and ceremonies, on opening my Court, as are laid down for my guidance by the regulations of Government.

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14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

There are no private schools or seminaries in this district, of a nature calculated to teach the Mahomedan and Hindoo laws. The education of the youth in this district does not extend beyond that of learning to read and accounts.

15.—What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

Little morality of character can be expected from a people inhabiting so wild and uncivilized a country as this; but I have every reason to hope, that it may yet be improved by the system established by the British Government for the administration of the laws.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

Some of the inhabitants of this jurisdiction, who have enjoyed the benefits of a common education, may probably consider their private rights and property sufficiently secured by the present constitution of the country, against infringement; but I am sorry to say, that by far the greatest number of the inhabitants of this jurisdiction are lost, by unlettered ignorance, to the comprehension of the political constitution of any country.

17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings, or other works, for religious, domestic, or other purposes; and on what grounds do you form your opinion?

I cannot say, that I think the population of this jurisdiction is in a state of increase, if I may be allowed to draw this conclusion from the general complexion of the country, which does not exhibit any increase in its number of villages. The commerce of this district is very trifling, and merely confined to such exchanges of commodities as are required for immediate domestic consumption. The principal article of trade of any consequence exported from this district is iron; and which, if there were any navigable rivers in this district, might, I presume, be turned to an inestimable advantage by Government.

The cultivation of this district is evidently in a state of improvement; and I have lately observed the introduction of grain, particularly barley, not known before to the inhabitants of the hills. Of buildings there are very few in this district, and none for the purposes of religion.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction are in general satisfied with the British Government?

So far as the inhabitants of this jurisdiction are capable of understanding the system of the British Government in India, I believe them to be in general satisfied with it.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

The establishment of police in this district differs in its system from that introduced in other parts of the Honourable Company's territories, excepting the police district of Midnapore. As the natural state of the country, and peculiar habits and dispositions of the inhabitants, were consulted in framing it, I should not think it advisable to make any alteration in the system; but I think one or two amendments might be proposed, to render it more effective than it is at present. I presume it is already known to the Most Noble the Governor General in Council, that the police in this jurisdiction is maintained by the zemindars and ghautwars, who have been invariably considered accountable for the preservation of the peace and good order of their separate mehals, as well as responsible for all thefts and robberies committed within their respective zemindarries. The ghautwars and digwars are a description of people entertained by the several zemindars as police officers; but they look upon themselves as under the entire dominion of their respective masters, without paying that due consideration and respect to the Magistrate, which, of itself, has not only a bad tendency, but often impedes the channel of information, and leaves it in the power of the zemindars to conceal many offences committed, from motives of private interest, partiality, or ill bestowed attachment. To obviate this defect, or what appears defective to me, I most humbly presume to suggest to his Excellency the Most Noble the Governor General in Council, the enforcement of the accompanying rule. It was framed by the Magistrate of Midnapore, in an arrangement proposed by that gentleman for the more efficient police in his jurisdiction, on the 9th of April 1800, and is as follows:

That the pikes, and all persons employed as police officers, shall be subject to the orders of the Magistrate, punishable by him for misconduct, either by removing them from office, depriving them of their lands or otherwise, according to the nature of the offence.

There has never been any police established in pergunnah Palamow; and the natives having lately shewn themselves much disaffected to the interest of the Rajah of that pergunnah, I beg leave to suggest to the Most Noble the Governor General in Council, the expediency of empowering me to direct the Rajah of that pergunnah to establish a police for

for the peace and preservation of his country, upon a plan similar to that observed by the rest of the zemindars in this jurisdiction.

20.—Are the police establishments in the district subject to your jurisdiction adequate to the duties required of them?

If the general tranquillity of this district is expected to be maintained by the police establishment, I do not hesitate in saying it is not adequate to the duties required of it; nor do I believe the establishment of any police could possibly be; for such is the refractory disposition of the natives, and the frequent and large assemblage of banditti, that the military operations of troops are frequently found insufficient to the apprehension or dispersion of them, from the facility with which they can always retire to the mountains inaccessible to troops, from their ignorance of the bye-path ways and ghauts; besides, the insalubrity of the season renders the active operation of troops impracticable, but in particular periods of the year.

21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

I am of opinion that crimes, particularly murder, have increased in this jurisdiction since the year 1793, and may, in some measure, be ascribed to the devastations committed within these two or three last years by Amerit Sing, Gopaul Mange, and Droop Sing, three refractory jagheerdars in this district. The former is now in the Fouzdarry jail of this zillah, sentenced to 12 years imprisonment; the second was transported on the 17th of March last and the third has not yet been apprehended.

22.—What crimes of enormity are most prevalent in the district under your authority? What is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

Theft is common in this jurisdiction, but murder more prevalent amongst a class of people whose unhappy predicament must frequently call forth the pity and humane consideration of Government. These men are composed of slaves in possession of various descriptions of people, inhabiting the mountainous and almost inaccessible interior of this jurisdiction, and possessing dispositions more savage and ferocious than the miserable slaves they command. On instances of petty disputes, which so frequently occur in the interior of the hills, these slaves are employed by their masters as the perpetrators of every atrocious enormity, and are particularly made use of for the purposes of assassination. Any resistance shown by the slave, or delay in complying with his master's orders, is attended with immediate death, as would any failure in the execution of the orders he receives, and the unhappy wretch is driven to the sad alternative of either shedding the innocent blood of a fellow creature, or of being murdered himself. If the slave refuses to comply with his master's orders, he is murdered; if he fails in the execution of his master's orders, he is murdered; and if he succeeds in executing his master's orders, and he is apprehended by the officers of justice, his life is legally forfeited to Government, and he is sentenced and hung as a murderer. It will naturally be required of me to explain why the original instigators of murders committed in this shocking manner are not seized and brought to immediate punishment; it is true they sometimes are, but it is not unfrequently found incompatible with the general peace and tranquillity of the country, even to attempt to seize a principal offender labouring under the above-mentioned implication. The whole of the peons of this Court are not adequate to the seizure of any single zemindar possessing the least property or interest in the country; he assembles his followers, and treats both the mission of the peons and the orders of the Court with equal disrespect and contempt. If, on the other hand, I have recourse to military force, the offender soon gains knowledge of the intention of their approach, and retires with his family and followers to the impunctable jungles. The natives, not capable of deciding right from wrong, take up arms in his defence; the country is thrown into a state of rebellion, and the innocent suffer for the guilty; and the troops, after using every intellectual exertion to execute the orders of the Magistrate, return to their station harassed, wasted, and worn out by sickness. I beg leave to instance a very recent proof of the shocking practice above cited. A criminal, named Nehall, was committed by me on the 10th of January last, who acknowledged having committed the murder with which he stood accused, at the instigation of his master, Urgin Sing Tackoor. He readily made this confession to me with a smile of self-approbation, impressed, as I suppose, with the idea of having done his duty. His trial came on before the Court of Circuit for the division of Patna, in the month of April last, and is postponed until the ensuing Sessions. I have received the most urgent directions from that Court, to use every means in my power to apprehend Urgin Sing Tackoor, and I have twice issued perwannahs from this Court for that purpose, without any effect; and I am confident of the impracticability of seizing this offender, without adopting such violent measures as would throw the country into a state of bloodshed and confusion. Urgin Sing Tackoor is a jagheerdar possessing considerable land and property in pergunnah Burrinda.

Though I do not conceive it would be possible for Government entirely to check the prevalence of so horrid a practice, I am nevertheless of an opinion, that it might be in a great measure prevented, by appointing men of respectable characters to reside in the respective pergunnahs where these enormities principally prevail, in the capacity of police darogas, and to empower them with the entire management of the police officers maintained by the different zemindars and jagheerdars, and to be considered as officers solely acting on the

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part of Government. By this means I might obtain the earliest information of crimes committed, and, by a well regulated correspondence with the darogah, be able to seize an offender before the inhabitants could gain knowledge of my intentions. This plan would also, in my opinion, tend to the general establishment of the peace of the district, and enable the Magistrate to conduct the duties of his office with much greater effect. Should his Excellency the Most Noble the Governor-General in Council be pleased to authorize me to adopt this arrangement, the expense to Government would be very trifling, compared, in my humble opinion, to the great good that would result from it to the country in general.

I ascribe all the crimes, devastations, and disturbances, which have so long agitated this country, for which this district has been so long and so eminently famous, or rather infamous, and which annually occasions Government the loss of some of their finest troops, from the insalubrity of the climate, to the want of respectable men, resident on the part of Government in the interior of the jurisdiction, on whose information the Magistrate can depend, and on whom he can rely for the execution of his orders.

An objection, however, arises to the accomplishment of this plan, but which I hope, if I am permitted to try it, may not be found insurmountable: the difficulty of obtaining respectable men to accept offices of the above nature, for they must be sought for from amongst the inhabitants below the Ghauts, who have unfortunately an unconquerable aversion to the hills, from the generally received opinion of the insalubrity of the climate, as well as from their dislike to the barbarous habits and customs of the natives. To select natives from the hills for the above-mentioned offices, would, I conceive, only aggravate the evil for which I have proposed this plan, as a remedy from that congenial spirit of barbarism subsisting amongst the natives, almost without a single exception, as well as from their propensity to intrigue, corruption, falsehood and dishonesty.

23.—Do the inhabitants in general of the district subject to your jurisdiction keep arms in their houses; what description of arms do they retain, and for what purposes are the arms retained?

Most of the inhabitants in this district, that can afford it, keep arms in their houses, such as spears, swords, bows and arrows, and a weapon called bulluh, which answers in description to the ancient battle-axe of Great Britain. The natives retain these weapons in their houses for the security of their lives against decoits, and the not less ferocious animals of the woods and mountains; such as tigers, wolves, bears, wyms, &c. &c. of which there are a great abundance in this district.

24.—Are there any brick or mud forts in your district; in what state are the forts, and what is the nature of their construction?

There are eight or nine forts in this district, of the following description:—One fort, built of stone, in pergunnah Palamore, the property of Rajah Churamun Rai, but not in repair; one strong stone fort, in pergunnah Bulhaghur, the property of Takoor Derhaut Sahi; one strong brick fort, in pergunnah Candel, the property of Judgerage Sing Jagheerdar; one fort of brick and one of mud, both being much out of repair, the property of Rajah Moneynaut Sing, in pergunnah Ramghur; one fort, built of brick and mud, in pergunnah Nagpore.

It is my opinion, that the total destruction of these old forts would be of service to the country, without putting the proprietors to any inconvenience, as they are mostly uninhabited, and only serve for the reception of banditti, and afford occasional protection to the refractory zemindars, whenever they resist the orders of Government.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

The proportion of Hindoos to the Mahomedans is very considerable in this district; in-somuch, that, by my calculation, there are 30 Hindoos to one Mahomedan. I suppose the number of inhabitants in this district to amount to about 500,000 souls.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction; what number of followers armed, or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

Rajah Deonaut Sahi, inhabitant and proprietor of the pergunnah of Nagpore, possesses the greatest opulence and highest rank in this district. The right of the independent power, assumed by this Rajah, has never been finally determined upon by Government; he is regarded, however, by the natives as a tributary; and consequently has a right to possess the independent administration of justice within the limits of his own territory. Complaints are however frequently made by the inhabitants of Nagpore to this Court, but it is found difficult to afford the complainants any redress, from the power the Rajah possesses; he maintains about 200 armed men about his person, and could, I suppose, in cases of emergency, be able to collect a body of men to the amount of two or three thousand.

Rajah Moneynaut Sing, of Ramghur, and Rajah Churamun Roy, of pergunnah Palamore, are the next opulent persons in this district; they entertain about 100 men each about their persons.

Tackoor Dergenout Sahi, and Duran Sahu, inhabitants of Burakaghur, in pergunnah Nagpore, and Rajah Drigbeja Sahie, inhabitant of pergunnah Toree in pergunnah Nagpore, maintain about 100 men each about their persons, and they are three of the most refractory and disaffected zemindars in this jurisdiction.

27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government; what are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

The three zemindars already specified in my reply to the Question 26, I conceive to be the most disaffected and refractory persons in this district; they not only invariably resist the orders of the Court, but frequently maltreat the peons deputed into their country on offices of justice; and as they are jagheerdars, subject to the independent territory of Nagpore, I cannot adopt such measures as are likely to afford the least prospect of impressing them with a proper sense of the duty and respect they owe to the British Government.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

The uncivilized nature of the principal inhabitants of this jurisdiction is such, that I am apprehensive it would be impossible to impress them either with a sense of favour or dignity, by conferring on them titles of distinction.

29.—What is the state of the roads, bridges, and other public works, in the district under your authority; and at whose expense are they kept in repair?

There are two roads in this district, the great military road extending through this jurisdiction, from Assun Soor to Barroon on the banks of the river Soan, 246 miles; it hath hitherto been kept in repair at the expense of Government, but has not yet undergone its annual reparations, and is in a bad state. The other public road runs from Shergattee and joins the great military road at Konnah Chitty; it is kept in repair at the expense of Government by the Collector of Behar, but has not yet undergone its annual reparations, and is consequently in bad condition. There are bridges in the great military road, to the amount I suppose of thirty or forty, all of them out of repair, and the most of them entirely swept away by the late heavy inundations.

30.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

It has never been considered safe to work the convicts in this jurisdiction, beyond the precincts of the town of Chittra, in consequence of the thick and impenetrable jungles that surround it. The convicts are generally employed in clearing the town of filth, and such other trifling occupations on which they can be employed with safety.

31.—What is the state of the jail in your zillah?

The jail of this zillah has lately been enlarged by permission of Government. I perceive, however, that the late heavy rains have very much weakened and destroyed the southern wall. I have had it secured for the present, but intend shortly doing myself the honour of addressing his Excellency the Most Noble the Governor General in Council on the expediency of having it rebuilt.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as Justices of the Police? Do you think that such a measure would contribute to the suppression of crimes, and facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons, would you confine it to the estates or farms of the persons to whom the commissions might be granted?

Two great objections may naturally suggest themselves with respect to the propriety of delegating such a power in the hands of the natives of this jurisdiction. The first and most essential one is, their extreme ignorance, which might not leave them capacity sufficient to comprehend the honour and extent of the power conferred on them. The next is, their cruel and barbarous nature, which might operate in inducing them to abuse an authority of this nature, to the misery and oppression of the people. I conceive that the power of any law, though eminently calculated to support the tranquillity, privileges, and happiness of a people, in the hands of a person that does not know how to use it, is, if I may be allowed the simile, like the lancet in the hands of an unskilful surgeon, who kills more than he cures; and I am really apprehensive, that the natives of this jurisdiction would subvert the intention of such commission, and turn it into a general evil instead of a general good. In the six pergunnahs to the westward, lately annexed to this jurisdiction, I understand there are three or four zemindars very capable of doing credit to commissions of this tendency; but these pergunnahs have been so recently annexed to this district, that my local knowledge cannot be supposed to extend to any accurate idea of their internal constitution, sufficiently so as to enable me to include them in the general information required by these questions.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

I cannot recommend any new rules or regulations calculated for the suppression of crimes in this district, in addition to those already suggested in my reply to Question 22.

34.—What has been the operation of the last regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered

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the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

I have not a doubt but that the operation of the last regulation respecting the tax on spirituous liquors, has, in a great measure, prevented the vice of drunkenness, and that vice is less prevalent than it was before this tax was levied.

I am, however, of an opinion, that the full enforcement of this tax, so far as it immediately relates to this district, operates as a hardship on the poorer sort of natives. The fruit of the mouhur tree, which grows spontaneously, and in great abundance all over this district, and which providential nature appears to have reared amidst the most rocky and barren parts of the mountains as some kind of recompence for the general sterility of the soil, the fruit of which not only yields a kind of substitute for grain, of which this district produces very little, and of which little the poorer sort of inhabitants have not the means of partaking; but when pulverized it keeps fresh the whole of the season, and answers as a preservative against scarcity, and the failure of the crops. It is true, that when considered merely as an article of food, it is not liable to the tax; but the natives principally use it by infusing it into a kind of tea, which affords a nourishing and healthy beverage, but by doing which they are liable to the penalty attached to the unlicensed manufacturers of spirituous liquors. The hardship with which this circumstance operates on the poorer sort of inhabitants of this district, I have witnessed in many instances; for the penalty annexed to any quantity of this fruit found boiling in the house of a native for his domestic use (and which excuse they all invariably alledge) is so disproportionate to their means, that out of twenty men committed by me as unlicensed manufacturers of spirituous liquors within these three months, in conformity to the rules laid down by the Regulation, only six have been able to pay the penalty.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants?

As yet time has made no visible progress in the improvement of the moral character of the natives of this district, though it has been under the authority of the Honourable Company one-and-thirty years. It is, however, impossible to say, what time may do, when a regular perseverance is pursued by Government in attempting to make men sensible of their errors and defects; but I trust it will be admitted, that it must require a long period to impress a people with the sentiments of morality, who are yet obscured in the dark abyss of barbarism, prejudice, and ignorance.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

Perjury is hardly considered a crime in this district, and the only utility attending the practice of marking a person on the forehead so sentenced, is, the future knowledge it affords the Judge and Magistrate of the criminal.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

The operation of the punishment of transportation has, I conceive, the best effect in this district, for the natives are so much attached to their country, that they hold the sentence of transportation in greater terror than death itself.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the spirit in which the criminal law is, in your opinion, administered?

I am not of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered either with too much lenity or severity; and I believe the natives in general to be satisfied with the spirit in which the criminal law is administered.

39.—What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

There are no Europeans of this description residing in this jurisdiction.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchant, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods.

There are no weavers or other manufacturers residing in this jurisdiction.

(A true Copy.)
(Signed)

W^m T. Smith,

Judge and Mag^{te}.

Zillah Ramghar.

Dated the
11th of Nov. 1801.

To N. B. EDMONSTONE, Esq.

Secretary to Government in the Secret, Political, and Foreign Department.

SIR,

I HAVE the honour to acknowledge the receipt of your Letter of the 20th of last October, enclosing a paper of Questions. My replies to which, in obedience to the orders contained in your letter, have been forwarded to the Honourable the Vice President in Council; and in conformity to subsequent orders received from the Honourable the Vice President in Council, under date the 3d instant, I have now the pleasure to forward copies of my Replies to the Questions above quoted, which I request you will lay before his Excellency the Most Noble the Governor General.

I have the honour to be, Sir,

Your most obedient humble servant,

Geo. Matthews.

Judge & Mag.

Tirhoot,
22d Dec. 1801.

No. 1.

Answers by the
JUDGES.

Patna Division.

Zillah Tirhoot,
22 December 1801.

REPLIES from the Judge and Magistrate of Zillah Tirhoot to Interrogatories transmitted by Mr. Secretary Edmonstone, the 20th of last October, by order of his Excellency the Most Noble the Governor General, regarding the internal state of the country.

1.—What is the number of causes now depending before you, your Register, and before the native Commissioners?

The number of causes now depending before the Judge - - - - amount to - 1,910
 Register - - - - - 396
 Native Commissioners - - - 3,253
 Total - - - 5,559

2.—What proportion do the number of causes now depending before the three tribunals of the Judge, the Register, and native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793 to the present period.

The number of causes depending before the three tribunals was,

At the end of	Before the Judge.	Before the Register	Native Commissioners	TOTAL.
1793 - - -	837	855	} No Commissioners appointed in these years. {	1,692
1794 - - -	1,155	1,096		2,251
1795 - - -	481	1,061	408	2,040
1796 - - -	655	983	1,269	2,907
1797 - - -	986	1,416	6,400	8,802
1798 - - -	1,161	495	2,225	3,881
1799 - - -	1,334	408	2,245	3,987
1800 - - -	1,534	354	4,249	6,137
1801 - - -	1,910	396	3,253	5,559
	10,053	7,064	20,139	37,256
The average for which, for the nine preceding years is - - - }	1,117	784	2,237	4,139

And which would appear to be the proportion required in this question.

3.—What number of causes was decided by you in the past year, by your Register, and by your native Commissioners?

The number of causes decided in the past year was, by the Judge - - - - 373
 Register - - - - 294
 Commissioners - - - 17,418
 Total - - - 18,095

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

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The number of causes which I should suppose must necessarily be depending before the three tribunals, I should state that the average of causes depending since 1793. But it would appear from the number of causes now depending, as stated in my answer to the 1st Question, that it exceeds that number, and which is owing to the increased number of suits filed within these last three years; and the cause of this increase is easily accounted for, particularly in suits depending before the Judge and Register. The generality of the suits in this district are for real property. There is scarcely an estate in this district which is not a joint undivided one, belonging to many sharers. At the formation of the decennial settlement it would appear, that the then Collector, instead of taking engagements under the signatures of the whole of the proprietors, and making over the management of the estate to one of the proprietors as "Serberaker," as ordered in the 23d section of Regulation 8, 1793, took an engagement from the proprietor, who had been in the habit of managing the estate, and was termed the "Sudder Puttydar." In some instances, after his signature were added the words "and others," but no names specified. The Sudder Puttydar, or person in management of the estate, allowed his sharers some small part of the profits, and perhaps allowed them to reap the sole benefit of the lands they themselves cultivated. And this for a time they were contented with; but since Government have declared the decennial settlement permanent, and the profits in the estates have consequently increased very considerably, the different sharers have naturally wished to enjoy their full right and due; but as brotherly love or attachment form no part of the character of the natives of this country, the person in charge not only cheats the joint proprietors out of their just shares, but frequently denies their right to any part of the estate. He is aware, that by being in possession he cannot be ousted till a regular suit is filed against him in the Civil Court; and on a joint proprietor's requiring his share to be divided off, they now fail to avail themselves of the fifth section of Regulation 25, 1793; and this has been the chief cause for the increase that has taken place in the number of civil suits for these three or four years. A number of suits have also of late been instituted on account of disputed boundaries, which have also increased very considerably since the proclamation of Government respecting the permanency of this decennial settlement. This district is very extensive, and the waste land immense; and as they have not been in a state of cultivation for a great lapse of years, the boundaries of the different estates, particularly to the north and north-east, in Sircar Tirhoot, are not known; and as the zemindars are bringing into cultivation every foot of land they can find ryots for, the disputes in consequence are not only very frequent, but attended with very serious consequences. These disputes are certainly much to be lamented, particularly when they are attended with any serious consequences; but it must be a pleasing reflection to Government to observe, how much the value of landed property, and indeed property of all kinds, has been enhanced by the wise and humane laws which have been enacted by them for the internal administration of the country.

These disputes will of course be nearly settled in four or five years; and, as I have observed before, that the generality of civil causes in this district are for real property, the Judge and Register will be then enabled to decide all suits that are filed in the course of the year, and prevent any accumulation on the file. The causes decided by the Commissioners are almost invariably for revenue; but as the ryots will in time find it to their interest and advantage to pay up their kists regularly, instead of subjecting themselves to additional costs and trouble, the duties at present performed by the Commissioners, will, I imagine, in time be greatly, if not entirely done away.

5.—Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits; are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

I am of opinion that there are many objections to not committing to writing the depositions of witnesses, but as the parties in suits are in the habit of bringing forward a number of unnecessary witnesses, I think the decision of causes might be greatly expedited by allowing of the depositions of only four witnesses in causes relating to real property, and of two in causes relating to personal property, to be written on plain paper; and that the depositions of all other witnesses which the parties might be desirous of adducing, be written on stamp paper, according to the value of the suit.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding R^s 200. What is the amount you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should extend to; to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

I beg leave to recommend that the Judge be authorized to refer to his Register all suits for real or personal property, not exceeding in value, 500 rupees; that an appeal lie, as at present, from all decisions passed by the Register to the Judge, whose decision shall be final in all suits for personal property; that in suits for real property, the decision passed by the Judge be also final, if it confirms the decree passed by the Register; but in the event of the Register's decree being reversed by the Judge, that an appeal do lie to the Provincial Court. With respect to the native Commissioners, I am not of opinion that it would be advisable to extend their jurisdiction to suits exceeding 50 rupees, but I think the administration

stration of justice in the district would be expedited by appointing two Munsiffs, who should hold their Court in a room attached to the Court-house, and that suits for personal property, not exceeding 200 rupees, should be referred to them, and that an appeal should lie from their decisions to the Judge, whose decrees shall be final. The Munsiffs either to receive a salary not exceeding 100 rupees per mensem, or be allowed to draw fees to the same amount as the Registers are at present authorized to take. In the event of their receiving a salary, I would recommend the fees to be levied, but brought to the credit of Government.

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7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law suits to be too considerable, or otherwise?

Litigation has undoubtedly been greatly checked by the institution of fees and stamp duties, and I by no means consider the charges attending the institution of law suits, to be too considerable, though at the same time I do not think it necessary to increase them.

8.—Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court persons of the abovementioned description; and are they in general well acquainted with the printed Regulations?

From the number of applications I have had from men of good character to get them appointed vakeels of the Court, I am of opinion that the fees receivable by them is considered as a sufficient inducement for them to undertake those situations. The vakeels at present attached to the Court are men of good character, and are in general well acquainted with the Regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

I am not of opinion that the establishment of licensed vakeels has contributed to expedite the decision of suits, as generally parties who have causes before the Court employ, independent of vakeels, a maktarkar, or confidential agent, to whom alone they entrust all papers and deeds relating to their family estates, &c.; and being generally a dependent or old servant, well acquainted with their family concerns, attend at the Court-house when the suits are brought on, to instruct the pleaders; and the vakeels frequently plead as an excuse for not proceeding in their suits, either not having received sufficient instructions or particular documents from their clients, and this frequently causes very great delay.

10.—Do the vakeels in general discharge their duty to their clients with fidelity and honour?

No charge having ever been preferred to me by a client against any of the vakeels, I naturally conclude that they discharge their duty with honour and fidelity.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

Some few of the principal inhabitants are, I think, well acquainted with the Regulations; but, generally speaking, I believe them to be quite ignorant of the regulations and laws of the country.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am not prepared to state any alterations in the present forms for the trial of civil suits, that would contribute to expedite their decision; but I would recommend that the Zillah Judges be authorized to enforce all decrees which are affirmed on appeal by the Provincial Court, notwithstanding the cause may be appealed to the Sudder; but in the latter case to take security from the party in whose favour the decree is enforced, to make it good, with all costs, in case the two former decrees are reversed by the Sudder Dewanny Adawlut. I would also recommend, in enforcing decrees, that the Judges be authorized to order the Collector to attach and sell lands in liquidation of decrees, without any reference from the Court to the Board of Revenue, which is at present the case, and frequently causes very great delay.

13.—Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

I have lately erected at this station a brick Court-room, which is rented to Government for the unexpired term of the Company's lease. The Court-room is very spacious, and a large space is railed off for the bench of the Judge and the public officers: there are also places railed off for the parties or their vakeels, and for the witnesses; the whole of which is raised three feet from the floor, and sufficient room is left for all persons who attend at the Court. The Court is opened by the Nazir's proclaiming silence three times in an audible voice; and when it is closed for the Dessorah or Mohureum festivals, it is also done by proclamation.

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14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are these institutions maintained?

I do not believe there are any schools or seminaries in this district, where the Mahomedan or Hindoo law is taught.

15.—What is your opinion regarding the general character of the inhabitants of your district? Has the moral character of the inhabitants been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

I must confess myself at a loss to give any decided opinion on the moral character of the inhabitants of this district. The natives are, I believe, from nature and education, addicted to intrigue and cunning; but the wise and humane system established by the British Government for the administration of the laws, and for the internal administration of the country, will no doubt in time have due effect, and tend to the improvement of their morals and general character.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present institution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

I have no hesitation in declaring, that the inhabitants in general of this district consider their rights and property effectually secured to them by the present institution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals.

17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation, commerce, and its buildings or other works for religious, domestic, or other purposes; and on what grounds do you form your opinion?

As it is upwards of ten years since I was first appointed to this district, I can confidently assert, that the improvement with respect to population, cultivation, and commerce, is very great. I have frequently travelled over many parts of the district, and the increase in the cultivation is astonishing, and has frequently surprized me. I really believe that it has increased, since I have been in the district, in the proportion of one third; and the zemindars are yearly bringing into cultivation large tracts of jungle and waste lands; and I consider this to be chiefly if not entirely owing to the confidence they have in the assurances of Government respecting the decennial settlement.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

I am really of opinion that the inhabitants of this district in general, are greatly satisfied with the British Government. In conversing with some of the most intelligent natives in this district, they have frequently drawn comparisons between the Government they now have the happiness of residing under and the Mogul government, when neither persons or property were safe; and though some of the old Mahomedan families, whose influence ceased with their government, may regret former times, I verily believe that, generally speaking, there is scarce a man rich or poor, who does not ardently wish that British India may flourish and prosper.

19.—Is the present system of police well calculated, to insure the apprehension of offenders?

In answering this question, I beg leave to give it as my opinion, that the present system of police is not well calculated to ensure the apprehension of offenders. The jurisdictions in this district of the police darogahs is by far too extensive; and though this might be obviated by increasing their establishments, yet I am of opinion, that the better mode would be to decrease their extent considerably, and instead of having darogahs, to place the police jurisdictions under the most respectable zemindars or farmers, allowing them a handsome establishment for peons. They would, I imagine, very willingly undertake the trust, as it would give them a degree of consequence in the mofussil. From their influence and local knowledge, they would be better able than the darogahs can possibly be to gain information, and they would find it to their interest to be particularly careful in preserving the peace, and protecting their ryots and dependants.

20.—Are the police establishments, in the district subject to your jurisdiction, adequate to the duties required of them?

For the reasons given in my answer to the foregoing question, I am of opinion, that the police establishments in this district are not adequate to the duties required of them.

21.—Are you of opinion that the number of crimes committed annually, in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

The number of crimes committed have certainly increased since the year 1793; but while I give this opinion, I confess myself at a loss to what cause to ascribe it, unless indeed it is owing

owing to the laws at present in force being too lenient, and that the offenders do not meet with punishment severe enough and adequate to the crimes they commit. I have the satisfaction of saying, that crimes of any enormity are seldom or ever heard of in this district; the generality are for burglary, unattended by any aggravating circumstances, and disputes respecting boundaries and watercourses; and until some severer punishments are inflicted on the offenders, I fear that the number of crimes will increase yearly. By the 49th Regulation of 1793, proprietors who are proved guilty of endeavouring to possess themselves of disputed lands, by an armed force in which any person shall be slain or wounded, are liable to be prosecuted before the Court of Circuit, and dispossessed of their estates; but as the proprietors themselves seldom or ever go in person where these disputes happen, it is often difficult to bring home proof against them. But as it is very evident that no dispute concerning the possession of land can originate without the orders and connivance of the proprietors, though they may not be present; I would therefore recommend, that in every case whatever, where a body of men armed with sabres, guns, pikes or bludgeons, shall endeavour to possess themselves of land, and another body of men also so armed shall oppose them, and an affray ensue, that the estates of the proprietors on which these people reside as ryots or dependents, shall be immediately attached and sold by and for the benefit of Government. I would recommend that this order should be first proclaimed throughout the district in the most public manner, for the period of one month; and I am confident, that all disputes of this nature, and which by far form the greatest number of crimes committed in this district, will be effectually done away. With respect to other offences of burglary and petty thefts, I shall more fully enlarge on them in my answer to the 37th Question.

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22.—What crimes of enormity are most prevalent in the district under your authority; and what is the cause of the prevalence of such crimes; and what are the means you would recommend for their suppression?

In my answer to the foregoing question, I have stated that crimes of enormity are seldom or ever committed in this district; and excepting a most notorious and desperate gang, who for a length of time committed great depredations in the town of Hajupore, no acts of atrocity ever came to my knowledge: I had however the good fortune to apprehend all the ring-leaders and the greatest part of the gang, the whole of whom were either hanged or transported for life, and since that period not a robbery of any consequence has been heard of in the district. Many of this gang were old offenders, who had at different times been tried and sentenced by the Court of Circuit to imprisonment for a limited time. On being released from confinement they returned to their former ill habits, publicly laughing at the humane laws enacted by the British Government; and such was the dread they had impressed on the minds of the inhabitants, that not a man would ever prefer a complaint against them, nor could I for a long time after I had apprehended them, and had also the good fortune to seize in their houses stolen property to a large amount, get a man to stand forward as evidence against them. When any one threatened to complain against them, their answer was, "we have already been before the Court, and know what the present Regulations are; the only punishment that can now be inflicted on us is confinement for a limited time, in the end we shall be released, and then not a man shall escape who informs against us." In a letter to the Nizamut Adawlut, under date the 15th of June last, I very fully stated the whole of this business, and only now mention it, having in my answer to the 21st Question surmised, that the frequency of crimes might be owing to the laws now in force being too lenient.

23.—Do the inhabitants in general of the district subject to your jurisdiction, keep arms in their houses? What description of arms do they retain, and for what purposes are the arms retained?

I believe almost every native is provided with some kind of weapon or other, and the principal inhabitants have arms of different kinds in their houses. I have no reason to suppose that these arms are retained for any bad purposes, but merely for parade and show, in conformity to the old established custom of the country.

24.—Are there any brick or mud forts in your district? In what state are the forts, and what is the nature of their construction?

I do not believe that there is at present any brick or mud fort in this district.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority, and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

As I am not prepared to answer this question so accurately as I could wish, I trust I shall be excused deferring it to some future period.

26.—What are the names of the persons possessing the highest rank, and the greatest opulence in the district subject to your jurisdiction? what number of followers armed or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers armed?

The principal zemindar in this district is Rajah Mahdoo Sing, whose estate is very large, and he has the reputation of being very opulent; Barbor Kunjeet Sing, Sharp Ahnud Hosaim Roy, Pursheed Roy, and Esoif Ally Khan, also possess large estates, and are considered as men of character and respect; Rajah Mahdoo Sing very seldom stirs out of his

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his house; he occasionally visits his station, and is then attended by 15 or 20 persons who run before his palanquin with pikes and sabres, but I believe they are only hired for the occasion, and that he has very few followers, if any, in regular pay. The other zemindars have no state whatever about them.

27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

I can confidently give it as my opinion, that there is not a man in this district who is disaffected to the British Government.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles, and other marks of distinction, on its native subjects?

I am firmly of opinion, that if the British Government in India were to declare itself the sole source of honour within its territories, and to confer titles, and other marks of distinction, on its native subjects, it would be attended with the most salutary effects, and tend greatly to strengthen the attachment of the natives to the British Government.

29.—What is the state of the roads, bridges, and other public works, in the district subject to your authority, and at whose expense are they kept in repair?

There are in fact neither roads, bridges, or other public works, in this district. It is to be lamented, that at the formation of the decennial settlement, a trifling increase had not been added to the jumma, for the sole purpose of keeping up public works of this nature. To enforce the payment of any thing on this head from the zemindars, would be an infringement on their engagements, which Government in every instance most scrupulously avoid; but, with a little management, I think the zemindars would be induced to come forward. A very trifling increase on their jumma, would raise a fund sufficiently large to answer every purpose required; and the benefits that would consequently accrue to the country and inhabitants at large are incalculable. I have before observed, that no sums are appropriated in this district for repairing and keeping up public works. Unless the bunds from Kamoul to Hajupore, on the banks of the Great Gunduch, are immediately put into thorough repair, the whole of the pergunnahs of Rully, Hajupore, Jernar, Balaguch, Dimadpore, and the lower part of Serissa, will be inevitably destroyed; owing to an unusual rise of the river in the season before last, the waters broke over the banks in several places, and did considerable damage. This last season the river rose still higher, and from Kamoul to nearly opposite Bar, it was one continued sheet of water; the crops were entirely destroyed, numbers of cattle drowned, and many lives lost. In many places, whole villages were swept away. The expense of making bund, I should suppose will cost at least 15,000 rupees, a sum the zemindars are not capable of advancing, owing to the heavy losses they have sustained; but I think it of that consequence, that I take the liberty of recommending the circumstance to the serious consideration of Government. If Government were to advance the money, and allow the zemindars to pay it in three years, free of interest, to them the loss would be trifling, and the benefit the country would derive from it would be great in the extreme; in short, unless something effectual is not immediately done, I am convinced that the pergunnahs I have mentioned, will be ruined for ever. Having been an eye witness of the damage sustained, I know the accounts are not exaggerated, and have therefore thought it my duty to mention the circumstance. The Collector in his report will of course enter more particularly into details.

30.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

The number of convicts in this district is very trifling; at present they are not above thirty; the few that are here are employed in repairing the roads about the town, &c.

31.—What is the state of the jail in your zillah?

The jail is built of mud, and owing to the late heavy rains is in a very bad state; I would take the liberty of recommending the building of a brick one, which might be done at a small expense; ten thousand rupees would, I imagine, be the utmost required.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as Justices of the Peace? Do you think that such a measure would contribute to the suppressing of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

In answer to the 19th Question, I have already given it as my opinion, that to employ the principal zemindars and farmers as police darogahs would be highly beneficial; their jurisdiction, I think, should be confined to their estates or farms; I do not think it would be advisable to appoint them Justices of the Peace, being of opinion, that the appointment is of too extensive and too serious a nature to be entrusted to a native.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

I am of opinion, that it is expedient to arm the Magistrates with more authority than they at the present possess, and particularly that they should have the power of imposing fines, and inflicting corporal punishment; and such a measure would, I have no doubt, tend greatly to the suppression of crimes in general. By the regulations now in force, the only punishment that a Magistrate can inflict for breaches of the peace, excepting petty thefts and crimes of greater enormity, which will warrant commitment before the Court of Circuit, is imprisonment for a period not exceeding 15 days; and which, in fact, is considered as no punishment at all by the natives, particularly by the lower class, and on whom these sentences are more generally passed. The effects of vesting in the Magistrates the power of fining and inflicting corporal punishment would, I think, be highly beneficial, and as such, I beg leave to recommend it; for, from the effect which I am certain it will have on the minds of the people at large, the number of crimes in the Foujdarry for abusive language, assaults, &c. with which the Court is overwhelmed, will be greatly done away, and the Magistrates have more time to attend to matters of more serious moment.

34.—What has been the operation of the last Regulation, respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion, that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

Drunkenness is a vice to which the lower class in this country are so addicted, that I think little less than a total prohibition of the sale of spirituous liquors would tend to render the vice less prevalent. I am of opinion, that the last regulation of the manufacture and vend of spirituous liquors has been attended with much salutary effect.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

I confess I am not prepared to offer any satisfactory answer to this question; the improvement of the moral character of men, whose whole lives have been one continued scene of cunning and low intrigue, can, I imagine, only be brought about by the dread and fear of punishment; and the vesting of greater powers in the Magistrate would, I have no doubt, in the course of time, contribute greatly to the attainment of this most desirable object.

36.—In your opinion, what has been the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

I am of opinion, that the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead, has proved salutary and beneficial in the highest degree.

37.—What has been the operation of the punishment of transportation introduced by the British Government?

I consider the punishment of transportation, particularly among the Hindoos, to have been salutary and beneficial in the extreme; and if more extended, would, I have no doubt, tend very greatly to the suppression of crimes in general. Thieving, in this country, is confined almost generally to the lower class, such as the doossads, chumaurs, dooms, &c. and though the Magistrate has the power, by the Regulations, to apprehend all persons of notorious bad character, and although people of this description are well known to the zemindars and inhabitants at large, yet either from fear or some other cause, no one will ever appear against them; and I have frequently been deterred from apprehending persons who have been reported to me, for fear of not being able to get evidence against them. Since the apprehension and punishment of the Hajcepore gang, the dread of giving evidence has been greatly done away; and if Government were to enact a Regulation, and publish it by proclamation over the country, declaring all persons who are convicted of being men of notorious bad character, and who live entirely by thieving, to be liable to be transported for life, I have no doubt but thieving would be entirely done away; and it might also be advisable to make a few examples, by transporting for life thieves who are taken with the stolen property on them, and who have before been confined under sentences passed by the Court of Circuit. I am by no means an advocate for enacting severe and harsh laws, but leniency has, I am sorry to observe, a contrary effect on the natives in general than might be expected, and a very few examples would, I have no doubt, have the desired effect.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

The alterations made by the British Government in the Mahomedan criminal laws, are, in my opinion, wise and humane in the extreme, particularly the abolition of mutilation and other severe and cruel punishments; but I am really of opinion that the laws are administered with too much lenity, and many alterations may, I think, with safety be made in them, particularly with respect to evidence. Presumptive evidence, however

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Patna Division.

Zillah Tirhoot,
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strong, is at present, I believe, not admitted of; and I have no doubt but that many, in consequence, escape that punishment which is justly their due. I am also of opinion that the punishments inflicted, are frequently inadequate to the crimes committed.

39.—What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction?

Having never had any serious charge preferred against any of the Europeans not in the Company's service, who reside in this district, I naturally conclude that they conduct themselves in a quiet and peaceable manner.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for ensuring justice to the weavers, and manufacturers in their dealings with the officers of the Company and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

I am of opinion, that the existing laws and regulations are sufficiently calculated to ensure justice to the weavers and manufacturers in their dealings with the officers of the Company, as also to enable the Company's officers to obtain from them the punctual performance of their engagements. But with respect to the European merchants in this district, who are all Indigo planters, I am of opinion, that some laws or regulations are greatly wanting, both to secure the natives from injury, and the planters from fraud and ultimate ruin. To the planter, every thing, and indeed his all, depends on having his engagements fulfilled with punctuality. It will never answer his purpose to prosecute in the regular mode for damages; for, independent of the length of time that it must naturally take before his suits are finally adjusted, the suits, if adjudged in his favour, will be against persons possessing no property whatever, excepting their ploughs and other implements of husbandry. I am therefore of opinion, that in framing a regulation, the Judge should be authorized to try the suits in a summary manner; and on being satisfied that the engagements entered into by the zemindars or ryots were voluntary, that he should have the power of enforcing them, as the delay of a few days at the season for preparing and sowing the land is attended with the most serious consequences.

To protect the zemindars and ryots against oppression from the planters, by ploughing up their lands, cutting down trees, or other acts of violence, I am of opinion that they should enter into penalty bonds, subjecting themselves to be paid by the Court for every act of oppression proved against them; and that charges of this nature should also be investigated off-hand, as I have recommended in instances where the ryots fail in fulfilling their engagements to the planters.

Zillah Tirhoot,
22d Dec. 1801.

Geo. Mouthnot,
Judge & Mag^r.

Benares Division.

No. 1.

ANSWERS to the Interrogatories respecting the State of the Country, &c.;—
received from the Magistrates of this Division;—viz.

Answers by the
JUDGES.

Court of Appeal and Circuit	-	-	13 January	- -	1802.
City of Benares (acting Magistrate)	-	-	17 December	-	1801.
Zillah Juanpore	-	-	17 - D°	- - -	D°
D° - Merzapore (acting Magistrate)	-	-	9 - D°	- - -	D°

To N. B. EDMONSTONE, Esq. Secretary to the Government, Fort William.

Sir,

WE request you will submit to his Excellency the Most Noble the Governor General, the inclosed Answers to the Questions contained in your letter of the 20th of October last.

We are, Sir, your most obedient servants,

Benares,
13th January 1802.

J. Vease, 2d Judge.
P. Treeces, 3d Judge.

ANSWERS by the Benares Court of Appeal and Circuit, to the Questions inclosed in Mr. Secretary Edmonstone's Letter of the 20th October last.

1st. On the 31st December 1801, there were fifty-two causes undecided in our Court.

2d. Our Court was instituted in 1795, in which year there were no decisions passed. The subsequent Statements will show the number of causes decided and in arrear from that period to the 31st December last.

Causes decided in				Causes in arrear in			
1796	-	-	181	1796	-	-	44
1797	-	-	269	1797	-	-	79
1798	-	-	220	1798	-	-	49
1799	-	-	91	1799	-	-	78
1800	-	-	162	1800	-	-	67
1801	-	-	141	1801	-	-	52
Total			<u>1,064</u>	Total			<u>369</u>

By the above, it will be perceived what proportion the causes now in arrear bear to those of former years.

3. There were one hundred and forty-one causes decided by our Court in the last year.

4. We suppose that thirty causes must necessarily be depending before our Court. The time taken up from the period of admitting a Petition of Appeal, requiring the proceedings from the Zillah Courts, and giving the parties sufficient leisure to weigh and prepare their pleadings, and the occasional absence of the vakeels, are the general reasons for forming this opinion. For more than one year there has only been two officiating Judges to our Court; which reason, without entering into any further detail, will we trust account for our file not being reduced to the above standard; but we at the same time think it necessary to remark, that our arrears are not so numerous as to create any just cause of complaint from the suitors in our Court.

5. We conceive that suits would be more speedily decided if the reply and rejoinder were omitted in toto, for notwithstanding the prohibition in the Regulations against any matter being introduced in a reply, which may not be contained in a complaint, we never yet, except in our own Court, have been able to enforce the prohibition; indeed the reply and rejoinder mostly express the essence of the suit: this irregularity bears hard on the defendant, for a plaintiff who has doubtful grounds of action, words his plaint in general terms, and wishes to seize any advantage which may be derived in the answer, from the candour, ignorance or admission of his opponent. By the rejection of the reply and rejoinder, a plaintiff must, in the first instance, stand forward with the whole subject of action, without any hope of benefiting from the errors of the defendant; and we cannot but think that the omission of these pleadings, will operate equally to expedite the decision of causes, as to check groundless litigation. The Judges and pleaders will thereby have the merits of the cause in a closer point of view, their judgment will not be distracted by extraneous matter, and if the plaintiff or defendant shall have omitted to insert, by inadvertence or other cause, in the plaint or answer, any thing material to the suit, the Regulations afford a remedy by admitting a supplemental complaint or supplemental answer.

We think that the Judges ought never to omit taking down in writing the depositions of witnesses, even in causes which are not appealable to a higher tribunal. We sincerely hope this suggestion will never pass into a law. The natives are already too active in arraigning

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before a superior the proceedings of an inferior Court, and the omission of depositions as spoken, would afford ample field for supposed injury; the proceedings in such case could hardly be considered as a record of the trial; and in cases of perjury, how could offenders be convicted? Let it also be remembered, that all Judges are not perfect masters of the native languages, and though they may well comprehend a written deposition, on being read to them, it does not follow they can catch and understand the idiom and dialect of every clown and foreigner, which often puzzle even the writers of the Court. The Judge decides agreeably to his comprehension of the deposition of the witnesses; he has no check to correct misconception, and injustice may be the consequence with the best intentions. Let it further be recollected that this proposition is in cases not appealable to a higher tribunal; and from the weakness of our nature, we are more likely to err where the error ends with ourselves, than in a cause where revision, and perhaps censure, may follow. Finally, we conceive the little time to be saved by omitting written depositions, is by no means an equivalent for the probable errors which may arise from such omission.

6. We by no means recommend that the jurisdiction of the Native Commissioners should exceed the sum of 50 rupees. The facility with which suits are instituted before them, has, in the city of Benares, been the cause of much evil. Forgery and perjury have prevailed to a dangerous extent; but there is good ground to say, that by the activity of the Magistrate and due co-operation of the Court of Circuit, the evil will in a great measure be repressed. We have no reasons to offer why the jurisdictions of the Registers should exceed the sum of 200 rupees, neither have we any objections to a larger amount, as it requires equal ability to decide a cause for one rupee as one thousand, perhaps more, for in a litigation for a large property, there are strong lines of distinction, and more precaution observed than in those of a trifling nature.

7. Litigation has been certainly checked by the fees payable on suits and the stamp duties, and are not, in our opinion, too considerable, though we do not advise an increase. The Regulations do not define what recompense is to be paid to witnesses who may be called on by the suitors; it is certainly difficult to mention one ratio as applicable to all, and for that reason perhaps the Judges have been made the arbiters of the quantum: to those witnesses who require support, one anna for every coss of direct road they may travel from and to their home in return; as also the same sum per diem during their necessary attendance in Court, may be considered as an adequate recompense, and charged at that rate in the costs of suit.

8. The fees received by the vakeels are a sufficient inducement for men of character to take up the profession of pleader, and they are in general well acquainted with the printed Regulations, at least with those immediately necessary for their practice in our Court.

9. The establishment of vakeels has much contributed to expedite the decision of suits, and bringing more accurately before the Court the merits of a case. The contrast is strikingly experienced when ever a suitor insists that a pleading written by himself shall be read, wherein he has refused the advice and assistance of his vakeel.

10. The vakeels in general discharge their duty faithfully to their clients.

11. We should suppose that a critical knowledge of the laws of the country is chiefly confined to the pundits and molavees, though, from our acquaintance with the principal inhabitants of our jurisdiction, we certainly must rank them as well-informed men.

12. This question is answered in the 5th paragraph.

13. Our Court-room is an open room, without any bench allotted for the Judges, public officers, or any party concerned or not concerned in a cause; in the centre is a large round table, covered with green cloth, whereat the Judges preside. The only forms observed by us, either in opening or sitting in Court, are those which propriety and decorum dictate, without having adopted any specific rules to serve us as a guide for our conduct.

14. The Judges of the different divisions in this zemindary will best answer this query: The establishment of the Hindoo College in the city of Benares by Lord Cornwallis, at the instigation of the late resident Mr. Duncan, being a matter of public record, we conceive any further remark on our part would be superfluous.

15. We believe the general moral character of the inhabitants of this zemindary to be good, and this opinion is founded on a comparative review of the trials on the circuit, and the mass of the people over which our jurisdiction extends. The natural consequence of a well-established system of government must be the improvement of the moral character of the inhabitants.

16. We are of opinion that the inhabitants in general of this zemindary do conceive their rights to be fully secured by the present constitution, and that they will prosecute their oppressors, or those they deem such, however high their office or rank in life: in proof of this assertion, we have to state, that the Huttuc Sultaun Regum, his Excellency the Nawaub Vizire, and the Collector of Benares, have all answered to suits in the Courts.

17. We are of opinion that our division is in a state of improvement, as to its population, cultivation, commerce, and buildings, both religious and domestic; and the grounds of this opinion are formed from personal observation.

18. This quere is very difficult to answer with any degree of confidence; and the attachment of the inhabitants to the British Government can only be made known from causes which we earnestly deprecate, such as an invasion, or similar contingencies. The common speech of the people of the country, is a rant of praise and flattery; and it may be supposed that those inhabitants with whom we associate are not deficient in extolling the happy effects of our administration; doubtless, if they look to the neighbouring states, and draw a comparison, no terms of praise will be too extravagant. Generally speaking, if we could dive into the hearts of men, and disclose their opinions, we should suppose the first class of Hindoo inhabitants, wavering, chiefly from motives of ambition; the middling, satisfied, and the lower orders well pleased with our Government,—a very necessary distinction to be made; for we believe the Mussulmen one and all detest our Government: we have subverted their dominion; they see us possessed of all the offices of state; and besides these causes of hatred, their religious prejudices operate strongly against us. The bankers, of all other inhabitants, feel the greatest confidence in our Government, and no better proof can be given of its stability and integrity; which, if fair reasoning was adopted, would equally affect all classes of men.

19 and 20. The present system of police is well calculated to ensure the apprehension of offenders in the cities; but we conceive the police establishment in the interior to be kept up by the tekseeldars, not sufficiently defined in the Regulations, and are only adequate or inadequate to the duties required of them, in proportion to the liberality or energy of the tekseeldar from principle, or compulsion of the Magistrate.

21. The annual number of trials on our calendars have of late years, with the exception of 1801, been more numerous than on the first institution of the Courts in 1795: we do not attribute this increase to greater delinquency, but to the pursuance of the present system of police being better understood than heretofore.

22. We conceive boundary affrays to be the crimes of enormity most prevalent; but these are diminishing. The Regulations on this subject, in our opinion, require no improvement, and day by day the decrees of the Court give a permanence to property, which will in due course remove the cause; moreover, the people more habituated to our system, will apply to a Court in preference to personal redress.

23. The Magistrates are best qualified to answer the quere.

24. The Magistrates are best qualified to answer this quere.

25. We have no grounds whatever for ascertaining the population of this zemindary, or the proportion the Hindoo bear to the Mussulman inhabitants: from conjecture, we imagine the Hindoos to be ten times more numerous than the Mahomedans in cities, and twenty times so in the country. By a calculation made by Mr. Deane of the inhabitants of the city of Benares, they amounted to 582,625 souls.

26. The Judges and Magistrates will best answer this quere.

27. We know of no person in our jurisdiction disaffected to the British Government.

28. We are of opinion the attachment of the natives would be strengthened by marks of distinction from the British Government, when it shall be declared the sole source of honour within its territories. Like all innovations, it will require some time to remove the prejudices in favour of the House of Tinur; but while our power has superseded the Mahomedan in British India, we confirm their prejudice, by stamping the imperial name on our coin and receiving titles at their hands.

29. The Magistrates will best answer this quere.

30. The convicts are usually employed in repairing the roads in the vicinity of the jails, and we know of no mode preferable to the present one: were they to work at such a distance from the jails as to preclude their return by night, the guards must be more than doubled, and huts erected for their reception. Their labour will never benefit the state in proportion to the expense; and if much work be exacted from the convicts, they are galled by their fetters, and rendered for a certain time altogether useless.

31. The Magistrates will answer this quere.

32. We should be very sorry to see commissions granted to zemindars, farmer, or any description of persons, to act as Justices of the Peace: we sincerely think, that if such powers were granted, they would often be converted to the gratification of private enmity, and the Magistrate would have more trouble in settling disputes from this cause, than in committing for trial any offenders they might apprehend.

33. We have no new rules to propose for the suppression of crimes; we conceive, however, that the Police in general would be more efficient if the Magistrates were permitted, whenever they have a complaint to make against a tekseeldar, to send their proceedings to the Governor General in Council, in the Persian language, without a translation in the English, whereby much time would be saved for other avocations, and speedy punishment follow a direction of duty.

34. The vice of drunkenness has certainly become less prevalent since the price of spirituous liquors has been intresed.

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35. We are not prepared to propose any new measures which would, in our opinion, contribute progressively to improve the moral character of the inhabitants of our division; we conceive an adherence generally to the present system of administration will have that effect.

36. The effect of the Regulation alluded to in this quere, has been little felt, not from any error in the Regulation, but from the very great difficulty of convicting persons accused of perjury.

37. We cannot speak decidedly of what may have been the operation of the punishment of transportation; but we conceive that many of the prisoners on whom this sentence has been passed, would have preferred death.

38. On a general scale, we do not think that the criminal law, as now administered, is too lenient or too severe. Many charges in our calendars, which bear names of great offence, are, on investigation, found to be mere petty offences and punished accordingly; consequently, in the list sent down by the Magistrates to the Nizamut Adawlut, the punishments may often appear very inadequate to the crime alleged against the prisoners; in cases of adultery the Mussulman law hereby allows of conviction, yet, as in England, this crime forms a civil prosecution, we shall not suggest any alteration of the law as it now stands. That forgery and perjury have increased of late years we have no doubt, but cannot venture to assert these evils to have arisen from the operation of the spirit in which the criminal laws is administered. Testimony and vouchers being the foundation of all causes, we could wish the most exemplary punishment to be inflicted on those persons convicted of forgery and perjury; if transportation was to be the necessary consequence of conviction, we think the apprehension of this punishment might deter many from selling their faith. The witnesses ought also to be informed of this law previous to their testimony being received in any Court, civil or criminal.

39. The Judge who makes the half-yearly circuit, usually completes it and the city gaol delivery in six weeks.

Benares Court of Appeal and Circuit,

Benares, 13th January 1802.

J. Veave, 2d Judge.

P. Treeces, 3d Judge.

To N. B. EDMONSTONE, Esq. Persian Secretary to Government.

Sir,

I HAVE now the honour of transmitting, to be presented to his Excellency the Most Noble the Governor General, a copy of the Queries transmitted in your letter of the 21st October, with my Replies annexed.

I have the honour to be, Sir,

Your most obedient humble Servant,

Acting J. & M.

City of Benares, }
the 17th December 1801. }

INTERROGATORIES:—1. What is the number of Causes now depending before you, before your Register, and before the Native Commissioners?

The number of Causes now before the acting Judge is 268, including Appeals from the Register and the Commissioners. The number before the Register of the Court is 239, including Appeals from Commissioners; and the number before the Commissioners 1,683. —Total 2,190.

2. What proportion does the number of Causes now depending before the three tribunals of the Judge, the Register, and the Native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793 to the present period?

About one-third increase.

3. What number of causes was decided in the past year by you, by your Register, and by your Native Commissioners?

The number of causes decided by the late Judge (Mr. Davis) by the Judge, by the late acting Judge, in the past year, were 296; the number decided by the Register, in the same year, 546; and by the Native Commissioners, 8,814.—Total, 9,656.

4. What number of causes do you suppose must necessarily be depending before your Court and that of your Register, and before the Native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

I suppose, before the Judge, including Appeals, about 200; the same number before the Register; and if the present system of the Commissioners be continued, by their being all munsiffs, instead of being as I would advise most of them to be, and as I have it in contemplation to propose they should be, Referees, 1,400. The cause of the increase in the number of causes, is, I conceive, to be attributed chiefly to the changes which have taken place since Mr. Davis's removal, and to the improper encouragement of litigation, which the Commissioners of the city, being all munsiffs, gives rise to.

5. Are

5. Are you prepared to suggest the establishment of any rules which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the deposition of witnesses, in causes not appealable to a higher tribunal, to writing or not, as the Judges might think proper?

I shall state, in reply to Query 12th, the only alteration in the forms of conducting suits, which occurs to me at present. It does not strike me that any advantage would arise from the option proposed in this query, nor do I think it a power which ought to be granted, nor to be wished for by the Judges.

6. Are you of opinion that it would be advisable to extend the jurisdiction of the Native Commissioners, to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding rupees 200; which is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners, and of the Registers, should be extended; and to what degree would the general administration of justice, in the city, subject to your jurisdiction, be expedited, by the adoption of this arrangement?

The jurisdiction of the Register might be, with great propriety and advantage, extended beyond its present limits, but it would be by no means advisable to extend the jurisdiction of the Native Commissioners: were the jurisdiction of the Register extended to four or even five hundred rupees, the effect, I conceive, would be beneficial to the suitors, by expediting the decision of small causes, and to the public in general, as it would enable the Judge, in his capacity of Magistrate, to devote more of his time to the details of police.

7. Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of suits to be too considerable, or otherwise?

Litigation has been most certainly checked by the establishment of the fees at present paid, but I am by no means of opinion that those fees are too heavy.

8. Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the vakeels attached to your Court persons of the above-mentioned description; and are they in general well acquainted with the printed Regulations?

The fees are sufficient. The majority of the vakeels of this Court are respectable intelligent men, and in general not deficient in their knowledge of the Regulations of Government.

9. Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court, the merits of the suits instituted?

The establishment of licensed vakeels, has undoubtedly contributed to expedite the decision of suits, the constituted vakeels having no interest, but the contrary, in prolonging suits; and from their experience they are more aware of what is really necessary for the support of their client's cause, and what ought to be rejected as extraneous.

10. Do the vakeels in general discharge their duty to their clients with honour and fidelity?

It is obviously their interest to acquire a character for honour and fidelity, in their intercourse with their clients, that I have no reason to think an instance to the contrary has ever occurred.

11. Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

Their knowledge is of course superficial, but not more so than that of persons in general who are not concerned in Courts of Justice or in the execution of the laws.

12. Are you prepared to state any alteration in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

The only change I would at present propose, is, that after the plaint, which ought to be drawn up as concisely as possible, is filed, the defendant should be required immediately either to acknowledge the whole demand or to enter an appearance; the plaintiff should in the last case immediately file his declaration at full length, to which the defendant should answer within a week; all this might be finished in a short time, whereas at present the parties may trifle away upwards of two months, and after that time the pleadings are in general incomplete.

13. Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court or sitting in it?

In this Court there is a platform on which the seat of the Judge is placed, and on the floor of the Court-room there are seats for the principal officers of the Court; the parties stand immediately opposite the Judge; the room is capacious and admits of the

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attendance of as many by-standers as wish to be present, who submit to the silence and decorum which is of course necessary. There are no established forms.

14. Are there any private schools or seminaries in the city under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

Besides the Public College for Hindoo literature, instituted during the residency of Mr. Duncan, it appears from a list now before me, that there are in this city private teachers, who teach both the Hindoo and Mussulman law. Of the teachers of the Hindoo law, 300 are stated to be eminent, and there are stated to be in all 5,000 pupils.

From a prevailing idea that were they to receive any remuneration immediately from their pupils, the religious merit of teaching, the Bedes would be lost, they receive in general nothing from them, but are supported by donations from pilgrims of rank, and some of the most eminent receive regular salaries, and have grants of land from the Rajah of Jynaghur and the Mahratta Princes. The statement above quoted, notes the names of 30 persons who teach the Mussulman law: they are mostly persons of property or in public employments, who give instruction gratis. None of them have more than ten pupils.

15. What is your opinion regarding the general moral character of the inhabitants of your city? Has the moral character of the inhabitants in general been improved or otherwise, by the system established by the British Government for the administration of the laws and for the conduct of the internal administration of the country?

There does not appear to be any obvious change in the moral character of the natives; moral instruction in their infancy is just as much neglected as formerly: the only difference arises from the change of Government. The power of by violence preying upon the unprotected, is now checked.

16. Are you of opinion that the inhabitants in general of the city under your jurisdiction, consider their private rights and property secured, by the present constitution of the country, against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

They are fully sensible of the contrast between the British dominions and the territories of the other powers of India, in respect to security of persons and property; the tale of every pilgrim and traveller prevents them from forgetting it.

17. Are you of opinion that the city under your jurisdiction is in a state of improvement or otherwise, with respect to its population and commerce, and its buildings or other works for religious, domestic, or other purposes; and on what grounds do you form your opinion?

The city of Benares is in a progressive state of improvement in these respects, within the last sixteen years; a statement now before me points out forty begas of land as being added to the bounds of the city; and this is not from population changing its place to some favoured spot. The increase has been regular on all sides; the surrounding villages are also increased and increasing. The population of Benares was, after a laborious enumeration of the number of houses, reckoned by the late acting Magistrate Mr. Deane, to amount to 600,000 persons; it may with confidence be stated at 500,000.

18. Are you of opinion that the inhabitants of the city subject to your jurisdiction, are in general satisfied with the British Government?

As much so as can be expected under a foreign domination. The discontents which do exist are not perhaps more than the natural restlessness of mankind must invariably produce.

19. Is the present system of Police, well calculated to insure the apprehension of offenders?

The Police in the Benares district is by no means efficient. The thesaldars, to whom, in the different pergunnahs, the care of the Police is entrusted, look upon their duty as police officers as a secondary consideration. Notwithstanding the amount which is allowed by Government for police, they keep skeletons of establishments, and trust to the ultimate responsibility of the landholders to reimburse them for the amount of any decrees which may be given against them on prosecution by persons who have been robbed; I am well aware of the advantages of the system which employs the thesaldars, seconded by the local information, and a sense of ultimate responsibility in the landholder as a police officer; but some active principle is still wanting to produce the good effects, which I am certain may be produced. The thesaldars should be made to feel themselves more immediately under the controul of the Magistrate. Their Police Officers should be liable to be dismissed immediately by the Magistrates for neglect, and the appointments filled up with his approbation and concurrence: they should be obliged to deliver in monthly, or whenever the Magistrate may choose, a list of their police establishments. At present, the thesaldar resides commonly in the city, and trusts the peace of society in his province to some miserable representative, still more miserably supported, whose chief merit is the smallness of his claims upon his constituent. Some active principle is therefore evidently wanted, and this, it is presumed, is the immediate efficient controul of the Magistrate.

20. Are the Police establishments in the city subject to your jurisdiction, adequate to the duties required of them?

I am not prepared at this moment to propose any change in the Police of the city; what immediately strikes me, is the want of a small fund, under whatever controul it may be thought proper to put it, in the hands of the Magistrates to reward services and to pay for information; a fund of this sort is much wanted, none at present exists.

21. Are you of opinion that the number of crimes committed annually in the city under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution.

Crimes have, within these few years, since Mr. Davis's appointment as Judge and Magistrate, decreased. This change is of course to be attributed to a more efficient police than existed formerly.

22. What crimes of enormity are most prevalent in the city under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

The most common crimes are burglaries, by making holes in the walls of houses; and larcenies; sometimes instances occur of lives being lost in consequence of affrays at melahs; and sometimes of children being murdered for trinkets; but it is presumed that these have not been so common during some years past as they were. The means I would propose for the suppressing these are, that the chief attention of police should be turned towards receivers; that receiving stolen goods should be treated as an original offence in the Courts of Circuit, punishable even with the greater severity than the original felony; that a good jail should be built, which would admit of preventive measures; the separating novices from old offenders; that if possible the Magistrate should have more of his time at his disposal, to enter into the details of police; that a fund should be in the power of the Magistrate, to pay for information and services; and that an active principle should be instilled into the police of the pergunnahs.

23. Do the inhabitants in general of the city subject to your jurisdiction, keep arms in their houses; what descriptions of arms do they retain; and for what purposes are the arms retained?

The inhabitants in general do keep arms in their houses, and carry them with them; formerly it was necessary, to put them on a footing with their neighbours; but I believe they are now kept more from custom than from any sense of necessity: their doing so, however, might and ought to be checked; a sword is the weapon commonly kept.

24. What proportion do the Hindoo bear to the Mahomedan inhabitants, in the city subject to your authority; and what do you suppose to be the number of the inhabitants of your city, of all descriptions?

The Mussulman inhabitants of this city are supposed to amount to one-tenth part of the total inhabitants of the city, which, as I stated before, in reply to Query 16, I conceived to amount to upwards of 500,000.

25. What are the names of the persons possessing the highest rank and the greatest opulence in the city subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

The persons possessing the highest rank are,—the Begum, widow to Prince Jewun Bukht, Mirza Khorrum Bukht, Mirza Shегоfta Bukht, Nowaub Johanabadee, her son, Mirza Ally Kaddun, the son of the late Nowaub Dil Delair Khan the Rajah of Nepaul, Rajah Oodet-Narain, the widow and son of the late Gulaum Mahommud Khan. The names of those possessing the greatest opulence are,—Bissambur Pundit, Bahoos Bhowanny Doss, Dowarha Doss, Mootee Chund Mukkund, Loll Monohur Doss, Arit Ram Tewary, Bullum Doss, Jumna Doss. The following is a detail of the number of followers and dependants (males) which they are supposed to have in the city of Benares. The armed men attached to the bankers are retained for the purpose of, and commonly employed in, conveying treasure.

	Total Dependants, Males.	Armed.	Attend when their Masters appear abroad.
Her Highness the Begum Mirza Khorrum	1,000	300	200
Mirza Shегоfta Bukht	300	100	60
Nowaub Jahnabadee and Son	125	50	50
Son of Nowaub Die Delair Khan	100	25	10
Rajah of Nepaul	500	500	200
Rajah Oodet Narain	400	200	260
Widow of Goldum Mahommed Khan	150	60	60
Bissumhur Pundit	400	80	6
Bhowanny Doss	100	50	4
Dewarka Doss	200	100	10
Moolce Chund	100	50	6
Mukkund Loll	100	75	25
Menohur Doss	40	15	2
Bullum Doss	25	15	2
Jumna Doss	100	25	5
Balkishen Doss	25	10	—

26. Are

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26. Are there any persons in the city subject to your authority, supposed to be disaffected to the British Government; what are their names; and to what means do you resort for superintending their conduct; have these persons any influence in the city, and to what extent?

The disturbances which took place in consequence of Vizier Alli's being ordered to leave Benares, had the effect of showing those persons who were actively disaffected to the British Government. None of the inhabitants of rank or opulence are at present suspected.

27. Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

When the name of a Moghul sovereign exists, the measure would probably be very unpopular; but a crisis must, in the course of events, soon arrive, when the British Government need acknowledge no superior.

28. What is the state of the roads, bridges, and other works, in the city under your authority; and at whose expense are they kept in repair?

In the country the roads are in general in very bad order: those immediately about the city are kept in sufficient repair by the labour of the convicts, and the savings from the allowance for scavengers; no fund exists for building or repairing bridges, or other public works.

29. How are the convicts in the city usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

The convicts are employed upon the roads. I am not at present prepared to propose any general system for employment for them; but it would be desirable, if they could be employed, such as have been taught mechanical trades in them, and others in some mode of labour which could be afterwards followed by them for a livelihood, when released.

30. What is the state of the jail in your city?

I had the honour of representing to his Excellency the most noble the Governor General, when at Benares, the deplorable state of the jail at this city; and his Excellency has been pleased to intimate that others should be built.

31. Are there any new Rules or Regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

Those which at present occur to me I have already enumerated in my Reply to Query 22. I think it would be highly beneficial if some principle of discord could be introduced amongst delinquents, by holding out a hope of pardon to offenders who aided in convicting their accomplices or receivers; other concurrent testimony should of course be required.

32. What has been the operation of the last Regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

I don't think that the taxes have hitherto tended much to render less frequent the crime of drunkenness.

33. Do any measures occur to you, the adoption of which would in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of this city?

I am not at present prepared to propose any direct mode for effecting this purpose.

34. In your opinion, what has been the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead?

I think the general effect has been beneficial.

35. What has been the operation of the punishment of transportation introduced by the British Government?

It is at present more dreaded than the punishment of death, and it will always be much dreaded by the Hindoos. The effect has been most beneficial.

36. Are you of opinion that the Mahommedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

The undeviating severity with which the crime of murder is punished, has been productive of the most beneficial effects.

37. What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

No instances of violence towards the natives occur, nor any of oppression: the fairness of their dealings, and their quiet deportment, does them credit in the eyes of the natives.

38. What

38. What is the general condition of the weavers, and other manufacturers in your jurisdiction? Are the existing Laws and Regulations well calculated for ensuring justice to the weavers and manufacturers, in their dealings with the officers of the Company, and with private European merchants, and also for enabling the officers of the Company and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

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I never have heard any complaints on the subject.

Acting Judge and Magistrate.

To N. B. EDMONSTONE, Esq. Secretary to his Excellency the Most Noble
The Governor General.

Sir,

I HAVE the honour to transmit my Answers to the Questions forwarded to me in your Letter of the 21st of October; and, agreeably to directions lately received from the Honourable the Vice President in Council, I request you will please to submit them to his Excellency the Most Noble the Governor General.

Zillah Juanpore, }
17th December 1801. }

I am, Sir, your most obedient Servant,
A. Willand, Judge and Magistrate.

To G. Dowdeswell, Esq. Secretary to Government, Judicial Department, Fort William.

Sir,

I HAVE the honour to submit to the Vice President in Council, my Answers to the Questions forwarded to me by directions of his Excellency the Most Noble the Governor General.

1. The number of causes depending in the Juanpore Court, on the 31st of October last, was as follows:

Before the Judge:			
In Appeal from the Register	-	-	55
- - D ^o - from the Commissioners	-	-	16
			71
Original Suits	-	-	151
			222
Before the Register:			
Original Suits	-	-	249
Before the Native Commissioners	-	-	412
			883

2. The proportion of causes depending in October 1795, the first year of the institution of the Courts in this part of the country, and of the number depending—

In October 1801, is as	-	-	1,095 to 3,710.
In October 1797, - as	-	-	5,009 to 3,710.
In October 1798, - as	-	-	4,652 to 3,710.
In October 1799, - as	-	-	4,660 to 3,710.
In October 1800, - as	-	-	3,394 to 3,710.

The causes remaining undecided in September 1795, are brought forward and included in the causes instituted in 1796; and in the same manner the remainder has been included in each succeeding year.

3. The causes decided in the past year are as follows, from October 1800 to September 1801:

Decided by the Judge in appeal from the Register	-	80
In appeal from the Commissioners	-	35
		115
Original Suits	-	143
		263
Decided by the Register	-	400
Decided by the Commissioners	-	2,164
		2,827

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4. I am of opinion the following number of causes must necessarily be depending in this Court:

Before the Judge in appeal	-	-	-	130
Original Suits	-	-	-	175
				<hr/> 305
Before the Register	-	-	-	467
Before the Native Commissioners	-	-	-	3,000
				<hr/> 3,772
				<hr/> <hr/> 3,772

The causes brought forward in this Court are mostly regarding the rights to real property, and shares of partners in estates, which take up much time and attention in deciding; a considerable number also relate to boundary disputes. The number appears to me reduced at present as low as possible.

5. I am not enabled to suggest any rules by which the decision of suits would be expedited. It might be of injurious tendency to leave it optional whether to commit the depositions of witnesses to writing, or not, as being the principal criterion by which to form a decision in all cases, and as it might lessen the means of discovering the fallibility or correctness of the conduct of the Courts. Another objection likewise occurs, that as witnesses in this country are found readily liable to bribery without their depositions were committed to writing, by which, if they deviated afterwards, they might be confronted, they might be frequently inclined, at the instance of the opposite party, to deny what they had before sworn to.

6. The Native Commissioners residing in distant pergunnahs from the Court, are found in general to be irregular and negligent in their proceedings, and no dependance can be placed on their integrity; it might not therefore be advisable to extend their jurisdiction. I would recommend, however, that two munsiffs should be authorized for the trial of causes cognizable at present by the Register; that they should be appointed by the Zillah Judge, and should be liable to fine and removal, subject to appeal before the provincial Court. Their allowances to be fixed at eighty and one hundred rupees a month, and to receive the same as the Register's fees, on the decision of causes instituted before them. The second munsiff to the higher situation, when a vacancy occurred. That they should only hold *cutchery* in an adjoining or near building to the Court of the Judge, so as to admit of the regular established *vakeels* conducting the suits which might be brought before them, and to enable their conduct being properly superintended, which at a distance is not found practicable. The jurisdiction of the Register might be extended with advantage to the trial of suits for 500 rupees; and by these means the general welfare of the country would be better secured by affording more speedy redress to parties who may be aggrieved. At present, injury and oppression are more frequently successful by their being submitted to or compromised, rather than by the delay and tardy process of the Court to seek complete redress against the evil. To define the degree by which the administration of justice may be expedited by the introduction of additional powers for conducting it, may not be practicable. It may be allowed however, as likely to result from the speedy redress of grievances, that the inhabitants will become less inclined to deviate from their fair engagements, or to commit injuries one against another. Each munsiff would be able to decide about thirty causes in the course of a month.

7. The fees and costs payable in suits instituted in the Courts, as they fall on the party cast, are of the greatest advantage. It is by this loss to which they are subjected, and by the speedy and well administration of the laws, that litigation can be expected to be checked and deterred. I have not experienced that their amount is found excessive, but on the other hand they appear sufficient at present to defray a part of the expense of the establishment of the Court, and to answer the object of preventing frivolous and unfounded complaints.

8. The fees which the *vakeels* enjoy, render their situations desirable, numerous persons are emulous to succeed to them; they are of course employed agreeably to their qualifications, and some who are found inactive and deficient, remain with scarcely any business to transact; it is desirable these should be removed, not only as unnecessary, but as their wants might lead them to promote improper litigation; and they will fill the place of better men, who might be employed with advantage in raising more general emulation.

The establishment of the *vakeels* in the Courts, must be generally of advantage, as contributing to regularity and precision. They are personally amenable for all extraneous or improper subjects which they may introduce in the causes in which they are concerned, and they are therefore essentially necessary, as they cannot plead ignorance in excuse; whilst the inhabitants in general, being unacquainted with the forms and rules, might be constantly perplexing the proceedings, and there could be no remedy against artifice, or pretended want of due information.

10. The *vakeels* in general discharge their duty with fidelity; the number engaged in the Juanpore Court was originally thirty-five, and out of those, only three have been found deficient, during a period of six years in which I have been engaged in the office, and on a representation of their conduct they were immediately removed.

11. The principal inhabitants are very little acquainted with the laws. The former city Courts established in this part of the county were too circumscribed to be efficient, and what

duties were conducted were frequently ill administered. Originally the will of the prevailing ruler was the guide of their conduct; and of late, for a period of little more than six years, can it be said, that regular Courts of Justice for administering the laws have been established; the inhabitants therefore could entertain no prospect of adequate benefit by applying to the study of them formerly, and as yet it may be considered sufficient time has scarcely elapsed to ensure them of the necessity and advantage of such a study.

12. I know of no alteration in the forms of the Courts which would be likely to expedite the decision of suits.

13. A chair and table form the bench of the Judge, and a seat is allowed to the moolvy and sherishtadar; the parties or their vakeels stand in front; an officer to read, one to take down the proceedings, and one to collect and deliver the causes for trial, stand on each side, and the intervals are filled with indifferent spectators, or with vakeels ready to come forward in succession as their respective suits are produced for trial, agreeably to their registry; no particular ceremonies are used either in opening the Court or in sitting in it.

14. There are no private schools or seminaries for teaching the Mahomedan or Hindoo laws; formerly there were, but the establishments instituted for their maintenance, have long since been sequestered.

15. Of the moral character of the inhabitants of the country little can be said, as their faith and good will towards man is guided between the extremes of personal interest and danger; the point diverging farthest from either may be considered their indifference, from which they swerve, as interest or fear directs. Their religion inculcates universal charity, but all heavenly inspiration and belief are so entirely superseded by their forms and ceremonies, that their particular acts and general conduct seem more to arise from artificial effects than nature. Their behaviour to their families, relations, friends, and acquaintance, is guided entirely by rule, and their grief and joy are measured, as much as possible, by the same standard. Wantonly they may not be inclined to destroy the life of another, but the smallest incentive, free of risk, will induce them to do it, as well as yield their own. When they are guilty of the crime of murder, their constant answer is, that it was their destiny. They are not willing to acknowledge what was their motive. However, what they do acknowledge serves as no excuse; at present the example of their punishment will probably tend in time to put a stop to their ready commission of crimes, both of this and every other kind. The principle of our doing good to others as we would that others should be guided in their conduct to us, is not known among them; and their virtue, arising from the fulfilment of their duty, in the expectation of its being consistent with the will of the Deity, I have never in any instance discovered. I have observed however some possessed of abilities, qualified to rise to eminence in other countries, but a moral virtuous man I have never met with among them. Under this experience, I am of opinion, the just administration of the system of laws established by the British Government to prevent and punish crimes and offences, will go far towards establishing the morals of the inhabitants; but as yet, sufficient time has not expired since their institution to occasion any prominent change in their character in consequence of them.

16. I am not of opinion that the inhabitants consider their private rights and property to be secured against infringement, because the system introduced for the collection of the revenues, militates against both; and as there is no intermediate power allowed to check and controul the degree of error or deficiency on either side with promptness and effect. If an individual can be imprisoned and deprived of his estate, and is afterwards to seek redress through the process of a suit in the Adawlut, supposing the whole or any part to have originated in injustice, no satisfaction can be adequate and complete: this is at present the case. It were desirable that such an authority should be established as to serve as a medium to hinder or put a stop to the evil, before it should rise to so great a height on the one hand, or to the risk of injury of the revenue on the other.

17. The population of the district may be considered to be progressively increasing, because of the numerous progeny observable in every family, and from the general healthiness of the climate. It is known however that many individuals emigrate annually, in order to obtain the means of a livelihood, which our own provinces are found not to afford them. This is a subject of general complaint among the natives: they allege, that in former governments, the number of troops entertained, and the numerous servants required for state and to conduct the business of the collections, afforded means of employment, by which persons of all descriptions might derive a livelihood. That in addition to the military and civil offices, individuals formerly existed who retained many dependants and followers; at present this description of healthy men is seldom to be met with, and the troops and offices of Government are circumscribed upon the smallest scale; that arts and manufactures, by which industry might be enabled to find subsistence, are in no demand.

Notwithstanding the above, it must be allowed improvements are gradually advancing. The estimation in which property is held, occasions it to be more highly prized, and the more this opinion can be established, the greater incentive it will prove to industry. The situations of the lower classes of natives do not appear so wretched and disconsolate as might have been observable some years ago; and as justice may be more strictly enforced, men will be disinclined to follow criminal pursuits. Want and indigence are the general excuse at present; but where a livelihood can be honestly obtained by exertions, the inhabitants of India will prefer to labour, rather than run the risk of punishments.

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In regard to the cultivation, almost the whole of the lands is in a productive state; very little remains waste. The buildings, or other works of architecture, I have not remarked to be improving. The villages in the district wear the same appearance as formerly, without in the least their convenience, cleanliness, or neatness, being consulted. The house of the zemindar and the meanest ryots bears no outward distinction; this similarity may arise in a great measure from the rule of inheritance which pervades all classes, and is nearly the same with the Mussulman as the Hindoo. Property being universally liable to be divided and separated, must reduce all to the same level in the end, whether originally consisting of much or little, with the difference, since the institution of the Courts, that its progress to the lowest degree will be more regular and speedy; as, while any thing is left, it must afford a constant source of jealousy, enmity, and dispute. It is to be lamented that between families such a foundation for disagreement should be allowed. Applications have been made to me frequently, that, as particular brothers had joined with their father to the exclusion of the rest, a division might be obtained of the patrimony during their father's life, to prevent its being wasted or misapplied, as well as that those excluded by this partiality might derive an equal subsistence with the others. To this cause also may be attributed why assassination and other heinous crimes are common in this country. The people being degraded, in many instances, to the lowest stage of want, must render their minds capable of encountering every species of enormous offence, while the continuance of any property in families, as each branch deems itself entitled to an equal share, must take off from their exertion and industry in other points, which might be more beneficial to them, as well as productive to the state.

18. The inhabitants must be generally satisfied, on comparing their former situations to what they enjoy at present; and also in viewing the surrounding countries, where no care and attention are bestowed in preventing injustice.

19. I am not of opinion that the present system of Police is well calculated to ensure the apprehension of offenders, because incursions are made by banditti without an instance scarcely occurring of their being opposed or intercepted; and as murders are often committed without their being traced, and frequently without its being possible to ascertain who were the sufferers. These defects I attribute to the divided state of the Police, and to the tahsildars receiving a fixed contract price for the duty, whether well or ill performed. They are allowed at the rate of five per cent. on the amount of the revenue, which would be an ample compensation for keeping of sufficient establishments; but as no specific conditions are annexed to their not retaining any, it must rest more on their honour and good faith to retain what is necessary, than on any occasion in the power of the Magistrate to exert.

A good system of police may be considered to combine considerable advantages to Government and the inhabitants, and are of such various extent, and interests appear to require an exclusive establishment. It should form a medium for obtaining every information necessary in respect to the country and inhabitants, and it should be equal to the suppression of every crime, whether directed against the state or against individuals. It ought not therefore to be attached to any other duty, particularly that of realizing the revenue, as forming in itself objects of the highest consequence, and as the revenue must be of equal consideration, the power and authority requisite for both, has been in general found more than the abilities or forbearance of one man could combine. This may have been a motive for the separation, and being appropriated to distinct European officers in Bengal and Bahar, in addition to the urgent reasons assigned for it, in the Preamble to Regulation II. of 1793; the principal omission since, in that part of the country, has been, that the establishments have not been sufficiently matured and perfected. Means have been wanted to answer the expense, and they have not been extended to include all the assistance and information necessary. In lieu of the zemindars, who formerly were bound to afford their aid, no officers were appointed to conduct the duties occurring in the interior towns and villages at a distance from the tannah stations. The goorhites or pausbauns were nominally counted upon for this purpose, but as they were not paid any recompense, nor were there any institutions for their maintenance, it may be readily supposed this part of the duty must have remained defective. At the same time it must be allowed, without minute information and efficient officers to perform what is requisite, in respect to the police in every town and village, no system can be deemed complete.

On the present occasion it may not be improper to detail a few of the principal outrages passing before me, without its being in my power as Magistrate to afford relief. During the prevalence of the rebel Suttanut Sing, I witnessed his frequently passing through the district with numerous armed followers, and committing every species of criminality. Our troops were employed against him to the number of twelve hundred, but notwithstanding, he appeared with impunity wherever his inclination led him. Once the town of Zafferahad, estimated to contain about twenty thousand inhabitants, within four miles of my residence, was attacked in open day, several lives lost, and a mohajin's house plundered, and his son taken off in bondage, in order to exact a ransom for his release. Another time, when some of his adherents had been apprehended, a numerous party attacked the jail in order to release them; they were however fortunately beaten off with only the loss of one of the sebundies, and of four others who were wounded. At length, when by the greatest exertions an occasion offered, the principal was cut off with several of his men, but during the whole of his rebellion, a space of about six years, the police was unable to interfere with effect, aided by such a powerful military force. The same species of open warfare has also been

continued

continued since in a less degree by Hunuman Bux, the brother of Sultanut Sing; and until a different system of police be introduced, the borders of our provinces, it may be inferred, must be ever liable to similar outrages. I shall here beg leave to notice the disturbance committed at Benares by Vizier Ally, in which, it appeared afterwards, several persons had been concerned in advancing money in this and the neighbouring districts, and having followers to assist on the occasion. It is scarcely credible such a design should be attempted and executed without the European officers receiving timely information to interfere in preventing it. On the 7th of this month, also, at Budlapore, a party of banditti at night attacked that place, killed one man, and wounded twelve others; and on the 9th, in one of the serries, in the midst of the city of Juanpore, banditti made an attack, killed one, and wounded nineteen, and carried off treasure, with which the sufferers were entrusted, to the amount of about seventeen thousand rupces; three of the persons wounded have died on the first and second day after the outrage; and four others, if they should recover, must be maimed and helpless for the remainder of their lives. In neither of these instances has it been possible to trace who the banditti were.

I adduce these proofs in justification of my opinion of the insufficiency of the present system of Police, for however in comparison of what may have been introduced in Bengal and Bahar, it may be supposed in this part of the country to bear the preference, neither can be concluded to be perfect; and it may be required for improvements to be introduced in one, as well as that the other should be entirely annulled. In other parts of the provinces perhaps the same enormities do not exist, because equal advantages cannot be taken; but to form a judgment of an evil, the worst should be included in computation, equally with what may be least felt, and from the whole we may draw a conclusion as to what may occur, should ever our power be on the decline, instead of being on the contrary, as at present;—would it not be right therefore, through the means of an efficient Police, that the European security should have something more to depend upon than the disaffected natives, wanting means only to resist us; and what use can be made of the attachment of those who may be well inclined towards us, unless we are able at all times to ascertain them, and to distinguish the one from the other? Certainly this can never be expected as long as the chief executive authority of this Government is entrusted in the hands of a native collector. To state more explicitly my objections against this system being continued, they are, that the revenue, from its superior consideration, must ever engage their time and attention more particularly than can be consistent with the due performance of the duties of the Police. That the nomination and removal of the subordinate officers, should be vested in the European superintending officer, without which, his power of controul and encouragement must be inadequate to insure their necessary attention. That the authority of Revenue Collector and chief Police Officer devolving to an individual native, is improper, whether considered with respect to the welfare of the present Government, or to the security of the native inhabitants, as, in men of their general character, such authority is likely to be applied more to their own benefit than to promote the public good.

20. D° - - D° - - D°

21. The number of crimes has diminished considerably since the institution of the present Courts in 1795. I attribute the diminution to the punishment which criminals meet with when they can be apprehended, serving as an example to deter others from following the same pursuits.

22. The principal crimes prevalent in this district are committed by banditti, who plunder and murder the inhabitants. Some they seize and convey to the jungles bordering on the Nawab Vizier's provinces, where they inflict pains and tortures on them, until, through the means of their families, they are enabled to extort an adequate ransom for their release. The next degree may be considered the murders and frays arising from family disputes, and the rights of partners in estates. A few for insidious murders, where persons disguising themselves, enter into company with one or more travellers, and finding an opportunity, administer duttona, a species of vegetable poison, in their food, by which they are almost immediately rendered senseless, and the perpetrators are enabled with little danger to pillage the sufferers. If remedies can be applied before the effects of the poison are far advanced, the patient is sometimes recovered.

Assassination is a crime not unfrequent, in which the victim is cut off laying asleep in his house or watching his fields. It is distinguished under this head when it does not appear to have been committed in quest of plunder, and may be attributed to violent enmity, and disputes between partners in estates.

The crime of dherna used formerly to be prevalent, but has of late been suppressed in a great degree: I only recollect one instance within the last six months in which a bramia destroyed himself, and his body was buried by a relation at the door of a zemindar of his village, on a dispute regarding the proportion of tythes braminy fees, to which his branch of the family deemed themselves entitled. The body being buried at the door of the zemindar, arose from his having paid a marriage fee to the opposite party.

Suicide is a crime frequently committed. I imagine four or five persons destroy themselves in this district, on an average, every month. I have endeavoured to suppress this criminal disposition of the inhabitants, by directing the bodies of such who make away with themselves to be buried in the highway, or thrown into the rivers, without the funeral ceremonies being observed which are usual in cases of natural death.

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Stealing children is sometimes committed, in order to sell them as slaves, or to monasteries, of Othoets, and different sects of Hindoo devotees.

The means which appear likely to put a stop to the foregoing detail of crimes are an efficient and well-connected police; and that enquiries should be made into the state of property, so as to enable Rules to be formed to prevent its being a source of violence and contention, without its becoming dangerous to the state by the accumulation of it, in any considerable degree, in the hands of particular individuals.

23. The inhabitants in general keep arms, and go armed whenever they leave their own houses; a native is scarcely ever seen without a dagger or sword and shield: they retain also fire arms; they keep them for their defence against ill-disposed persons, as well of such as are instigated by private malevolence and enmity as against general marauders and landitti.

24. There are numerous mud forts in the district, but none of masonry, except the Juanpore fort, which is built of stone; a few only are kept in a state of defence.

25. To enable my computing the inhabitants as near as possible, I have divided the city of Juanpore and the larger towns separately, and have estimated the probable number in each; I have then taken the towns of each pergunnah of the next degree, and of the lowest village, and adding what I compute the number, I have taken the average of both for the remaining towns and villages, which, added with the number in the city and principal town of each pergunnah, make three million one hundred and seventy-one thousand and seven hundred persons. The proportion of the Hindoos to the Mussulman inhabitants I reckon nearly as eight to one.

26. There are no men in this district of any high rank and property, excepting the tahsildars; of these, Rajah Sheolol Bahadur and Babbo Deokynundum are the principal: they are usually attended by about five-and-twenty or thirty men, variously armed; the followers they maintain depend upon the extent of their revenue collections; they are supposed to possess property to the amount of about three lacks of rupees each. Of the other inhabitants, some of the Jagguerdars residing in the pergunnah of Juanpore are said to be the most opulent; of these, Synd Amyad Ally, Ashruff Hossein, and Bahadur Ally Khan, are of the highest rank: their income is estimated at seven or eight thousand rupees a year, and the number of their followers is computed at 30 men. The remaining classes of natives may be deemed, a few, the highest among them, to be possessed of property to the amount of 40,000 rupees, others of 15 or 20,000 rupees, and most of the zemindars are allowed of superior consideration who derive four or five thousand rupees profit annually from their estates; most commonly the income of a zemindar does not exceed five hundred rupees a year. Sook Sol, the former dewan of Rajah Aditnaran, is considered a man of property; he pays thirty thousand rupees annual revenue to Government, and is supposed worth property to the amount of two or three lacks of rupees.

27. There is no person in this district disaffected to the British Government, to the best of my information.

28. The superior offices of Government being held by Europeans, and the natives of this district generally possessed but of little property, there are none of that description upon whom honours would be suited with their situation.

29. The roads in this district are in good repair. The zemindars are at the expense of making them through their respective estates. It were to be desired, as the whole of the country must in some measure derive the benefit of their use, that the expense might be assigned equally upon the rest, as well as those through whose lands the roads are conveyed; the remaining public works consist of three stone bridges leading across the Geompty and Sye; a large stone-built musjed situated in Juanpore; and several serries built some of brick and others of mud. The expense of keeping these in repair is mostly neglected. Government have been pleased to order a small sum lately, for the repair of two of the arches of the Juanpore bridge, which were in danger of falling, but it is to be regretted the necessary expense for repairing the whole well and effectually cannot be contributed; the bridges from their use and long standing, would be felt the loss of extremely, were any accident to happen to render them impassable, and which, without their being thoroughly repaired, they must be in constant danger of at present.

30. The convicts are employed in repairing the roads around Juanpore, and in repairing and digging ancient tanks in the dry season near their place of confinement. There appears to me no other manner preferable in which they could be employed.

31. The Jails for the criminals and persons committed for trial before the Court of Circuit, were erected by Colonel Garstin; originally there were two built, and one was appropriated to the debtors, but within the last two years, owing to the increase of the criminals, both jails have been appropriated exclusively to them, and the debtors have been accommodated in the fort, but the place is ill calculated for the purpose, as has been frequently represented as being so by the Court of Circuit. Orders were at one time issued for plans to be formed, and an estimate of the expense to be submitted for erecting either a sufficient jail for containing the whole of the convicts together, or one to be appropriated to the debtors: this has been done by Colonel Humphrey, but the final directions for his proposal being carried into execution have not yet passed.

32. The zemindars and farmers I am not of opinion are well calculated to act as Justices of the Peace; they are a race of people generally ignorant and unprincipled, and until their minds are better cultivated than at present, by the well administration of good laws, I deem them unfit to be entrusted with the smallest power and responsibility in the administration of justice.

Persons of information and abilities, whose livelihood and character should depend on their own conduct, appear to me the most proper at present to be selected for filling the offices required in the interior part of the country. Efficient power should be given to the superintending European officer to remove, controul and encourage them, subject to appeal to the higher Courts; but in the state in which the Police is now conducted, I find it totally impracticable to assign the necessary offices which would correspond and coalesce with it.

33. I am not prepared to state any new Rules, which might tend to the suppression of crimes in general.

34. The operation of the last Regulation, respecting the tax on spirituous liquors, appears to me to have been attended with the most beneficial effects; drunkenness is by no means so prevalent as it was previously.

35. No new measures are likely, in my opinion, to improve the morals of the inhabitants. The just administration of the laws already instituted, and the introduction of a well connected efficient Police, are all I imagine that can be necessary.

36. No instance has occurred in this district of the crime of perjury being proved, to admit of the punishment instituted, being inflicted: a penal law of this kind must be attended with the desired effect, in deterring the commission of the crime against which it is directed. It might be preferred however, that the punishment of transportation for seven or fourteen years, should be inflicted instead of it, as an indelible mark may be of injurious effect afterwards in preventing the delinquent from being able to obtain a livelihood.

37. Transportation, in this part of the country, is more dreaded than death. Its effects therefore must be corresponding to that, in deterring the commission of crimes.

38. The Mahomedan laws, I am not of opinion are administered with too much severity, and as far as they are carried, the consequences produced, are highly beneficial in tending to the suppression of crimes.

39. The conduct of Europeans in this district, is mostly applied to the manufacture of indigo, and to concerns in the traffic of cloths. The increase of the circulation of money in consequence, is of considerable benefit, but scarcely one among them has been successful in his speculations, and some appear to be suffering under some privations and distresses.

40. From the time of the institution of the Courts, I do not recollect a single prosecution having been instituted on account of disagreement between the weavers and their employers.

Zillah Juanpore,
the 17th December 1801.

I have the honour to be, Sir,
Your most obedient servant,
A. Willand, Judge and Mag^r.

To N. B. EDMONSTONE, Esq. Secretary to the Government.

Sir,

AGREEABLY to the Orders I have this day received from the Honourable the Vice President in Council, I beg leave to submit to His Excellency the Most Noble the Governor General, a copy of my Reply to the Queries which accompanied your Letter of the 21st of October last.

Zillah Mirzapore,
9th December 1801.

I have the honour to be, Sir,
Your most obedient servant,
R^t Ahmutz, A. J. & M.

To GEORGE DOWDESWELL, Esquire, Secretary to the Government, in the Judicial Department, Fort William.

Sir,

1st. I HAVE to acknowledge the receipt of Mr. Secretary Edmonstone's letter, under date the 21st ultimo, and agreeably to his directions, I beg leave to submit to you the following information upon the different points of reference required by his Excellency the most noble the Governor General in Council.

2d. In reply to the 1st, 2d, 3d, and 4th Queries, you will be pleased to report to the honourable the Vice President in Council, that the causes now depending before the Judge, are 258; before the Register, 230; and before the Native Commissioners, 1,215. This number exceeds that of causes usually depending before the several tribunals, since the constitution of the Adawlut in 1795, in the proportion of one-fourth before the Judge and Register, and nearly

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nearly double before the Native Commissioners. The increase is partly owing to the annexations to the zillah from Ghazeepore, and partly to the greater quantity of business being brought into the Court the present year. I conceive that nearly two hundred causes must be necessarily depending before the Judge, in the several stages of proceedings; as many before the Register, and one thousand before the Commissioners. The causes decided in the present year amount to 357 by the Judge, 261 by the Register, and 3,228 by the Commissioners.

3d. On the subject of the 5th Question, I beg leave to observe, that the trial of causes might be expedited by a modification of the present rules regarding pleadings. It is usual to draw the original plaint in a concise form, and this is doubtless convenient, because many causes are adjusted by *razunamah* without trial. But if the defendant stands suit, he is called upon, under the present Regulations, for his answer, before the plaintiff has stated the particulars of his claim. These are afterwards stated by the plaintiff in the replications, and the defendant is then precluded from entering at large into his defence in the rejoinder. The plaint, as the ground of the original writ, should be simple; but when the defendant has entered an appearance, the plaintiff should immediately file a declaration, setting forth the matter of his complaint at full length; and to this the defendant should make answer. It would seldom become necessary to reply or rejoin, and causes might consequently be in general heard much sooner than they now are.

4th. I do not conceive that the early decision of suits would be promoted by authorizing the tribunals to omit the depositions of witnesses in causes not appealable; the notes of the evidence which must in that case be taken, would require nearly as much time as the writing of the evidence exactly as it is delivered, and would be less certain and accurate.

5th.—6. I apprehend that the jurisdiction of the Native Commissioners cannot be safely extended beyond the present limitation of 50 rupees, but that of the Register might with much propriety be extended to 300 rupees, for the town of Mirzapore, which is a good mart of commerce, produces many suits of little moment to the parties, where the sum exceeds 200 rupees and falls short of 300 rupees.

So in the original.

6th.—7. Litigation is certainly checked by the fees now payable on suits, and by the stamp duties, and the several charges do not appear too considerable, where litigiousness and injustice can be imputed to the party in the cause; but in those cases, either intricate or uncertain, where each party not unreasonably thought right to be on his side, a remission of fees paid to Government, on the institution of the suit, and on the exhibits, might be allowed at the discretion of the Court.

7th.—8, 9, and 10. The fees allowed to licensed vakeels do constitute a sufficient inducement for men of character and qualifications to undertake those situations; and among those attached to the Court at Mirzapore, there are persons of this description, who are also in general well acquainted with the printed Regulations: they seem in general to discharge their duty honestly towards their clients; and the establishment of licensed vakeels has unquestionably contributed to expedite the trials.

8th.—11. With the exception of pundits among the Hindoos and Cauzees, and *moo-javees* among the Mahomedans, people of all ranks appear to be very little acquainted with the laws of the country.

9th.—On the subject of the 12th Quere, I beg leave to refer you to my Answer to the 5th.

10th.—13. The Court-room at Mirzapore is railed off in three unequal divisions; the first, comprehending one-third of the room, is allotted for the bench of the Judge, and the public officers; the second, a small space in the centre, is appropriated for the vakeels, and parties whose suits are called on for trial; and one-half of the court is left for spectators, and all other persons who attend the Court. The witnesses remain in the verandahs of the Court-house till called for examination. A separate room is allotted for the Register's Court; and apartments, communicating with those in which the records are deposited, are appropriated for the officers of the Court, occupied in transcribing papers, recording them, &c. With respect to the forms observed in opening the Court, and sitting in it, I beg leave to report that a list of causes prepared for trial is read, and silence commanded to be observed; the Judge sits at the head of a long table, and the officers of the Court are ranged on each side of it.

11th.—14. I am sorry to observe that there are no schools or seminaries of any denomination within this district, in which the Mahomedan or Hindoo law is taught.

12th.—15. The inhabitants of Zillah Mirzapore do not seem to differ much in their general character from those of other districts in these provinces; however, they are more prone to violence than the inhabitants of Bengal, and less disposed to vice. The system established by the British Government checks violence, and consequently tends to the general improvement of the moral character of the people.

13th.—16. The inhabitants cannot be insensible to the efficacy of the present Laws and Regulations for the security of their private rights and property against infringement.

14th.—17. The district of Mirzapore appears to me to be in a state of general improvement with respect to all the points specified in this quere; the flourishing commerce and thriving cultivation of the zillah are matters of notoriety, and indicate increase of population;

lation; emigrations from the bordering countries, of which the governments are in an unsettled state, add to the population of the district; the increase of buildings is conspicuous; the town of Mirzapore, especially, is so much increasing, that upon a representation which I submitted on the part of the inhabitants, Government has been pleased to grant a considerable portion of land for the purpose of enlarging the town.

15th.—18. The inhabitants in general appear satisfied with the British Government, enjoying under its protection the free exercise of their religion, and full security of their persons and property.

16th.—19 and 20. So far as respects the town of Mirzapore, the present system of police insures the apprehension of offenders, and the establishment for it is adequate; but the police of the country, committed to the charge of tahsildars, is not effectual for the apprehension of criminals, although that part of the tahsildars and huzzoory malguzars commission, which is intended for the police, seems more than adequate to defray very sufficient establishments, yet the tahsildars do not commonly reside within their jurisdictions, nor entertain proper persons, nor the maintenance of a true police, at the same time that their own attention, and that of the naibs deputed by them into the pergunnahs, is wholly ingrossed by the business of their collections.

17th.—21. The calendars of the half yearly circuits exhibit more trials of criminal cases in the last years than immediately after the institution of the present courts; it does not, however, appear certain that crimes are now more frequent than heretofore; but prosecutors more generally resort to the Magistrate, and for this reason fewer crimes remain unknown and unpunished.

18th.—22. Thefts and robberies are the most frequent offences in the district of Mirzapore, as also at affrays and other violences, or raising of disputes concerning boundaries; but it may be hoped that violences will be checked by the gradual effect of strict administration of the criminal law, the especially if this be assisted by an efficient and vigilant police in the pergunnahs: the tahsildars should be prohibited from any interference in the police; and an effectual establishment should be retained by the Magistrates, which may be accomplished at less expense than at present allowed to tahsildars; it would also contribute greatly to prevent robberies, and assist the suppression of them, if severe punishment was inflicted on the receivers of stolen goods.

19th.—23. The inhabitants of this district very generally keep swords and shields in their possession, and these arms are for the most part retained for the sake of defence against robbers.

20th.—24. There are several forts built of masonry, and the remains of many mud forts in the district. Bejyegurh is a very strong fortress, and in tolerable condition; Agowin is far less considerable, and is in a state of decay; Chettsgurh, Bejyepore, and Serounjah, are in a ruinous state; the rest are of little note, and almost wholly decayed.

21st.—25. I have no sufficient grounds for estimating the population of the district, nor the proportion of the Hindoo to Mahomedan inhabitants; but I apprehend that the Hindoos are at least ten times more numerous in cities than Mahomedans, and twenty times so in the country; that the part of this district, which is not mountainous, seems well peopled, but the hilly portion of it is in general thinly inhabited. If I might offer a conjecture where the hilly grounds of an estimate were only wanted, I should state the population of the whole district as amounting to nine hundred thousand souls. The number of inhabitants in the town of Mirzapore, as incurred from the number of houses comprized in the different wards, is not less than 50,000: there are many smaller towns in the district, containing from five to ten thousand inhabitants; and populous villages, containing from five hundred to a thousand persons, numerous.

22d.—26. The persons of the highest rank in the district are,—Rajah Raim Gollonri Sing, of Sceanebe in pergunnah Runtit, Rajah Run Behedrom Agowne, and Rajah Bhugut Sing, of Chousch; persons of opulence, are merchants settled in the town of Mirzapore; none maintain any considerable number of followers in their service; and the rajahs above mentioned appear abroad with no more than ten or twenty attendants, armed for the purpose of show only.

23d.—27. No person in the district of Mirzapore are known or suspected to be disaffected to the British Government.

24th.—28. The measures stated in this query would certainly contribute to strengthen the attachment of such among the Natives as might be honoured with marks of distinction by the British Government, or might hope to attain them.

25th.—29. There are no bridges of note in Zillah Mirzapore, nor any public works of magnitude. The roads are in a very bad state throughout the district. The zemindars are bound by their engagements with Government to repair the roads; but they perform their duty in so careless and insufficient a manner, that the roads are only passable for beasts of burthen, and never for carriages, in the best season.

26th.—30. The convicts are employed in repairing the roads in the vicinity of the town of Mirzapore; or when the season does not permit this employment, in beating savorkey: as a species of labour which they much dislike, it answers well for the purpose of a sentence for hard labour. I am not prepared to propose a practicable scheme for employing convicts in a mode adapted to form them in the habits of industry.

No. 1.

Answers by the
JUDGES.

Benares Division.

Zillah Mirzapore.
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No. 1.

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Zillah Mirzapore,
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27th.—31. There are two commodious jails belonging to the adawlut Mirzapore, for the separate confinement of debtors and criminals, with apartments separating prisoners of different sexes and under different sentences.

28th.—32. The zemindars and farmers are responsible for our losses which occur by theft or robbery within their own estates, and the tehsildars are entrusted with the charge of the police, for the expense of which a commission on the revenues is allowed by Government. I apprehend the jurisdiction of the zemindars could not be safely extended beyond the limits of their own estates, nor the power of the Justice of the Peace be advantageously entrusted to persons not possessing landed property, nor receiving salary like the officers of the police.

29th.—33. The situation of an establishment under the darogahs for the police of all towns and villages, and of a superintendant of a tottiwall to a certain number of wards, comprised in one or more pergunnahs, according to their size, might with much benefit be substituted in lieu of the present system of tehsilderry jurisdiction. In cases of robberies and thefts, the tehsildars are responsible in the first instance, but the Regulations direct that they shall have recourse for their indemnification to the landholders or farmers within whose limits the loss has occurred. The tehsildars seldom retain sufficient establishment, and for this omission the zemindars and farmers frequently suffer. Should Government be pleased to authorize a police establishment immediately under the superintendence of the Magistrates, unconnected with the native collections of revenue, I am of opinion it would contribute much to the suppression of crimes; and proper assistance and protection will be afforded to the landholders and farmers, who will still retain their responsibility by their engagements.

30th.—34. The price of spirituous liquors is considerably increased, by the addition of taxes levied under Regulation VI, 1800, in which the lower classes of people cannot afford to indulge themselves to the extent they have been hitherto accustomed; consequently the vice of drunkenness has become less prevalent than previous to the promulgation of that Regulation.

31st.—35. I am not at present prepared to reply to this quere.

32d.—36 and 17. With respect to the punishments alluded to in these queries, I am firmly of opinion that the mark on the forehead for perjury has been always considered a severe punishment; and almost in all instances, criminals appear to prefer capital punishment to the severity they apprehend from transportation: the operation of this law most undoubtedly contributes towards the suppression of crimes.

33d.—38. From the lenity observed in the administration of the Mahomedan law, public justice was greatly obstructed, as well from the influence admitted in cases of murder to the heirs of the slain, as from the several exemptions from the infliction of capital punishment in cases of wilful murder: therefore essential benefits have evidently arisen from the modifications adopted by Government. However, I am of opinion that severer punishment should be inflicted on persons assisting in decoity or gang-robbery, and on all accessaries in murders; and that the complicated or rather positive evidence required in proof of the crimes of adultery, should be simplified, and the legal obstructions removed.

34th.—39. No complaint of a violent tendency has ever been brought forward against any of the Europeans who reside in this district, out of the service; and they have on all occasions conducted themselves with perfect humility, and the utmost deference to the Rules and Orders of Government.

35th.—40. There are no considerable cloth manufacturers in the district under my charge; the weavers scattered among the different villages only manufacture the coarser and narrow cloths used by the poorer class of natives. The weavers purchase small quantities of cotton at the markets in towns and villages, their family spin it; and when the cloth is manufactured, they dispose of it within their immediate vicinities, for ready money. The weavers in general cultivate a begah or two of land, and upon the whole appear perfectly contented with their circumstances.

Zillah Mirzapore,
21st November 1801.

I have the honor to be, Sir,

Your most obedient servant,

R^d Ahmuty, A. J. & M.

(A true Copy.)

R^d Ahmuty, A. J. & M.

No. 1.—Part 2.

ANSWERS OF THE COLLECTORS

To certain Interrogatories on the State of the Country,
In 1801 and 1802.

Zillah Beerbhoom	- - - -	<i>W. Cowell</i>	- - - -	10 April	- -	1802.
Zillah Behar	- - - -	<i>R. Graham</i>	- - - -	17 February	-	1802.
Benaies	- - - -	<i>J. Routledge</i>	- - - -	2 December	-	1802.
Bhaugulpore	- - - -	<i>Jos. Sherburne</i>	- - - -	4 January	-	1802.
Burdwan	- - - -	<i>W. Parker</i>	- - - -	8 June	- -	1802.
Zillah Chittagong	- - - -	<i>R. Ker</i>	- - - -	17 March	- -	1802.
Dacca	- - - -	<i>H. H. Massie</i>	- - - -	8 June	- -	1802.
Dinagepore	- - - -	<i>G. Smith</i>	- - - -	12 December	-	1801.
Zillah Jessore	- - - -	<i>W. Parker</i>	- - - -	9 January	-	1802.
Midnapore	- - - -	<i>J. H. Ernest</i>	- - - -	24 February	-	1802.
Mymensing	- - - -	<i>Francis Le Gros</i>	- - - -	29 January	-	1802.
Zillah Moorshedabad	- - - -	<i>Thomas Hayes</i>	- - - -	11 February	-	1802.
Kishnaghur	- - - -	<i>A. Seton</i>	- - - -	16 January	-	1802.
Twenty-four Pergunnahs	- -	<i>Frederick Fitzroy</i>	- -	1 May	- -	1802.
Zillah Purnea	- - - -	<i>W. E. Rees</i>	- - - -	27 April	- -	1802.
Zillah Rajshahy	- - - -	<i>And^o Gardiner</i>	- - - -	26 December	-	1801.
Rungpore	- - - -	<i>Alex. Wright</i>	- - - -	6 January	-	1802.
Shahabad	- - - -	<i>J. Deare</i>	- - - -	20 November	-	1801.
Zillah Sarun	- - - -	<i>J. R. Elphinstone</i>	- - - -	30 December	-	1801.
Sythet	- - - -	<i>John Ahmuty</i>	- - - -	19 December	-	1801.
Zillah Tipperah	- - - -	<i>John Ryley</i>	- - - -	20 April	- -	1802.
Zillah Tirhoot	- - - -	<i>G. P. Ricketts</i>	- - - -	12 February	-	1802.

(Zillah Beerbhoom.)

TO GEORGE DOWDESWELL, ESQ.

Secretary to the Government in the Revenue Department, Fort William.

SIR,

I HAVE the honour to reply to the Interrogatories transmitted to me by order of the Honourable the Vice President in Council, in your Letter of the 29th October last.

1.—Are the crops of the present year expected to be productive?

The paddy is excellent, kaupass or colton promising, sugar a very good crop, and are all expected to be productive.

2.—What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the collections for the present year?

Balance outstanding of the revenues of the Bengal year 1207	-	S.R ^o	23,354.	13.	7.	1.
Instalments demandable for the current year to the 10th April,		S.R ^o	7,64,701.	15.	3.	2.
Realized	- - - -	S.R ^o	7,13,269.	0.	12.	1.
Balance	- - - -	S.R ^o	51,432.	14.	11.	1.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

Jumma of the lands sold	- - - -	S.R ^o	1,03,424.	8.	15.	3.
Expected to be sold	- - - -					None.

The lands, in general, have sold favourably, with some exceptions; but which I attributed to their not having been kept in so high and regular a state of cultivation as the other lands, and to the mismanagement of the proprietors.

No. 1.—part 2.

Answers by the
COLLECTORS.Zillah Beerbhoom,
10 April 1802.

4.—Are the existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without at the same time affecting the security or value of landed property?

The existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of land, with whom a permanent settlement has been concluded, are exceedingly well calculated to secure the punctual collection of the public revenue. The lands of the proprietors being liable to sale for arrears of revenue, certainly tends to affect the security and value of landed property; though not so much as previous to the promulgation of the 7th Regulation of 1799, when the lands were liable to be sold for the deficiency in any one month's instalment.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

In my opinion, the Regulations for collecting the revenue of Government from persons holding lands in farm immediately of Government, are unquestionably well calculated to secure the punctual collections of the public revenue from the farmers.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers, and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land, the means of oppressing their under farmers and ryots?

The existing Regulations, in my opinion, are most favourable for realizing the rents from the under farmers and ryots; and, in general, are acknowledged to be, by the zemindars and other descriptions of landholders, well calculated for the purposes intended; but I do not think any Regulation could be framed so as entirely to prevent the under farmers and ryots being oppressed by the proprietors and farmers of land and their ghomastas, and persons employed by them in the collection of the Mofussil-rents, if so inclined.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed Collector of this district on the 16th March 1801. The cultivation, since the first year of the Decennial Settlement, I am informed, has been considerably extended and improved, but in what degree I cannot at present say. The proportion of uncultivated land in this district to the cultivated, is supposed to be about one begah to eight.

8.—Do the proprietors of estates, in general, derive a profit exceeding the 10 per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

I have reason to believe that the proprietors of estates derive a profit exceeding the 10 per cent. relinquished to them on the jumma, at the conclusion of the Decennial Settlement, excepting in some instances, where, owing to the bad management of the proprietors, the lands have gone to ruin.

9.—What is the present state of the embankments in your district?

There are no Government embankments in this district; those in the estates of individuals are, I am informed, in a good state of repair. Orders, however, have been issued to the landholders to cause the necessary repairs in their respective estates immediately to be made; and, in the event of their not complying with such requisition, I have been instructed to furnish estimates of the expenses required for that purpose, which will be charged to their account.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

The proprietors of land, in general, do not sufficiently attend to the permanent improvement of their estates; by the making of new embankments, digging of tanks, and establishing such works as are calculated to increase the produce of their lands; but those already made are repaired by the landholders, as occasion may require.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general previously to the conclusion of that settlement; and are the situations and conditions of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The Regulations of Government have compelled the proprietors of land to conduct themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the conclusion of the permanent settlement, than was observed by them previous thereto; and, in my opinion, the situation and condition of the ryots or immediate cultivators of the soil are, in every respect, as comfortable as laws can render them.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country, and what would be the expense attending the work?

Excepting a part of the new road to Chunar, which is kept in good repair by Government, I know of no regular road through this district. The Magistrate of Beerbhoom has been employing the convicts in making a road from Soory towards Cutwah, as far as Soorool, which is finished. The parts of this district through which it would appear essentially requisite to make roads, for the purpose of facilitating the imports and exports of the district, (which are much impeded from the want of roads) are from Soory to Cutwah, and through that part of the district lying between Soory and Moorshedabad. The former might be more speedily executed by carrying on the road now made, as, in travelling from Soory to Cutwah, the passing through Soorool would be but a trifling addition to the distance. The expense of labourers for making these roads would be not less than 100 rupees per mile.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The number of the inhabitants of this district, reckoning men, women and children, is estimated at 700,000. The proportion the Mahomedans bear to the Hindoos, is supposed to be about one to thirty.

14.—What are the most valuable articles of produce in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

Paddy and sugar are the most valuable articles in this district. The cultivation of the latter has considerably increased, in consequence of the investment provided on account of Government.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties in this district are becoming more productive, and I expect that they will produce in the present year about S.R. 5,000.

16.—Are the abkarry collections increasing or decreasing?

The abkarry collections of this district have been decreasing since the year 1205 B.S. in consequence of the rate of the stills having been raised from 3 annas to 6 annas per diem on puchye shrub, which occasioned many of the abkars, who had been accustomed to pay 3 annas, refuse to take out licences for the manufacture and sale of that liquor at the rate of 6 annas per diem. The measure that I would recommend to be adopted for increasing the abkarry collections in this district is, to grant licences, excepting in towns, at the former rate of 3 annas per day.

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

A tax on the under-mentioned articles, and the rate specified, might in my opinion, be levied without operating as an oppression upon the people.

Tobacco, a duty of 3 annas per day, to be levied on each shop. Pawn, in towns, a duty of 3 annas, and in villages, one anna per day, to be levied on each shop. Beetle, in towns, a duty of 3 annas, and in villages, one anna per day, to be levied on each shop. Dhoonah, produced in this district, a duty of 4 annas per day, to be levied on each shop. Tusser, a duty of 3 annas per day, to be levied on each shop. Iron, produced in the district, a duty of 4 annas per day, to be levied from every manufacturer of that article; and on hutt, produced in this district, generally used by the natives in pawn and in dying of cloths, in towns, a duty of 3 annas, and in villages, 2 annas per day, on each vendor of that article.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The descriptions of rent-free lands in this district are, Bermotur, Dabootur, Khoosbosh, Baughaut, Fecrotur, Khoyrat and Cheraghee. The proportion the produce of each begah of rent-free land bears to the jumma of each begah of the land which pays revenue to Government, I conceive to be rather more than 2 to 1.

19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay a revenue to Government?

If the rent-free lands and the lands which pay revenue to Government are equally well situated, I imagine no difference will be found between them in the state of cultivation; but, in general, the lands exempted from the payment of revenue are reckoned to be the best cultivated.

20.—What descriptions of old rupees are current in your district?

For all purposes, excepting the payment of the public revenue, the old sicca and sonat rupees are in general circulation throughout this district. The old sicca bears but a slight proportion to the sonat in actual currency.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 10 sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

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Answers by the
COLLECTORS.

Zillah Beerbhoom,
10 April 1802.

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The only ostensible reasons I can find for the continuance of the circulation of these rupees are, first, the convenience which the inhabitants derive from a continuation in circulation of rupees so long established current through this district; and secondly, that the old sicca and sonat rupees are unmixed and entirely free from alloy. In proportion as these rupees diminish in value, the deficiency in their weight is made up by a deduction of batta on them.

22.—What rules would you recommend to be adopted, for the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

The mode that appears to me best calculated for this purpose, is to receive at the public treasuries, for the space of three years, rupees of various sorts at the rate specified in the 14th Section of the 35th Regulation of 1793, which rupees should be regularly remitted to the mint to be recoined into rupees of the nineteenth sun; and after the expiration of that period, to expressly prohibit the recovery by law of any advance if made subsequent thereto, unless the rupee issued was proved to be the 19th sun milled rupee; and to which effect advertisements should be published throughout the different districts.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

The amount of gold in this district I should conceive to be about four lacs. The gold mohur always passes at full value in large purchases; but the amount in circulation constantly varies, according to the amount brought into the district for commerce.

24.—Has the establishment of the currency of the gold mohur in the interior of the country operated beneficially or otherwise?

The establishment of the currency of the gold mohur in the interior of the country has operated beneficially, as the easier conveyance enables the zemindars to pay the revenue at less expense of carriage and of risk in conveyance, from a large amount being easier hid in gold than silver.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The register of intermediate mutations is prepared in English and Persian, in which all transfers of estates paying revenue to Government, from the year 1,207, B. S. have been entered. The register of lands held exempt from the payment of revenue closed on the 16th February 1802, and the Quinquennial Register of which shall be prepared, after finishing the register of intermediate mutations. The Quinquennial Register of lands paying revenue to Government to the year 1206, B. S. shall be begun, after finishing the annual accounts, &c. of this collectorship.

26.—What descriptions of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The greatest part of the purchasers of the lands disposed of at public sale, in this district, are persons who have held situations under the Rajahs of Beerbhoom, the rest are merchants and persons that have been in the service of the different zemindars; they are mostly Hindoos, and, except a very small portion, are inhabitants of Beerbhoom. The system of management of the present proprietors of lands in this district are, in my opinion, in every respect better calculated for the permanent improvement of their estates, than the system of management of the former proprietors.

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

I do not think any of the proprietors of lands, in this district, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands, but on terms not advisable for Government to offer.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

If it were affected, I should conceive, the lands so held would be rendered more on an equal footing with those rent-free, and that the landholders would consider their estates much more secure. The instalments being made easier, the proprietors would be able to expend larger sums in the improvement of their lands, without fear of not being ready at the day of payment, and of losing their estates; besides preventing the necessity of that

that strictness at present observed by the zemindars, in regard to the payment of the rents, and thereby prevent desertion among their ryots.

Zillah Beerbhoom,
the 10th April 1802.

I have the honour to be, Sir,
Your most obedient humble servant,
(Signed) *W. Corcell,*
Collr.

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Zillah Behar,
17 February 1802.

(Zillah Behar.)

To N. B. EDMONSTONE, Esq.

Secretary to the Government in the Secret, Political, and Foreign Departments.

SIR,

IN obedience to the orders of the Honourable the Vice President in Council, communicated to me in a Letter from Mr. Secretary Dowdeswell, I have the honour to enclose a copy of my Replies to the Interrogatories transmitted by you to the late Collector, by the orders of the Most Noble the Governor General, which I have to request the favour of your laying before his Excellency.

I have the honour to be, Sir,
Your most obedient humble servant.

Zillah Behar,
17th Feb. 1802.

(Signed) *R. Graham,*
Act^g Collr.

The REPLIES of the Acting Collector of *Behar* to the Questions transmitted by the Orders of His Excellency the Most Noble the Governor General.

QUESTIONS.—1.—Are the crops of the present year expected to be productive?

ANSWERS.—The buddoye and kurreef crops of the present year, owing to the abundant fall of rain, have been more than usually productive; and the appearance of the rubbee crop promises a produce equally favourable. The two former harvests in *pergunnah Ghyaspore*, however, were almost totally destroyed by the inundation, which was this year unusually heavy.

2.—What is the amount of the balances in your district on account of the past year; and what is the state of your collections for the present year?

The balances of the past year 1208 Fussilly, in this district, amount to S.R^s 66,679. 5. 3. 3. and the amount outstanding on account of the present year 1209 Fussilly, is Sicca Rupees 89,903. 7. 61.

3.—What is the amount of the jumma of the lands which have been and are expected to be sold for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The amount of the jumma of the lands sold for the balances of the past year, is, Sicca Rupees 11,037. 15. 15. and the jumma of those remaining to be sold on the same account, is, Sicca Rupees 22,972. 9. 2. The lands disposed of have, in general, sold very well, having, on an average, realized nearly treble the amount of their annual jumma. In instances where they have not been bid for, it is chiefly owing to their present unproductive state, or to *local circumstances*; such as their being subject, from the lowness of their situation, to casualties of season, as occur annually in *Ghyaspore*.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without at the same time affecting the security or value of landed property?

The existing Regulations are well calculated for collecting the public revenue, without affecting the value of landed property; but from the proneness I have experienced in the proprietors in general, of landed estates, to procrastinate the payment of the Government dues, I am of opinion that it would tend greatly to ensure punctuality, was the rule now in force in the district of *Benares*, which authorizes *personal restraint* to be extended to the *Behar* province.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collections of the public revenue from the farmers?

I am not aware that any more effectual rules could be established for ensuring the punctual collections of the public revenue from the sudder farmers.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of lands, and farmers of land, holding their farms immediately of Government, to realize their rents from their under farmers, and from their ryots, calculated

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for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

I am of opinion, that the existing Regulations vest sufficient authority in the proprietors and farmers of land paying revenue immediately to Government, for the realization of their rents. Such landholders, or their agents, as are inclined to oppress their tenantry, may certainly pervert the existing Regulations into an engine of oppression upon the poorer class, who they know cannot support the expense or submit to the delay inseparable from the prescribed process, and want of leisure in the officers of the Courts of Adawlut, or of their delegates, to expedite the decision of causes brought before them. During the existence of the Maal Adawluts, the ryots had a cheap and easy access for a speedy and effectual redress of all complaints against proprietors, farmers, or under tenants, for exactions or other acts of oppression.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district bears to the cultivated land?

I was appointed to the charge of this collectorship in November last; but from a residence of near seven years in the soubah of Behar, I can, from my own observation, assert, that its cultivation has been progressively extended during the time that period includes of the Decennial Settlement; but the increase and improvement has been particularly rapid since the expiration of the Decennial Settlement, when the experience of the good faith of Government removed every doubt about the permanency of the assessment. I have no data whereby to determine in what degree the cultivation has been extended, but I am given to understand, that the proportion of the uncultivated to the cultivated land, is nearly as one to three.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

It is to be supposed, that proprietors reap a profit exceeding the ten per cent. on the jumma, derived from their personal exertions in bringing the waste lands of their estates into high cultivation; and had not their estates been capable of affording this improvement, it is probable they would not have engaged for them at an assessment which did not hold out some advantages beyond malekannah, which they might have received from the Government treasury without risk, labour or expense. Proprietors in general derive a profit on small estates of about 20 per cent. and on large estates, where the quantity of improveable land was great, and the proprietors careful and good managers, at least a profit of 50 per cent. which, supposing the jumma of the smaller and greater estates to bear an equal proportion, gives an average of 35 per cent.

9.—What is the present state of the reservoirs in your district?

The reservoirs in this district are very few; and those in a very rapid state of decay.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

Considering the liberal terms on which the Decennial Settlement, since declared perpetual, was made with the proprietors of land, and the confidence which they must have in the good faith of the British Government for the permanent enjoyment of every improvement which they might create in their estates, it is wonderful they have attended so little, as they appear in general to have done, to the establishment of such works as are calculated to increase the produce of their lands. The embankments seem universally neglected, and I do not believe that tanks have ever been dug with a view to revenue improvement.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general previously to the conclusion of that settlement; and is the situation of the ryots or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The proprietors of land have been compelled to conduct themselves with more consideration in their transactions with the ryots since the conclusion of the permanent settlement, the Regulations for which enjoining, that all demands on the cultivators should be fixed and specific, precludes the easy exercise of those exactions which were practised under the former vague and undefined mode of Mofussil assessment. This moderation may therefore be fairly ascribable to the operation of the Regulations, and not to any attention on the part of the landholders to the principles of good faith. The situation of the bulk of the ryots or immediate cultivators of the soil, is, in every respect, as comfortable as might be expected.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country, and what would be the expense attending the work?

I am not sufficiently acquainted with the inland roads to offer any information from myself. I am given to understand that the highways in general throughout this district

are entirely neglected, excepting the great military road which runs through it from the Presidency to Chunar, from Bankpore to Danapore, and the roads from Ghya to Shehergoolty, Socena, Cannachutty, and Chithra, which are kept in repair at the expense of Government. The roads in the neighbourhood of this place, the repair of which would most contribute to the public convenience, and facilitate the communication for commerce, are, First, All the roads in the city and environs of Patna, to the expense of which the Magistrate must be best qualified to speak. Secondly, The road from Mougheer to Patna, along the banks of the Ganges, which will be particularly desirable, as it is the route of all troops marching up and down the country, through the Danapore cantonments; the distance is about fifty coss, and the country being in general high, it might, I imagine, be made for about 11,000 R^s, and kept in good repair by an annual allowance from Government of about 1,500 R^s. Thirdly, The road from Patna to Ghya would likewise be highly beneficial, from its being the principal route into the interior of the district, half the revenues of which are brought in by it, and likewise the greatest part of the trade. It is also the principal route taken by the Bengal pilgrims on their way to and from worshipping at Ghya; besides being the grand communication between Patna and the two Zillah Courts at Ghya and Ramghur, and the military detachments at those places, and the two chief cities in the Soubah. To secure these public conveniences would, from the nature of the intermediate country being low and subject to annual inundation, be attended with a very heavy expense, as it would be necessary to raise the road very high in many parts, and to construct no less than *twenty-five* pucha bridges. The first charge is estimated at one lac of rupees, which, with an annual allowance from Government of 2,500 R^s, to be laid out in repairs immediately after the rainy season, it would gradually become a good and durable road at all times. To prevent the weight of this heavy expense falling entirely upon Government, I beg to suggest the expediency of calling upon the malguzars to contribute, as they did in former Governments, to the repairs of the high roads and embankments. This formerly constituted a part of their engagements, as I am informed it does at present in Zilla Shahabad, and which I understand has been particularly beneficial to that district, where the amount levied for that purpose is one per cent. upon the assessed jumma.

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13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The proportion, I conceive to be in this zilla, one Mahomedan to four Hindoos; but I have no means whereby to estimate the aggregate of the whole.

14.—What are the most valuable articles of produce in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

The most valuable articles of produce in this district, are opium, rice, wheat, potatoes, cotton, hemp, tobacco, maize, and sugar, the cultivation of all which, excepting the latter, has considerably increased of late years. The general increase appears to be attributable to increased population, increased demand from the increase of commerce and of internal consumption. The cause of the increase in the cultivation of potatoes, is, their having become an article of general consumption. The ryots of course follow their own interest, in extending the cultivation of these articles to the utmost of their ability. Indigo was formerly cultivated to a considerable extent in this district, but has been lately on the decline, from the heavy losses sustained by individuals engaged in the manufacture of that article.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties I expect will yield this year not less than 45,000 R^s which present an increase of 7,267 rupees beyond the receipts of the preceding year. This article of revenue will become progressively more productive, and might *immediately* be improved, by fixing a stamp duty on licences issued to the Ghya pilgrims.

16.—Are the aubkarry collections increasing or decreasing?

The aubkarry collections are decreasing very considerably, owing to the option at present left to the abkars of giving up their licences at pleasure, instead of making them certain for the whole year as formerly?

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

The removal of the duties on cattle, &c. brought to market, which formerly constituted a part of the sayer collections, under the terms "Singothee" and "Nekaus Mehals," would prove a source of revenue to Government, without being felt by the natives in any way oppressive. These duties were abolished by the orders of Government in August and December 1788; the produce of them at that time being deemed by Government unworthy the attention and trouble necessary for their collection, and the then comparatively impoverished state of the country, making the levy of them act in some degree oppressively. The very high and rapid improvement which has taken place throughout the Company's provinces since the establishment of the Decennial Settlement, and the still improving state both of cultivation and commerce, would at the same time make these duties exceedingly productive, without in the least affecting the class of natives and traders, on whom it would be leviable.

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On a reference to the records, I find the following were the rates at which the duties in question were levied.

A Levy of a per-centage on all Cattle brought for sale to market :

If both purchaser and seller be Mussulmen - - - -	10 per Cent.
If one be a Mussulman, and one a Hindoo - - - -	12/12 —
If both Hindoos - - - - -	15/8 —
Nuzzerana	
On Elephants, value 700 R ^s and under - - - - ea.	37/8.
- - - - value 800 R ^s and upwards - - - -	75.
On Horses and Camels, value less than 5 R ^s - - - - ea.	30 pice.
- - - - - D ^o 5 to 9 R ^s - - - -	1R./12A.
- - - - - D ^o 10 to 19 R ^s - - - -	4/9.
- - - - - D ^o 20 to 49 R ^s - - - -	5/.
- - - - - D ^o 50 R ^s and upwards - - - -	10/.
On Hackery Bullocks - - - - -	ea. 1/4.
On Hackery and Bullocks - - - - -	6/6.
On Tents - - - - -	27 pice.
On a Drove of Cattle - - - - -	per head 2/8.
On Beoparee Bullocks (the same as horses.)	
On Mill Bullocks - - - - -	ea. 1R./4A.
On Sheep - - - - -	per corge 6 pice.
On Goats - - - - -	ea. 5 pice.
On Buffaloes - - - - -	32 pice.
On Cows - - - - -	22 pice.
On young Buffaloes, for killing - - - -	per corge 80 pice.
On Horses, &c. moving from market - - - -	ea. 1/12.
On Elephants - D ^o - D ^o - - - - -	50.

As the complication of the above detail might render the tax somewhat objectionable, I beg to suggest, that in lieu of the various rates stated, a general levy of ten per cent. on the sale of the articles enumerated under five hundred rupees, and fifteen per cent. on the same, when the value of what is sold shall exceed that sum.

Under the former Governments the zemindars used, I understand, to levy a triennial tax on cattle not employed in agriculture; and, though this was undoubtedly felt oppressive by the herdsmen, owing to the unreasonable exactions of the landlords, yet it might, I conceive, be modified and rendered a productive tax, without the objection of being severe, by a considerable reduction of the rates, and making the payment annual instead of triennial, as in the following mode:

	Former Rates, Triennial.	Proposed Rate, Annual.
Cows, excepting Heifers - - - -	8 ^s	2 ^s
Buffaloes, large, females - - - -	1 —	4
D ^o - - small - d ^o - - - -	8	2

Both of these duties I would humbly recommend to the attention of Government. The collections might be carried on in the same mode as those of the abkarry mehals, by persons appointed by and under the immediate superintendence of the Collector, who should be remunerated for this extra duty by a commission, as is now received by him on the abkarry collections, and sale of stamp paper.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The different descriptions of rent-free lands in this district, are, Jaggeer Aymah, Modulmaash, Altomgha Bishenpreet, Sheoter, Bermoter, Mahotaun, Fakeeraun, Peraun, Nuzzerauk Cheyrughee, Sersicon, Kharrijejumma, Mauffee, and Khyraute.

The average proportion of the produce of the rent-free lands, I am informed, will scarcely amount to one half of the jumma of the Malguuzarree lands; the culture of the greater part of the former being very little attended to, owing to the natural indolence of the people.

19.—Which of these descriptions of land are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay a revenue to Government?

The lands paying a revenue to Government are unquestionably in the best state of cultivation.

20.—What description of old rupees are current in your district?

The eleven, twelve, and nineteen sun rupee, equal in quality, I understand, to the new sicca rupee, but inferior in weight from half to two per cent.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the nineteen sun sicca rupee

rupee being the only description of rupees struck in which the public revenue ought to be paid?

The reason why these rupees continue in circulation, I conceive to be, first, an *apparent scarcity* of the new coinage, which is occasioned, I believe, by the collusion of the shroffs, who collect them for the purpose of imposing their own terms upon exchanging them with the malguzars, who receive the old rupees from their ryots in payment of their rents. These, once in the possession of the shroffs, find their way back again into the Mofussil, in advance for cloth, grain, and other merchandize. And, secondly, from the *real scarcity* of the new silver, occasioned by the shroffs exporting it to Benares, where it is recoined into rupees of an inferior quality and weight, from which the shroffs derive a profit of three per cent. on every remittance, and sometimes from six to seven; and this within the period of six weeks. A traffic of this kind is carried on to a very considerable extent, which is encouraged by the balance of trade to the westward being generally, not to say always, against the Company's provinces. From the above causes, the *forestalling, exportation, and real scarcity* of the new silver, may be attributed the general currency and circulation of the old coin, and which co-operating causes considerably tend to draw the old coin from its hoards. I do not understand that the old coin is ever replaced. Though it certainly becomes worn and diminished in value, yet it retains its currency, bearing a batta or rebate, which is an additional incitement to the shroffs to use every artifice in their power to keep it in circulation. The public revenue is paid in gold or silver of the new coinage.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupees into general circulation, and rendering it advantageous to all persons to reject any other description of rupees?

For the purpose of introducing the nineteen sun sicca rupees into general circulation, I beg leave to suggest, with all due submission, to the consideration of Government, the expediency of calling in all the old coin which is now in circulation in this and the neighbouring districts of Behar, and which I conceive might be effected by the re-establishment of an assay office at Patna, for the period of one or two years, and authorizing the assay master to pay the full intrinsic value of the old coin so tendered, in new sicca rupees or gold of the new coinage, without any deduction for refining or charge for coinage, provided the quality is not worse than one per cent below the standard; the old coin so collected to be cast into ingots, and transmitted to the mint. Such an establishment might also afford some encouragement for the importation of gold and silver bullion; and the evil before stated "that of converting the new coin into an inferior currency," might be hereafter prevented by a reform. Of the present Benares mint, or the establishment of one either there or in some other central situation, under the immediate superintendence of an able European mint master, I should be inclined to suppose, from the particular circumstances of the present time, that the acquirement of the ceded countries has increased the magnitude of the object for establishing a general currency, so as to make it become of the highest possible importance, and deserving of every consideration that may tend to promote it; and nothing can surely lead so effectually to it, as the abolition of an inferior currency, or the reducing of our own standard to an equality with that of our neighbours.

23.—Do gold mohurs circulate in your district, and to what extent; and do they pass at par, that is, for the value of sixteen sicca rupees, when tendered for the purchase of goods; in private debts and public demands, it is, of course, received at the rate which the law requires?

The circulation of gold mohurs appears to be pretty generally established throughout the district, particularly in the cities and principal towns; and they pass at par in the purchase of merchandize. I have no data on which I can state the quantity of gold coin actually in circulation, but have the honour to submit a statement, taken from the annual Treasury Accounts of the last five years, exhibiting the proportion of gold received in the collection of the revenue.

	Gold Mohurs.	S. Rupees.
From May 1796 to April 1797 inclusive	85,888 $\frac{1}{2}$	13,74,220
- - May 1797 to April 1798 d°	85,768	13,72,283
- - May 1798 to April 1799 d°	80,947 $\frac{1}{2}$	12,95,160
- - May 1799 to April 1800 d°	85,001 $\frac{1}{2}$	13,50,020
- - May 1800 to April 1801 d°	80,027 $\frac{1}{2}$	12,80,430

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

It is to be inferred, from the reply to the foregoing question, that the establishment of the gold currency has operated beneficially, as far as it has been effected.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of lands held exempt from the payment of revenue?

Almost the whole of the materials for these registers have been collected; but, from the multiplicity of business incidental to the current duties of this office, they have not been compiled, agreeable to the new form prescribed by Government. They are now arranging, and will be completed with all practicable dispatch.

26.—What description of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those

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Answers by the
COLLECTORS.Zillah Behar,
17 February 1802.

purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The purchasers of villages at the public sales are, in general, either persons who, having amassed money by service; wish to fund their property in landed estates, or zemindars possessed of small profitable talooks, having inclination and ability to enlarge their possessions; and as it seldom happens that the villages disposed of at the public sales fall again into arrear, and but little trouble occurs in the collection of the revenues, it is to be concluded that the system adopted by the purchasers for the management of the estates, is better than that of the former proprietors. In cases of joint estates, or where disputes exist as to the shares of the property purchased, it sometimes becomes necessary to have recourse again to the sale of such estates, for the realization of the revenue.

27.—Are you of opinion, that any of the proprietors of the lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

There can, I conceive, be little doubt of the readiness, on the part of the proprietors, who possess property exclusive of their estates, to purchase of Government the perpetual exemption from a portion or the whole of the land tax. The price, however, which they would give for such exemption, I imagine, would be regulated by the price at present paid for lands not liable to the public tax; and which I find, on enquiry, is in this zillah about six times the amount of the net annual produce. Some proprietors of large fortunes might possibly be induced to give a higher price for an exemption from the whole tax, as it might tend to enhance their consequence, by rendering them independent of the official calls of the revenue officers; but even then I do not think their offers would exceed nine, or, at the most, ten years the amount of the assessment. I have been induced to offer this opinion on information from several intelligent persons on the subject, which I conceive to be highly satisfactory; evincing thereby the perfect confidence of the natives in the stability and permanency of the British Government.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

The natural indolence and want of exertion of the inhabitants of these provinces, leave me very much in doubt whether an exemption from the land tax would operate beneficially, or otherwise. I have, in my answer to the 19th Question, said that the malguzarry lands are better cultivated than those exempt from revenue: for the superiority of the former, no other reason can be assigned, than that the public demands operate as a stimulus on the activity and industry of all parties concerned therein.

Zillah Behar,
the 16th January 1802.

(Signed) R. Graham,
Act^g Coll^r.

(Benares.)

To the Honourable G. H. BARLOW,
Vice President in Council, Fort William.

HONOURABLE SIR,

IN obedience to the directions of his Excellency the Most Noble the Governor General, communicated in a Letter from his Secretary, under date the 21st October, I have the honour to submit to you my Answers to a Paper of Questions transmitted to me by him, and which I have herewith detailed, and annexed my Replies to each of them respectively.

QUESTION 1.—Are the crops of the present year expected to be productive?

ANSWER.—From the favourableness of the late rains, they are expected to be uncommonly productive.

2.—What is the amount of the balances in your district on account of the past year; and what is the state of the collections for the present year?

The sum of rupees 27,060. 12. 3. and which shall be particularly explained in my annual wassel bawkee, about to be transmitted to the Accountant to the Board of Revenue. The collections for the present year have been hitherto duly realized, according to the stipulated instalments.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands sold, and expected to be sold, for realizing the balances of the past as well as of former years, is R^s 1,05,772. 8. and in many instances the defaulters paid in their balances, previous to the days on which their lands were advertised for sale. In general those disposed of produced a favourable price, and when otherwise, the difficulty of

of obtaining possession, from the notorious refractoriness of the defaulters, was the principal cause.

- 4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

In my opinion, they cannot in any respect affect the security or value of landed property; and though, in general, they have been sufficiently effective, I am disposed to think that, by an amendment of some of them, and particularly the 22d and 26th Sections of the 6th Regulation of 1795, they would be better calculated to secure the punctual collection of the public revenue.

- 5.—Are the Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

The latter part of the preceding answer, I conceive, is also applicable to this question.

- 6.—Are the existing Regulations, for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers, and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

They entirely preclude the zemindars and farmers from exercising any oppression whatever; and although they do enable them to realize their revenue, I am of opinion that the 10th Section of Regulation 51, of 1795, should be either amended or abolished, as it virtually destroys all distinction between the zemindars and their ryots, and prevents the former from reaping any advantage to be derived from their estates; and which appears to be a great hardship upon them, as, by their engagements with Government, their estates are liable to be disposed of to make good any deficiency that may happen, from whatever cause, in their stipulated revenues.

- 7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed to act for Mr. A. Duncan, in February 1790, and, in consequence of his death, I was confirmed in the appointment in the month of August the same year. The cultivation has every where been much improved and extended, and particularly in the frontier pergunnahs in the Ghazpore zillah, and from the best information I have received, I should suppose it has in many parts of that zillah been increased about two-thirds, and in other parts of the province considerably more than one-fourth; but at the same time, from an inequality in the original distribution of the assessment, there are some small villages that do not yield more than a profit of 10 per cent. on the jumma, and others, of the same description, whose assets are not, or at least barely, equal to their jumma; but at the same time there are many large talooks whose assets are thrice the amount of their assessment, particularly Rentepore, Sherepore and Gnamer, in pergunnah Zemaneah, on the south side of the Ganges. Except in pergunnah Chownsah, and in the hills to the south-east of Chunar, which are incapable of being cleared, there is hardly a sufficient quantity of uncultivated land for the grazing of cattle.

- 8.—Do the proprietors of estates, in general, derive a profit exceeding the 10 per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

In general, they derive a very considerable profit exceeding this per centage.

- 9.—What is the present state of the reservoirs in your district?

In general, they are in good condition.

- 10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

They do, to the best of my information, and as far as I can judge from what has fallen within my own observation.

- 11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation or condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

Previous to the conclusion of the settlement, the zemindars had only the internal management of their lands, during the continuance of the lease of the farmers of the several pergunnahs, and which were renewable at the end of each year; and as they were subject to every sort of exaction from the farmers, it is natural to conclude they made similar exactions on their ryots, by collecting from them according to the resources of the lands, and not accord-

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COLLECTORS.Zillah Benares,
2 December 1801.

ing to any specific or understood agreements, as has been done since a separate settlement has been made of each village. In consequence of the Regulation I have already quoted, there are now, in my opinion, very few ryots, or of the class of cultivators, whom we term ryots, and their situation is, in every respect, as comfortable as can be expected.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the works?

The roads are every where passable to hackeries (carriages commonly used in the country) from the conclusion until the commencement of the periodical rains, and are in general in pretty good repair; and I do not think it would be particularly beneficial to the country at large, to make roads through any part of it; although it would certainly be a great convenience to have the roads leading from the towns and principal villages kept in good repair, and which might be done at a small expense.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

Upwards of three millions: and the proportion the Mahomedans bear to the Hindoos is, I should suppose, as two to ten.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

Sugar-cane, opium, tobacco, beetle-leaf, and indigo; and the cultivation of all of them has much increased of late years; and which can only be ascribed to the confidence and security the cultivators derive from the operation of the present Regulations.

15.—Are the stamp duties becoming more productive; and what sum do you expect these duties will produce in your district in the present year?

They are increasing, but not to the extent I expected; and I think they will in this year produce from 60 to 70,000 R^s.

16.—Are the abkarry collections increasing or decreasing?

In the last six years they have increased from R^s 7,418. 7. 9. to R^s 1,37,347. 5. 9.; and though they may be kept up to this amount, I do not think they are likely to exceed it in any considerable degree.

17.—Are there any articles in your district on which a productive tax might be levied without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

Previous to the abolition of sayers, in 1197 Fussily, every article of produce was taxed; and, in my opinion, the information now required would be best derived from the imposition of a small tax on all articles whatever, as it would point out those which could best bear a tax, and be most productive. At first, this tax might only be sufficient to defray the requisite market establishments; and from the discontinuance of which, in consequence of the abolition of sayers, much inconvenience was felt in the district in which I was then stationed; and having afterwards frequently witnessed the great want of them, both in Behar and in this province, I am confident that a market, where a proper establishment was kept up, would be more frequented, notwithstanding the collection of a duty, than another market, where there was nothing collected, and no establishment maintained. I should therefore consider the re-establishment of these duties as a benefit to the country at large, as well as its becoming, in a short time, a productive source of revenue to Government.

The very short time I have to remain at Benares, as well as the hurry of business previous to delivering over charge of my office, does not admit of my obtaining from the several Mofussil officers any accounts of these duties, previous to their abolition; and without a reference to them, I am sorry it is not in my power either to state any particular articles on which a tax would be most productive, or the rates of tax which might appear best calculated to the ends proposed; but should a general tax be imposed, some of the duties might afterwards be abolished, and others retained or increased, as circumstances might seem to render necessary.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the jumma of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

They are allumgah, maaffee, jageer, and kishnorpun, the nominal jumma of all of which is R^s 5,77,147, and is about one seventh part of the land revenue.

19.—Which of these descriptions of lands are in general in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

They are both, and equally, in the highest state of cultivation.

20.—What descriptions of old rupees are current in your district?

The only description of rupees current in this district, is that termed the 17th sun Benares sicca rupee.

21.—What is the reason that those rupees continue in circulation, and how are they replaced, as they become worn and diminished in value; the 19th sun sicca rupee being

being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

There are no rupees of the description mentioned in this question, current in the district.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19th sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

That an European mint master should be appointed; and that all rupees paid into the treasury on account of the public revenue should, be coined, at the expense of Government, into the 19th sun sicca rupee; and that after a certain period no rupees of any other standard should be received in payment of the public revenue, without being liable to a batta equal to the loss sustained in coining the Benares sicca rupees into rupees of the 19th sun.

23.—Do gold mohurs circulate in your district; to what extent; and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands it is of course received at the rate which the law requires?

They are never tendered in payment of the public revenue, and are not considered as current in the district.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially, or otherwise?

The answer to the preceding question will shew that there is no gold currency in this district.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The Quinquennial Register of lands paying revenue to Government, is completed; and that of the lands held exempt from the payment of revenue, is in great forwardness.

26.—What descriptions of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

In general the zemindars of the pergunnahs in which the lands are situated, and sometimes by the monied men of Benares, and, generally speaking, the system of management pursued by both is the same.

27.—Are you of opinion that any of the proprietors of lands in your district, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma) and how many years purchase do you suppose the proprietors would offer for such remission?

To give a satisfactory answer to this question, would require more enquiry than the short time I have to remain in the district will admit of my making, but I am of opinion that none of the proprietors would purchase at such a rate as would be advantageous to Government to accede to.

28.—What is your opinion as to the effect which a disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

I do not feel myself competent to give an explicit answer to this question; but I rather think such an arrangement as mentioned would not in any manner tend to the improvement of the country, for at present they have as much inducement to attend to the cultivation of their estates as they could possibly have under any circumstances whatever.

I have the honour to be, Honourable Sir,

Your most obedient humble servant,

J. Routledge,
Collr.

Benares,
the 2d December 1801.

No. 1.—part 2.

Answers by the
COLLECTORS.

Zillah Benares,
2 December 1801.

No. 1.—part 2.

Answers by the
COLLECTORS.Bhaugulpore,
4 January 1802.

(Bhaugulpore.)

To His Excellency the Most Noble Marquis WELLESLEY, Governor General.

MY LORD,

IN obedience to commands received from the Secretary to Government of the third ultimo, I have the honour to transmit my Answers to the Interrogatories proposed to me by the Honourable the Vice President in Council, transmitted in his former Letter, the 29th October 1801.

I doubt my sentiments on some points of them are not those most generally received, and I have therefore presumed to annex some accounts of authentic historical authority, not only in justification of them, but as they may possibly throw some light, and be of some use on the early management of the territories, that, to your Lordship's immortal honour, and the relief and happiness of millions, have, from your Lordship's transcendent abilities and exertions, been lately united to the British Empire.

I have the honour to be, &c.

Bhaugulpore,
4th. January 1802.(Signed) Jos. Sherburne,
Collector.

ANSWERS to Interrogatories to the Collectors received from the Secretary to Government, under date 29th October 1801.

1.—Are the crops of the present year expected to be productive?

The bhadon crop was nearly totally lost in the late inundation, but grain continuing cheap, indicates plenty in store, and the augun and poose crops promise to be very abundant.

2.—What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the collections for the present year?

The balances of last year are considerable, but are, I hope, recoverable: the state of the present year's collections is, at present, unfavourable, from the damage sustained by the ryots in the late inundation.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands proposed to be sold to liquidate balances on account of last year, amount to 6,773. 15. 5. 3. The sale of lands to liquidate the further balances, I have recommended to be suspended, till the question between the zemindars and muckuddums, respecting the claims of the latter to separation, is determined in the Zillah Court. The last sale of lands, viz. on the 14th September, I consider rather favourable; but that they are not more so, I attribute,

1st. To the apprehension of the influence and operation in the collections from the former proprietors.

2d. To the subdivision of interest in estates, in the Bahar division of this zillah, which are so complex and various, that none but a person of local personal knowledge of an estate will venture on a purchase.

3d. That those who might otherwise be disposed to become purchasers, are deterred from bidding if they observe a superior, of any description, to be their opponent.

4th. To a combination among the bidders.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands, with whom permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

The existing Regulations, I consider well regulated to secure the punctual collections of the public revenue, but, I apprehend, they have at the same time afforded the proprietors of estates such opportunities of alienating and collusively disposing of their resources, that the lands *bonâ fide* paying rent to Government, have been reduced to a bare sufficiency, to pay the jumma assessed on the estates, and to this I attribute the frequent failure of proprietors, and the frequent sales; and I consider it otherwise morally impossible that the revenue of this, or any other district under the British Government, should, in the course of little more than thirty years, have dwindled from 3,19,911. 10. to 1,41,255. 3. 2.

5.—Are

5.—Are the existing Regulations for collecting the revenue of Government from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

The existing Regulations for collecting the revenue from persons holding lands in farm immediately from Government, I consider well calculated to secure the punctual collection of the public revenue; but I apprehend it might be proper to insert in their engagements, a clause binding them to deliver over their farm, at the expiration of their lease, in as good, if not in a certain degree (as Government may think fit) of improved condition, as they receive it; the farmer or tenant being every where, at least, responsible for injury or waste.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of lands, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers, and from their ryots, well calculated for the purpose intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

The previous Regulations for enabling the zemindars, farmers, &c. to collect their rents from their under tenants, &c. are much improved by Regulation VII, 1799; Regulation V, 1800; Regulation I, 1801; and the powers delegated are not greater than is requisite to enable them to enforce the punctual payment of their rents.

7.—When were you appointed Collector of the district, and has its collection been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land, in your district, now bears to the cultivated land?

I took charge of this district on the 11th September 1801, and cannot therefore presume to give any opinion with respect to the increase or decrease of cultivation, since the formation of the Decennial Settlement; but I observe a striking increase, both of inhabitants and cultivation, since the year 1773: the uncultivated lands, from the district being so mountainous, must needs be very disproportionate to the cultivated lands, and in that degree, that I must decline to hazard even a conjecture.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

I do not suppose, for the reason given in the conclusion of my answer to the 10th Interrogatory, the proprietors derive a greater profit from their lands absolutely paying rent to Government, than the estimated profit of ten per cent.

9.—What is the present state of the embankments in your district?

The embankments in this district are merely local, and, where required, are made at the charge of the proprietors of the estate.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

The proprietors of estates, I believe, from having studied, and from my experience of the character and principles of the natives, never willingly disburse a rupee on improvements, digging tanks, or works of any kind; they dig tanks and erect gauts from ostentatious motives, but none, I believe, from considerations of public utility. The province of Beerbhoom abounds in tanks, but the ryots pay the proprietors for the water they draw for the use of their fields: an Asiatic never relinquished an immediate for a remote advantage, however superior or obvious.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The zemindars are very seldom guided in their conduct to their ryots, by either principles of good faith or moderation. It is the hand of Government alone, and of those who exercise authority under it, that can curb the one, or protect the other from oppression; the condition of the ryots or cultivators of the soil, under the Regulations, is as comfortable as can be expected. It might be of use to extend the power of enquiry, and of granting redress to the ryots in cases of dispossession, to the Collector.

12.—What is the state of the roads in your district?

The roads in this district, from the judicious management and distribution of the labour of the felons by Mr. Fombelle, are good, and will be as far improved as the nature of the country and climate will admit. A substantial public road through the district from west to east, would certainly be very beneficial, but would be attended with such an expense in making and keeping it in repair, that I dare not suggest such an undertaking.

No. 1.—part 2.

Answers by the
COLLECTORS.Bhaugulpore,
4 January 1802.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it to be supposed the Mahomedans bear to the Hindoos?

The inhabitants of the district, calculated from an account of the number of houses taken by the Magistrate, amount to between 550,000 to 600,000.

14.—What are the most valuable articles of produce in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

The most valuable article of gross produce of this district, is sugar; and that of Rajemahl being of a superior quality, has of late years been much in demand for exportation. The only manufacture of consequence is that of champanugar, but it has fallen into disrepute in foreign markets, from the use of a caustic alkali, which, in bleaching, destroyed its texture, which is part of animal (the tussur silk) and part of vegetable substance. I must, however, remark on an article of national importance. It is a species of hemp or flax, found by experiments of Mr. Glas, to exceed in strength the hemp of Europe, in the ratio of nearly two to one; is the produce of a creeper, common on the hills, and may be cultivated to any extent.

15.—Are the stamp duties becoming more productive, and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties are becoming more productive, and I estimate they will produce in the ensuing year, from 3,500 to 4,000 rupees.

16.—Are the abkarry collections increasing or decreasing?

The abkarry collections are at present stationary; but, from the enquiries I have set on foot, I look with confidence to an increase.

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

The only article on which a productive tax might be levied, to be productive, without oppression, that immediately occurs to me, is the article of manufactured tobacco, consumed by the inhabitants of every description, and which, in the following mode of calculating, might produce about 10,000 rupees per annum. The inhabitants are stated at 600,000, say families 150,000. Common tobacco is about 8 seer per rupee; suppose each family to consume half a seer per month, is 6 seer per annum; the gross amount will be 1,12,500; on which an excise of 10 per cent. would produce, 11,250, to be levied by licences granted to shops for retailing it.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The rent-free lands of every description in the Bahar portion of this district, amount, as per list annexed, to 1,67,000 begas; but I have not the smallest faith on the records from which the list is taken, and, notwithstanding the Regulations have been in force upwards of 10 years, no progress has yet been made in obtaining a more correct account.

The grounds of my incredulity I humbly submit to consideration; I assume for argument, that the revenue of the district is adequate to 1/10 of the gross produce.

The revenue being 3,24,809, the gross produce will amount to 32,48,090; I assume, every individual on an average, of all ranks, consumes at least 10 rupees of produce annually. The inhabitants having been ascertained to amount to about 600,000, their consumption will amount to 60,00,000; the produce of the khalsah lands is consequently inadequate to the consumption in 27,52,600. Grain, and every article of consumption of the natives, is exported from the district; the produce must consequently exceed the consumption. The sum deficient of the consumption in the produce of the khalsah lands, and the value of the exports, must consequently arise from the rent-free lands, which, in this mode of estimate, cannot but be at least adequate to the produce of the khalsah lands.

If the revenue be supposed to bear a higher proportion to the gross produce, and the consumption of the individual less in the same ratio, the equation and the consequence will be the same; and that the rent-free lands bear a less proportion to the khalsah lands, than they appear from this mode of estimate, can only with submission be maintained, by supposing the revenue still more disproportionate to the gross produce than I have assumed, or by estimating the consumption of the individual far below probability?

19th.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or lands which pay revenue to Government?

The rent-free lands, in cases where they do not exceed the quantity that may be cultivated by the owner, with the assistance of an hired ploughman, I have no doubt, from the whole profit being the owners, are better cultivated than the khalsah lands. Where rent-free lands are let to the ryots, and khalsah lands of equal fertility come in competition, the last are likely to be best cultivated; those are most likely to be preferred, the ryots having a sort of pride, and considering themselves better protected in cultivating the khalsah lands than those of individuals.

20.—What descriptions of old rupees are current in your district?

A few sonat rupees are current in this district, but they bear a small proportion to the 19 sun struck in the provinces.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

That there any other than 19 sun sicca rupees in circulation, I apprehend arises from two causes:

1st. That the intrinsic value of the 19 sun sicca rupee, is greater than the nominal value between it and the sonat rupee, which makes it worth while to exchange and melt it down in the mints of Benares and Lucnow.

2d. To the natural consequence of our intercourse with our neighbours, merchants, travellers, servants and boat people, importing their currency for the purchase of merchandize, and their private expenses. In the countries of Europe, the purchase of foreign coin is a traffick for the mint and manufactures, hence little appears in circulation. In this country, the exchange of coins is a traffick among a very numerous class of people, who have no other means of subsistence; and foreign coins do not disappear till they are too much worn to circulate, when they are purchased and melted down for a variety of purposes.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupees into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

The best informed minds are often wedded to particular habits of thinking, but it is seldom otherwise with those of the inferior class of men in any country; and we ought not therefore to be surprized, if the lower orders of the people in different parts of the provinces, accustomed for generations past to value their little property in exchange, by a particular species of rupee, should continue their partiality for it. In the province of Dacca, I understand the Arcot rupee continues to be preferred; in Beerbhoom the sonat; hence I conclude, if these local prejudices for particular species of rupees is an evil, it is only to be remedied by time.

23.—Do gold mohurs circulate in your district; to what extent; and do they pass at par, that is for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands it is of course received at the rate which the law requires?

Gold mohurs here bear sometimes a trifling batta, at others none at all; and in commercial transactions or payment of debts they are received at par.

24.—Has the establishment of the currency of the gold mohurs, in the interior of the country, operated beneficially, or otherwise?

From the circumstances above stated, the gold coin being generally dispersed and current in the interior of the country, I conclude, the inhabitants must have experienced its utility, and that no further proof is necessary of its having operated beneficially.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The first quinquennial settlement was not kept by my predecessor, and little or no progress can be made in the last required, till the question at issue between the zemindars and muckuddums is determined by the Court; as the separations made by Mr. Dickinson cannot be entered in the register of intermediate mutations, till they are properly authorized.

26.—What descriptions of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The lands disposed off at public sale in this district have, with one or two exceptions, been purchased by inhabitants of the district; but, I apprehend, the principles of the purchasers and former proprietors are exactly the same, with respect to the improvement of their estates, on which, as has been before observed, they never disburse a rupee; and, except that one may be a better economist, and look more into the detail of his collections than the other, the only difference is the change of name.

27.—Are you of opinion that any of the proprietors of lands in your district, would purchase of Government the permanent remission of any part of the fixed jumma, assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma) and how many years purchase do you suppose the proprietors would offer for such remission?

I apprehend the proprietors of estates in this district, in general, have not the means of redeeming any part of the established jumma; and that if they had, the highest value proposed would be five years purchase; as money lent at interest, properly managed, will double itself

No. 1.—part 2.
 Answers by the
 COLLECTORS.
 Bhaugulpore,
 4 January 1802.

in seven years. But if they had the means, and were disposed to the purchase, the rights in each village, it has been observed, are so various, complex, and subdivided, that I fear the measure would be found impracticable, and, in the present state of the question between the zemindars and muckuddums, is absolutely impossible. But if there were no other obstacles, I should be at a loss, without further instructions, in what manner to make the proposition, or sound them on the subject; as it is not suggested, whether the dereliction of a part of the jumma is to be of a part of the jumma of the estate collectively, or the separation of villages composing it. If the first, in what manner is the portion relinquished to be divided, so as to meet the jarring interest of the proprietors; or to make it practicable hereafter to sell or separate any part of the estate? If the last, I apprehend there is danger that the ryot will be enticed from the villages paying rent, to those that will become rent free; that the khalsah villages will thence, becoming rack rented, be brought to the hammer, and become the property of Government for want of purchasers.

I have not accurate information to refer to, and therefore assume 2,70,00,000 for the landed rental of the provinces, of which one-fifth or 20 per cent. is 54,00,000, which at six instead of five years purchase would amount to 3,24,00,000; but this, with great deference, appears to be liquidating a debt of 3,24,00,000, with the loss for ever of an increase that would pay the interest of a debt of 5,40,00,000 for ever. If the state of the public finances is such, that Government can relinquish this income for ever, the same sum reserved from the present income, would discharge the interest half yearly of the same date at 10 per cent. and leave a sinking fund of 21,60,000 annually, which would redeem the principal and income in about 12 years; and if a rental adequate to the proportion of the jumma proposed to be sold, was assigned in trust for the purpose above suggested, it would establish the public credit on so firm a basis, that I have no doubt that the interest of the public debt in a few years might be reduced to 5 or 6 per cent.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

If, by improvement of the country, is to be understood extension of cultivation, and this is to arise from the lands being lighter assessed, I firmly believe the measure would produce no such effect; if it were for this reason only, that the lighter the lands are assessed, the less call there is for the exertion of the cultivators of it. Nor do I consider the extension of cultivation, except for articles for exportation, anywise desirable. It stands on record in this district, and is a well known fact, that a year of great plenty is injurious; the person who has resided any number of years in India must have experienced, that it excites and encourages general idleness and contumacy in the inhabitants. The province of Benares is better cultivated, in proportion to its extent, than the Company's provinces, simply because the price of food and the necessaries of life are dearer, which compel the inhabitants to be more industrious; and I am of opinion that it would be productive of general good, if any measure could be devised that would prevent grain from becoming cheaper than one maund per rupee.

I take the liberty to annex some Accounts connected with the subject of these Interrogatories, and in elucidation of my answers thereto.

Boglepore,
 4th January 1802.

(Signed)

Jos. Sherburne,
 Collector.

AN ACCOUNT, shewing the Tuckseem Jummah or Quit Rent established by Rajah Turdurmul, and the Military Force of the following Provinces, in the Reign of the Emperor Akbar, in the 16th Century.

SOUBAHS.	SIRCARS.	Mehals.	Revenue in Dams.	Revenue in Money, 40 D ^{ms} p' Rupee.	Cavalry.	Elephants	Infantry.	Boats.
BENGAL, & ORISSA - - }	- - -	787	59,84,59,319	1,49,61,482	23,300	170	8,01,158	4,400
BEHAR - - -	Behar, proper -	46	8,31,96,390	20,79,909	2,115	- -	67,350	—
	Monghyr - - -	31	10,96,25,981	27,40,649	2,150	- -	50,000	—
	Champaran - -	3	55,13,420	1,37,835	- -	- -	3,000	—
	Hajypore - - -	11	2,73,31,030	6,83,275	—	—	—	—
	Sarun - - - -	17	1,61,72,004	4,04,300	1,000	- -	50,000	—
	Terhoot - - -	74	1,91,79,777	4,79,494	700	- -	80,000	—
	Rhotas - - - -	18	4,08,19,493	10,20,487	4,550	- -	1,62,000	—
		200	30,18,38,095	75,45,949	10,515	- -	4,12,300	—
BENARES - - -	Benares - - -	8	88,69,318	2,21,733	830	- -	8,400	—
	Ghazepore - -	19	1,34,31,300	3,35,782	310	- -	16,650	—
	Jownpore - - -	41	5,63,94,127	14,09,853	915	- -	36,000	—
	Chunar - - - -	13	58,10,654	1,41,266	500	- -	18,000	—
		81	8,45,05,399	21,12,634	2,555	- -	79,050	—
ALLAHABAD - -	Allahabad - -	11	2,88,33,374	7,20,834	580	- -	7,100	—
	Manickpore - -	14	3,39,16,527	8,49,913	2,040	- -	42,900	—
	Mhutgorah - -	39	72,64,880	1,81,572	4,304	200	57,000	—
	Korah - - - -	9	1,73,97,567	4,34,939	500	10	15,000	—
	Kalinjer - - -	11	2,38,39,474	5,95,987	1,210	12	18,100	—
	Kunah - - - -	12	2,26,82,048	5,67,051	190	- -	8,700	—
		96	13,39,31,870	33,48,296	9,824	222	1,48,800	—
OWDH - - - -	Owdh - - - -	21	4,09,56,343	10,23,908	1,340	23	31,900	—
	Goruckpore - -	24	1,19,26,790	2,98,169	1,010	- -	22,000	—
	Berayetch - -	11	2,41,20,525	6,03,013	1,070	- -	14,300	—
	Khyrabad - - -	22	4,36,44,381	10,91,109	1,160	- -	27,800	—
	Lucknow - - -	55	8,07,16,120	20,17,903	- -	- -	—	—
		133	20,13,64,159	50,34,102	5,580	23	96,000	—

THE Tuckseem Jummah of Bengal, of which the particulars are } 1,49,61,482
 imperfect, amounted to - - - - - }
 - - - - - D^o - - - of Behar - - - - - } 75,45,949
2,25,07,431

The present Jummah of Bengal and Behar is nearly - - - - - 2,69,00,000.
 The Tuckseem Jummah of Benares was - - - - - 21,12,634.
 The present Jummah is nearly - - - - - 43,00,000.

No comparison can be made of the former and present Jummah of Allahabad and Owdh, as the Soubahship comprizes many mehals that were not formerly included in it, and the province of Benares formed part of Allahabad; but the present Soubah contains about 59,000 } 2,21,00,000.
 square miles, and the Jummah exceeds - - - - - }

The province of Behar contains 52,000 square miles, and the Jummah is - - - 43,00,000.

From the Ayeen Akbarry, Vol. I. par. 284. it appears, the lowest assessment of land, in the reign of Akbar, was one rupee per begah.

PAPERS RELATING TO

The assessment of the Company's provinces does not at present amount, on an average, to eight annas per begah. From the following accounts it will appear, the relative value of the produce, since the reign of Akbar, has increased at least $2\frac{1}{2}$ a. 1.

The revenue was established at one-third of the produce, Ayen Akbarry, Vol. I. p. 355. and the Tuckseem Jummah was fixed at the average of ten years absolute collections, Ayen Ackbarry, Vol. I. p. 366.

The term zemindar occurs but twice in the Institutes of Akbar, in the 1st vol. par. 372. in the instructions to the Foujdar in the mode of treating a zemindar, or a collector of the royal or jaggeer lands, when disobedient; in the 2d vol. par. 19. where the zemindars are said to furnish the military force of Bengal, stated in the preceding Account; and the Aumelguzzar or Collector, 1st vol. par. 350. is enjoined to transact his business with each husbandman separately.

The Measured Lands of Behar, in the Reign of Akbar.

Behar Proper	- - - -	46 Mehals	- - - -	9,52,598	0
Bettyah, or Champaran	- - - -	3	- - - -	85,711	5
Hajypore	- - - -	11	- - - -	4,36,952	15
Rotas and Shawabad	- - - -	18	- - - -	4,73,340	12
Sarun	- - - -	17	- - - -	2,29,052	15
Tyrhoot	- - - -	74	- - - -	2,66,464	6
<u>169 Mehals - - Begahs</u>				<u>24,44,120</u>	<u>-</u>
Revenue - - - -				Rupees -	<u>45,67,044</u> 0

Monghyr, which appears not to have been measured, contains 31 mehals, and the Revenue is stated at 10,96,25,981 dams, or rupees 27,40,649; but the account of particulars makes out only 275,61,178 dams, or rupees 6,89,029; but whether the general or particular account of this sircar is most correct, there can be no doubt, from the above statement, the Government lands of Behar were assessed, on an average, at 1. 14. per begah. Ramgur and Chuta Nagpore, if included in the present Jummah of Behar, must be deducted, to compare it with the Tuckseem Jumma; and Boglepore, Cheye, and Tuckeys pergunnahs, if not included, must be added.

AN ACCOUNT, shewing the ESTIMATED PRODUCE of Three Sorts of POOLEY LANDS, (Lands cultivated every Harvest;) the Average of Ten Years Collection; and the Revenue having been established at one-third of the Produce, the Average Value; and the Quantity of Produce, in the Soubah of Agra, the 24th year of Akbar Shaw, in the 16th Century.

NAMES of ARTICLES.	PRODUCE	—		AVERAGE.	AVERAGE, Ten Years Collections.	VALUE of Produce estimated from Collections	PRICE CURRENT.	QUANTITY
	p ^r Begah, 1st Sort.	2 ^d Sort.	3 ^d Sort.					estimated from Value of Produce.
SPRING HARVEST.	M ^d .	M. S.	M. S.	M. S. Ch.				M. S. Ch.
Wheat - - -	18 0	12 0	8 35	12 38 4	54 Dams.	162 Dams.	12 D ^{ms} . p. M ^d	13 20 0
Vetches - - -	13 0	10 20	1 20	10 13 8	31 - -	93 - -	9 - -	10 13 0
Barley - - -	18 0	12 20	8 15	12 38 4	38 - -	114 - -	8 - -	14 10 0
Adessalental Susee -	8 10	6 20	4 25	6 18 8	23 - -	69 - -	12 - -	5 30 0
Linseed - - -	6 20	5 10	3 30	5 7 0	25 - -	75 - -	10 - -	7 20 0
Maasser - - -	8 30	6 30	5 10	6 36 8	62 - -	185 - -	18 - -	10 14 0
Arzewa, kind of Millet	10 20	8 10	5 5	8 1 8	18 - -	54 - -	6 - -	9 0 0
Mustard - - -	10 20	8 20	5 5	8 1 8	26 - -	78 - -	12 - -	6 20 0
Peas - - -	13 0	8 20	8 25	10 23 0	26 - -	78 - -	6 - -	13 0 0
Feruguck - - -	14 0	11 0	9 35	11 25 0	52 - -	156 - -	10 - -	15 2 4
Shaly Kowr, a particular kind of Rice	24 0	18 0	14 10	18 30 0	44 - -	132 - -	7 - -	19 0 0
Pot Herbs - - -	-	-	-	-	56 - -	168 - -	-	-
Ayewain, an inferior kind of Aniseed	-	-	-	-	66 - -	198 - -	2 D ^{ms} . p. Sep.	2 19 0
Onions - - -	-	-	-	-	72 - -	216 - -	40 D ^{ms} . p. M ^d	5 30 0
Carrots - - -	-	-	-	-	25 - -	75 - -	3 p. Sen.	0 25 0
					<u>618 D^{ms}.</u>	<u>1,854</u>		

M. S. C.

Average Revenue of 15 Articles of the Spring Harvest, 41 Dams, or - - 1. 6. 0. p. begah.
 Average Produce - - - - 3. 1. 6.

(continued.)

An Account, shewing the estimated Produce of Pooley Lands, &c.—continued.

NAMES of ARTICLES.	PRODUCE			AVERAGE.	AVERAGE, Ten Years Collections.	VALUE of Produce estimated from Collections.	PRICE CURRENT.	QUANTITY estimated from Value of Produce.
	1 st Sort.	2 ^d Sort.	3 ^d Sort.					
AUTUMN HARVEST.	M. S.	M. S.	M. S.	M. S. C.				M. S.
Common Sugar Cane, produce Malasses -	13 0	10 10	7 20	10 13 8	108 Dams.	324 Dams.	31 p. M ^d .	10 18
Shaly Mushkun -	24 0	18 0	14 10	18 30 0	52 - -	186 - -	10 - -	18 25
Common Rice -	17 0	12 20	9 11	12 38 8	44 - -	132 - -	13 - -	10 7
Mash -	10 20	7 20	5 10	7 30 0	32 - -	96 - -	16 - -	6 0
Mowng -	6 20	5 10	3 30	5 6 8	35 - -	105 - -	18 - -	5 33
Jewar, a kind of Pea -	13 0	10 20	7 20	10 13 8	32 - -	96 - -	10 - -	9 25
Shamakti, a grain re- sembling Poppy Seed	10 20.	8 20	5 5	8 1 8	11 - -	33 - -	4 - -	8 10
Gall, a grain resembling Mustard -	6 20	5 10	3 30	5 7 0	14 - -	42 - -	8 - -	5 10
Hederim -	18 0	12 20	8 15	12 38 8	27 - -	81 - -	7 - -	11 27
Sesame, a grain of which Oil is made -	8 0	6 0	4 0	6 0 0	31 - -	93 - -	20 - -	4 26
Tureyah, a small grain resembling Mustard	6 20	5 10	3 30	5 7 0	32 - -	96 - -	19 - -	5 0
Turnerick -	-	-	-	-	100 - -	300 - -	2 p. Seer.	3 30
Water Melons -	-	-	-	-	19 - -	57 - -	-	-
Pot Herbs -	-	-	-	-	59 - -	177 - -	-	-
Mowth -	-	-	-	-	21 - -	63 - -	12 p. M ^d .	5 10
Lyderah -	10 20	7 10	5 20	7 30 0	25 - -	75 - -	8 - -	9 15
Arzen, a kind of Millet -	16 10	13 20	10 25	13 1 8	20 - -	60 - -	6 - -	10 0
Korey -	-	-	-	-	11 - -	45 - -	7 - -	6 18
Indigo -	-	-	-	-	137 - -	411 - -	-	-
Cotton -	10 0	7 20	5 0	7 20 0	66 - -	198 - -	26 - -	7 24
					890 - -	2,670 D ^{rs} .		

Average Rev. Autumn Harvest, on 20 Articles, 45 D^s - - - 1. 2. 0.
3. 6. 0. p. Begah.
 Average Rev. - - both Harvests - - - 2. 2. 6.
 Average Produce - - - 6. 7. 0. p. Begah.

R E M A R K S.

THE estimated produce of the lands stated in this Account, reduced to 80S^w per seer is within a trifle (more or less) the common produce of lands in the Company's provinces; and it would be greater, if the ryots, from the very low rates of assessment, were not habitually indolent and careless in their cultivation. In the soubahs of Allahabad and Owdh, the ryots are obliged to water their lands for the spring harvest, and at the season for preparing the lands, they plough by moonlight; the ryots of Bengal are never at the trouble of doing either the one or the other. The rates of assessment, in the Company's provinces, have decreased in the ratio of the relative value of the produce increased.

At present, 15 rupees per begah is no uncommon produce from pooley lands in the province of Benares, and the common assessment is from 3 a' 5 rupees per begah; and if the produce is less valuable in the Company's provinces, it is only a proof that the ryots are less industrious. A husbandman of Benares ploughs his land from 7 a' 40 times, according to his intended cultivation, and would despair of the success of his crop, if he omitted a single ploughing of the number prescribed. The husbandman of Bengal seldom ploughs more than thrice.

PAPERS RELATING TO

AN ACCOUNT, shewing the Aggregate and Average Produce, and the Proportion taken as Revenue in the Spring and Autumn Harvests, from the Pooley Lands (lands cultivated every Harvest); and the Average of Ten Years absolute Collections in Coin in the Soubah of Allahabad; with an Agra Price Current in the reign of Akbar, in the 16th Century.

NAMES of ARTICLES.	The Aggregate Produce of 3 B ^s of different sorts, w ^t 60 S.R. ^s per Seer.		One-third of the preceding, being the Medium Produce of a Begah of Pooley.		One-third of the Medium Produce of a Begah, being the Proportion fixed for the Revenue.		The Proportion of Revenue reduced to Calcutta w ^t of 80 S.R. ^s per Seer.		Average of 10 Year's Collections, the 24th year of Akbar Shaw, per Begah.		Average Collections, reduced to Calcutta Currency per Begah.		Agras Price Current.		
	M.	S.	M.	S.	M.	S.	M.	S.	C.	Dams.	R.	A.	P.	Dm.	p ^t M ^d .
SPRING HARVEST.															
Wheat - - - - -	38	35	12	38½	4	12½	3	9	9	63	1	9	3	12	
Vetches - - - - -	31	0	10	13½	3	18	2	23	8	39	0	15	6	9	
Adess, a Lentil - - - -	19	15	6	18½	2	6	1	24	8	29	0	11	6	12	
Barley - - - - -	38	35	12	38½	4	12½	3	9	9	64	1	9	6	8	
Linseed - - - - -	15	20	5	7	1	29	1	11	12	34	0	13	6	10	
Maasfer - - - - -	20	30	6	36½	2	12	1	29	0	62	1	9	0	8	
Arzen, a kind of Millet -	24	5	8	1½	2	27½	2	0	10	22	0	9	0	6	
Mustard - - - - -	24	5	8	1½	2	27½	2	0	10	35	0	14	0	12	
Peas - - - - -	32	5	10	23	3	33	2	27	4	29	0	11	6	6	
Fenugrick - - - - -	34	35	11	25	3	35	2	31	4	56	1	6	6	10	
Shaly Kowr, a particular kind of Rice - - - -	56	10	18	30	6	10	4	27	8	41	1	0	6	7	
Pot Herbs - - - - -	-	-	-	-	-	-	-	-	-	43	1	1	6	-	
Agewain, an inferior kind of Aniseed - - - - -	-	-	-	-	-	-	-	-	-	72	1	13	0	2 p ^t M ^d	
Onions - - - - -	-	-	-	-	-	-	-	-	-	79	1	15	6	40 p ^t M ^d	
Carrots - - - - -	-	-	-	-	-	-	-	-	-	25	0	10	0	3 p ^t Seer	
										693					

Average Revenue of 15 Articles of the Spring Harvest, 46 Dams, a^t - - - - - 1. 2. 6. p^t Begah.

Average Produce - - - - - 3. 7. 6.

AUTUMN HARVEST.															
	M.	S.	M.	S.	M.	S.	M.	S.	C.	Dams.	R.	A.	P.	Dm.	p ^t M ^d .
Shaly Mustkun - - - -	56	10	18	30	6	10	2	27	8	65	1	10	0	10 Dams.	
Common Rice - - - -	38	35	12	38½	4	13	3	9	12	47	1	3	0	13	
Mash - - - - -	33	10	7	30	2	22½	1	37	10	35	0	14	0	16	
Mowng - - - - -	15	20	5	6½	1	29	1	11	12	41	1	0	6	18	
Jewar, a kind of Pea - -	31	0	10	13½	3	18	1	23	8	27	0	11	0	10	
Shamakti, a grain resembling Poppy Seed - -	24	5	8	1½	2	27½	2	0	16	14	0	5	6	4	
Gall, a grain resembling Mustard - - - - -	15	20	5	7	1	29	1	11	12	18	0	7	3	8	
Koderam - - - - -	38	35	12	38½	4	12½	3	9	9	30	0	12	0	7	
Sesame, a grain of which Oil is made - - - - -	18	0	6	0	2	0	1	20	0	37	0	14	9	20	
Tureyah, a small grain resembling Mustard - - - -	15	20	5	7	1	29	1	11	12	36	0	14	6	19	
Turmerick - - - - -	-	-	-	-	-	-	-	-	-	100	1	4	0	2 p ^t Seer	
Water Melon - - - - -	-	-	-	-	-	-	-	-	-	12	0	5	0	fr. 2 to 1 ea.	
Common Sugar Cane - -	-	-	-	-	-	-	-	-	-	121	3	0	6	½ p ^t each	
Pot Herbs - - - - -	-	-	-	-	-	-	-	-	-	73	1	13	3	-	
Mowth - - - - -	-	-	-	-	-	-	-	-	-	29	0	11	6	12	
Lyduah - - - - -	33	10	7	30	2	33½	1	37	10	25	0	10	0	8	
Arzin, a kind of Millet -	40	5	13	1½	4	18½	3	13	14	25	0	10	0	8	
Korey - - - - -	-	-	-	-	-	-	-	-	-	8	0	3	3	7	
Indigo - - - - -	-	-	-	-	-	-	-	-	-	143	3	9	3	-	
Pan - - - - -	-	-	-	-	-	-	-	-	-	97	2	7	0	-	
										983					

Average Rev. of 20 Articles of the Autumn Harvest, 49 Dams, a^t - - - - - 2. 3. 6.

Produce - - - - - 3. 10. 6.

Average Rev. both Harvests - - - - - 2. 6. 0.

Average Produce - - - - - 7. 2. 0. p^t Begah.

AN ACCOUNT, shewing the Average of Ten Years Collections from Footy Lands, in the Soubah of Owdh; and the Average of Ten Years Collections, Value and Rates of Produce of Footy Lands in the Soubahs of Agra, Allababad, and Owdh, in the 24th Year of the Reign of Akbar, in the 16th Century.

NAMES of ARTICLES.	Average Collections of Owdh, per Begah.	Average Collections of the Three Soubahs.	Value of Produce, per Begah.	Agra Price Current.	Average Rate of Produce in Three Soubahs.
SPRING HARVEST.					
Wheat - - - - -	46 Dams.	54 Dams.	162 Dams.	12 Da. p' M.	M. 8. 13 20 p' B.
Vetches - - - - -	32	34	102	9	11 13
Adess, a Lentil - - - - -	20	24	72	12	6 0
Barley - - - - -	41	48	144	8	18 0
Linseed - - - - -	25	28	84	10	10 16
Maasser - - - - -	62	62	186	18	10 14
Arzen, a kind of Millet - - - - -	17	19	51	6	9 20
Mustard - - - - -	29 $\frac{1}{2}$	30	90	12	7 20
Peas - - - - -	22	26	78	6	13 0
Fennugreek - - - - -	68	59	177	10	17 30
Shaly Kaur, a particular kind of Rice - - - - -	38	41	123	7	17 25
Pot Herbs - - - - -	50	50	150	—	—
Ajewain, an inferior kind of Aniseed - - - - -	66	68	204	2 p' Seer	2 22
Onions - - - - -	71	72	216	40 p' M ^d	5 16
Carrots - - - - -	54	38	114	3 p' Seer	0 58

Average Revenue of 15 Articles of the Spring Harvest, 42 Dams, a' - - - - - R. A. 1. 1.

Average Produce - - - - - 3. 3. p' Begah.

AUTUMN HARVEST.					
Shaly Mushkun - - - - -	58	63	189	10 p' M ^d	18 36
Common Rice - - - - -	34	42	126	13	9 30
Mash - - - - -	28	32	96	16	6 0
Mowng - - - - -	36	37	111	18	6 7
Jewar, a kind of Pea - - - - -	31	30	90	10	9 0
Shamakti, a grain resembling Poppy Seed - - - - -	11	12	36	4	9 0
Gall, a grain resembling Mustard - - - - -	14	15	45	8	5 25
Koderam - - - - -	25	27	81	7	11 25
Sesame, a grain of which Oil is made - - - - -	41	36	108	20	5 16
Tureyah, a grain resembling Mustard - - - - -	27	32	96	19	5 0
Turmerick - - - - -	100	100	300	2 p' S.	3 30
Water Melons - - - - -	16	12	36	from 2 a' 1 each	—
Common Sugar Cane, producing Malasses - - - - -	94	103	324	31	10 18
Pot Herbs - - - - -	19	64	192	—	—
Mowth - - - - -	26	25	75	12	6 10
Lyduah - - - - -	28	26	98	8	9 30
Arzen, a kind of Millet - - - - -	20	23	69	8	8 35
Korey - - - - -	10	11	33	7	4 30
Indigo - - - - -	138	139	417	—	—
Par - - - - -	220	126	398	—	—
Cotton - - - - -	71	76	228	26 p' M ^d	8 30
	1,097				

Average Revenue of 21 Articles of the Autumn Harvest, 52 $\frac{1}{2}$, a' - - - - - R. A. 1. 5.

Average Produce - - - - - 3. 15.

Average Revenue, both Harvests - - - - - 2. 6.

Produce p' Begah - - - - - 7. 2.

GENERAL ABSTRACT of the Average of Ten Years Collection

NAMES of SOUBAHS.	AVERAGE COLLECTIONS PER DEGAH.					
	Spring Harvest.		Autumn Harvest.		BOTH.	
	R. A. P.		R. A. P.		R. A. P.	
Agra - - -	41 D ^{ms}	- 1 0 6	45 D ^{ms}	- 1 2 0	86 D ^{ms}	- 2 2 6
Allahabad - - -	46	- - 1 2 6	46	- - 1 2 6	92	- - 2 5 0
Owde - - -	42 $\frac{1}{3}$	- 3 4 0	52 $\frac{1}{4}$	- - 1 5 0	95	- - 2 6 0
Average of the } three Soubahs }	129 $\frac{1}{3}$	- 3 4 0	143 $\frac{1}{4}$	- - 3 9 6	273	- - 6 13 6
	43	- - 1 1 4	47 $\frac{1}{3}$	- - 1 3 2	91	- - 2 4 6

2 Sicca W^t - - - 1 Dam.
 30 Dams - - - - 1 Seer or 60 S^a W^t.
 40 Dams - - - - 1 Rupee.

AN ACCOUNT of the present Rates and Value of the Produce of Lands in seven Villages

VILLAGES.	LANDS.	PRODUCE, 3 Cutchi make a Puckah Maund.				
		Moorey.	Paddy.	Wheat or Barley.	Paddy Straw.	Wheat Straw.
		R. A. P.	M ^{ds} .	M ^{ds} .	R. A. P.	R. A. P.
Bhaturah - - -	1st sort - - -	- - -	- - -	45.	- - -	4. 0. 0.
	2d sort - - -	- - -	- - -	40.	- - -	3. 0. 0.
	3d sort - - -	- - -	- - -	30.	- - -	2. 0. 0.
	Average - - -	- - -	- - -	38 $\frac{1}{3}$.	- - -	3. 0. 0.
Chunderdeah - - -	1st sort - - -	- - -	- - -	35.	- - -	3. 0. 0.
	2d sort - - -	- - -	- - -	25.	- - -	2. 0. 0.
	3d sort - - -	- - -	- - -	20.	- - -	1. 8. 0.
	Average - - -	- - -	- - -	26 $\frac{2}{3}$.	- - -	2. 2. 3.
Domrany - - -	1st sort - 2 Harvests	- - -	15	40.	1. 0. 0.	3. 0. 0.
	2d sort - 1 Harvest	- - -	- - -	50.	- - -	4. 0. 0.
	Medium, -	- - -	15	45.	1. 0. 0.	3. 8. 0.
Soofrey - - -	1st sort - 2 Harvests	5. 0. 0.	- - -	40.	1. 0. 0.	3. 0. 0.
	2d sort - 1 Harvest	- - -	- - -	50.	- - -	4. 0. 0.
	3d sort - - -	- - -	- - -	40.	- - -	3. 0. 0.
	Average - - -	5. 0. 0.	- - -	43 $\frac{1}{2}$.	1. 0. 0.	3. 5. 4.
Nuttoorah - - -	1st sort - 2 Harvests	- - -	15	20.	1. 0. 0.	1. 0. 0.
	2d sort - 1 Harvest	- - -	- - -	30.	- - -	2. 0. 0.
	2d sort - - -	- - -	- - -	25.	- - -	1. 12. 0.
	3d sort - - -	- - -	- - -	20.	- - -	1. 0. 0.
	Average - - -	- - -	15	23 $\frac{1}{4}$.	1. 0. 0.	1. 7. 0.
Gopaulpore - - -	1st sort - - -	- - -	- - -	25.	- - -	1. 12. 0.
	2d sort - - -	- - -	- - -	15.	- - -	1. 0. 0.
	3d sort - - -	- - -	- - -	10.	- - -	0. 10. 0.
	Average - - -	- - -	- - -	16 $\frac{1}{3}$.	- - -	1. 2. 0.
Bhurgah - - -	One Harvest - - -	- - -	15	- - -	1. 0. 0.	- - -

and Produce of Pooley Lands, in the 24th year of Akbar Shaw.

AVERAGE PRODUCE PER BEGAH.								
Spring Harvest.			Autumn Harvest.			BOTH.		
R.	A.	P.	R.	A.	P.	R.	A.	P.
173	D ^{ms}	- - 3 1 6	135	D ^{ms}	- - 3 6 0	258	D ^{ms}	- - 6 7 0
138	- - -	3 7 6	138	- - -	3 7 6	276	- - -	6 15 6
127	- - -	3 3 0	159	- - -	3 15 0	284	- - -	7 2 0
388	- - -	9 12 0	430	- - -	10 12 6	718	- - -	20 8 6
129 $\frac{1}{2}$	- - -	3 4 0	143 $\frac{1}{2}$	- - -	3 9 6	239 $\frac{1}{2}$	- - -	6 13 6

near Mirzapore, in the Province of Benares, carefully taken on the spot; year 1800.

VALUE OF PRODUCE.					TOTAL.						
Moorey.	Paddy, 4 C ^a M. per R.	Wheat or Barley, 3 C ^a M. per R.	Paddy Straw.	Wheat Straw.							
R.	A.	P.	R.	A.	P.	R.	A.	P.			
-	-	-	15	0	0	-	-	-	19	0	0
-	-	-	13	5	4	-	-	-	16	5	4
-	-	-	10	0	0	-	-	-	12	0	0
-	-	-	12	12	5	-	-	-	15	12	5
-	-	-	11	10	8	-	-	-	14	10	8
-	-	-	8	5	4	-	-	-	10	5	4
-	-	-	6	10	8	-	-	-	8	2	8
-	-	-	8	14	2	-	-	-	11	10	0
-	-	-	13	5	4	1	0	0	21	1	4
-	-	-	16	10	8	-	-	-	20	10	8
-	-	-	15	0	0	1	0	0	20	14	0
5	0	0	13	5	4	1	0	0	22	5	4
-	-	-	16	10	8	-	-	-	20	10	8
-	-	-	13	5	4	-	-	-	16	5	4
5	0	0	14	7	1	1	0	0	19	12	5
3	12	0	6	10	8	1	0	0	12	6	8
-	-	-	10	0	0	-	-	-	12	0	0
-	-	-	8	5	4	-	-	-	10	1	4
-	-	-	6	10	8	-	-	-	7	10	8
3	12	0	7	14	8	1	0	0	10	8	8
-	-	-	8	5	4	-	-	-	10	1	4
-	-	-	5	0	0	-	-	-	6	0	0
-	-	-	3	5	4	-	-	-	3	15	4
-	-	-	5	8	10 $\frac{1}{2}$	-	-	-	6	10	10
-	-	-	3	12	0	-	-	-	4	12	0

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REMARKS.

Answers by the
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4 January 1802.

By deducting one fourth from the rates of produce in the reign of Akber, to make up the difference between the maund of 60 and the maund of 80 S. W^t to the seer, the former and present produce will be found very nearly to correspond. Considering the increase in the price, the value of the present produce will appear nowise extraordinary; and it is to be recollected that the rates of produce here adverted to, are not those of a casual season, of a few insignificant villages, but the average of many years produce, carefully collated, of twelve united kingdoms.

From the arid state, and total want of pasture for cattle, in the province of Benares, for many months of the year, the wheat and barley straw sells usually for as much as will pay the rents.

ARTICLES.	* Produce in the Reign of Akbar, reduced to Calcutta W ^t .				Price Current.	Price Current Mirzapore, May 1801.
	M. S. C.	M. S. C.	M. S. C.	R. S. C.	R. A. P.	R. A. P.
Wheat - - -	13. 20. 0.	9. 0. 0.	6. 26. 4.	9. 28. 12.	0 6 6	0 16 9
Barley - - -	13. 20. 0.	9. 15. 0.	6. 11. 4.	9. 28. 12.	0 4 9	0 13 0
Rice - - -	12. 30. 0.	9. 15. 0.	7. 1. 4.	9. 28. 12.	0 6 9	1 3 3
					1 1 6	3 0 0
Average - -	- - -	- - -	- - -	- - -	0 5 9	1 0 0

* 1 Quart - - - 1 Seer.

5 Pecks - - - 1 Maund.

1 Gallon - - - 4 Seers.

1 Bushel - - - 32 Seers.

10 Gallons - - 1 Maund.

1 Quarter - - 6 M. 16 Seers.

Good land produces in England 5 quarters of wheat or barley per acre, middling land 4 quarters, or 25 M. 24 S.—3 begahs make an acre; consequently, the medium produce of land in the reign of Akbar, nearly corresponds with the present medium produce of lands in England.

PRICE CURRENT.

ARTICLES.	Agra Price Current, in the Reign of Akbar, of 8 S.W. to the Seer.	Mirzapore Price Current, May 1801, per Maund of 80 S.W.	Calcutta Price Current, May 1801, per Maund of 80 S.W.
	A. P.	R. A. P.	R. A. P.
Wheat - - -	0 6 6	0 15 0	0 11 0
Barley - - -	0 4 3	0 13 0	0 7 0
Common Rice - - -	0 6 9	1 3 6	0 14 0
Mustard - - -	0 6 6	1 0 0	1 1 6
Peas - - -	0 3 3	0 13 0	—
Linseed - - -	0 5 6	0 13 0	—
Fenugrick - - -	0 4 3	2 0 9	—
Shaley Kour - - -	0 3 9	1 0 6	—
Mowry - - -	0 9 9	1 3 6	1 1 6
Jewar - - -	0 5 6	0 13 0	—
Shamatih - - -	0 2 3	1 0 6	—
Kodo - - -	0 3 9	0 13 0	—
	3 14 0	12 8 9	—

General ESTIMATE of the Consumption of natural and manufactured Produce in the Company's Provinces, Bengal, Bahar, &c., supposing them to contain 15 Millions of Native Inhabitants.

Number of Persons.	Number of Families of four Persons.	Average Rate of each Person per Month.		Average Rate of each Family per Month.	Average Rate of each Family per Annum.	Total Consumption per Annum.
		R ^s .	A ^s .	R ^s .	R ^s .	R ^s .
— $\frac{1}{2}$	1,25,000	6	4	25	300	3,75,00,000
1	2,50,000	3	12	15	180	4,50,00,000
1 $\frac{1}{2}$	3,75,000	2	8	10	120	4,50,00,000
2	5,00,000	2	—	8	96	4,80,00,000
3	7,50,000	1	8	6	72	5,40,00,000
5	12,50,000	1	—	4	48	6,00,00,000
1 $\frac{1}{2}$ $\frac{1}{2}$	3,75,000	—	12	3	36	1,35,00,000
— $\frac{1}{2}$	1,25,000	—	8	2	24	30,00,000
15 M ^{ds}	37,50,000	Families.		- - -	- - -	30,60,00,000
4,000	Europeans of the	1 st Rank a ^s	75 R ^s per Mo.	or 900 per Ann.		36,00,000
3,000	- - -	2 ^d - - -	30 - - -	360 - - -		4,80,000
13,000	- - -	3 ^d - - -	8 - - -	96 - - -		12,48,000
Total Consumption of European and Native Inhabitants - -						31,13,28,000
Animals:						
Elephants, at 10 R ^s per month; camels and horses at 4R ^s ; draft and carriage bullocks at 2 R ^s ; sheep, goats, hogs, poultry included, adequate to the consumption of 1,25,000 families, at 24 R ^s per annum - - - - -						30,00,000
Exclusive of the straw and provender of ordinary cattle, which are incalculable, but would alone amount to a very considerable sum.						
TOTAL - - R ^s						31,43,28,000

When the season admits, goods of every sort are transported from place to place on Byparies bullocks, and the number is incredible.

Suppose four-fifths of the expenses of the natives (exclusive of raiment) to be for food and other necessaries, the average daily expenses of the families of the

	R ^s	A.	P.
1 st Class will be - - - - -	—	10	8
2 ^d - d ^o - - - - -	—	6	5
3 ^d - d ^o - - - - -	—	4	3
4 th - d ^o - - - - -	—	3	1
5 th - d ^o - - - - -	—	2	7
6 th - d ^o - - - - -	—	1	8
7 th - d ^o - - - - -	—	1	3
8 th - d ^o - - - - -	—	—	10

R^s 1 14 9 for the total expenditure of eight families of four persons (raiment excepted) and including the prince and the beggar.

One-fifth being reserved for clothing, the expenditure allowed for this article, in the families of the

	R ^s	A.	P.
1 st Class will be - - - - -	5	—	—
2 ^d - d ^o - - - - -	3	—	—
3 ^d - d ^o - - - - -	2	—	—
4 th - d ^o - - - - -	1	10	—
5 th - d ^o - - - - -	1	3	—
6 th - d ^o - - - - -	—	13	—
7 th - d ^o - - - - -	—	9	7
8 th - d ^o - - - - -	—	6	5

Persons of 1st Class - - - - - 1 4 — } for raiment and washing, per month.
 2^d - d^o - - - - - — 5 6 }
 8th - d^o - - - - - — 1 7 }

N. B. Nothing has yet been allowed for repairs of buildings or houses, cowhouses, granaries, which, at one rupee per annum each family, would amount to R^s 37,50,000.

The average expenditure allowed to the three first classes for food, &c. per day, is 1 A. 9 P. per person; that for the five last classes, something less than - - - - - 6.

And, if this should appear more than the last classes can afford, it is to be considered that, in these, the women contribute to maintain the family by spinning and other occupations, and that children of

No. 1.—part 2.

Answers by the
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4 January 1802.

seven or eight years of age are capable of gaining their own food, and are particularly useful in the families of the husbandmen. But,

It must be obvious, that the whole allowance made to the three superior classes for clothing, would not afford the head of a family a decent jamma or suit a year; and that, if the deficiency was supplied from the table allowance, the rest of the family must not only be without covering, but comparatively starve.

In the 1st Class of native inhabitants are considered—the nabobs and their near relations, rajahs, superior zemindars, merchants, principal shroffs, banians, the gooroors and superior bramins, and other opulent inhabitants.

2^d Class—Zemindars, principal renters, inferior shroffs, traders, head sircars, superior officers of the judicial courts, and the collectors, mohorirs, moonshees, cazees, muftis, 2^d order of bramins, 1st rank of native officers of the army, native English writers in public and private offices; and, in general, all such as are not engaged in any mechanic or menial occupation.

3^d Class—Inferior zemindars, renters, head mundoles, shopkeepers, sircars, gomastahs, dulolls, mohorirs, moonshees, &c.; native officers of the army, officers and attendants of superior zemindars, superior menial servants, &c. &c.

4th Class—Petty zemindars, renters, mundoles, sepoy, upper servants, head artificers and mechanics, petty gomastahs, podars, dulolls, pykars, superior weavers, petty shopkeepers and retailers, serangs, seaconies, &c.

5th Class—Superior labouring ryots occupying lands, servants, artificers, and mechanics, modies, distillers, confectioners, retailers of cowries, common weavers, washermen, common moonshees, mohorirs or manglees, tindals, sailors, &c.

6th Class—Second order of ryots occupying lands, ordinary artificers and mechanics, common servants, common lascars, bearers, coolies, dandies, fishermen, &c.

7th Class—Hired husbandmen, the ryots of the boundaries, herdsmen, shepherds, common labourers.

8th Class—The most indigent and lowest orders of society, mendicants, &c.

Europeans of the 1st Rank—The governor general and civil servants, the commander in chief and officers of the army, the judges and officers of the supreme court, principal servants, and gentlemen of the foreign settlements, merchants, &c.

2^d Rank—Traders, shopkeepers, tradesmen, mechanics, writers in public and private offices, servants of the foreign settlements under council, pilots, commanders and officers of ships, the non-commissioned officers of the army.

3^d Rank—The lower class of Europeans in general, soldiers, seamen, &c.

FACTS established by the preceding Accounts; and Deductions from them:—

That, in the reign of Akbar, the revenue was established, throughout the empire, at one-third of the produce.

That the revenue was received in kind, copper, or any other coin; which implies a deficiency of currency in gold and silver.

That the average of ten years collections of three soubahs, amounted to 2 R^s 4 A. 6 P. per begah; and, consequently, that the value of the produce could not have been less than 6 R^s 13 A. 6 P. per begah: that the relative value of the produce, to gold and silver, since the reign of Akbar, has increased in the proportion of not less than 2½ to 1.

That, from an assessment considerably lower than the average collections of Akbar, the public revenue of the province of Benares has been doubled.

That the revenues of the soubah of Oude, very little superior in extent to Behar, amount to five times the revenue of Behar.

That, in the natural order of things, supposing the population and cultivation the same, and the laws of Akbar continued in force, the jumma of the provinces of Bengal, Behar, &c. should stand,

Bengal, at nearly	-	-	-	-	-	3,75,00,000
Behar	-	-	-	-	-	1,87,50,000
						<u>5,62,50,000</u>
						<u>5,62,50,000</u>
But, on a proportionate increase only to Benares,						
Bengal would stand at	-	-	-	-	-	3,00,00,000
Behar	-	-	-	-	-	1,50,00,000
						<u>4,50,00,000</u>
						<u>4,50,00,000</u>

That, supposing the produce of lands in the Company's provinces, from remissions and carelessness of cultivation, of no greater value now than in the reign of Akbar, the lands, being assessed, on an average, at less than 8 annas per begah, are assessed at less than 1-13th of the produce: that, at this rate of assessment, it appears that the malguzary lands cannot much exceed 5,00,00,000 begahs, the revenue being only R^s 2,69,00,000, including fisheries and other articles.

That,

That, if Sir William Jones and other *highest* authorities, are accurate in estimating the population of the Company's provinces at not less than 3,00,00,000, the produce of 5,00,00,000 begahs, at the above rate of 6 R^s 13 A. 6 P. per begah, appears little more than adequate to half the consumption* of the inhabitants; and, consequently, that the rent-free lands cannot but be nearly equal, if not fully equal, in extent and value, to the *Walsah* or *Malguzarry* lands, and the revenue is not adequate to a-25th part of the produce.

No. 1.—part 2.
Answers by the
COLLECTORS.
Bhaugulpore,
4 January 1802.

Lackérage Lands in Bhaugulpore :

Millick, Birmoter, Sheebooter and Dheoter, Bhutooter, Peeraun, Muskun, Moohostrane, Khannahbarry, Enam Fussilannah, Khoon Buhah, Mookberrah, Modutmass.

(Burdwan.)

To G. DOWDESWELL, Esq.

Secretary to Government, Judicial and Revenue Department, Fort William.

SIR,

I HAVE the honour to acknowledge the receipt of your Letter of 17th April last, and to transmit my Answers to the circular Interrogatories of Government of 29th October last, framed with a reference to that date. With respect to the delay which has been incurred in the performance of this duty, I beg to observe that, on my arrival in this district three months ago, I found an entire want of the necessary materials for the execution of it, and that, consistently with a due attention to the general duties of my office, I have not been able to finish it at an earlier period.

His Excellency the Most Noble the Governor General having returned to the Presidency, I have not thought it necessary to transmit to his Lordship a separate Copy of the enclosed Answers.

I am, Sir, Your most obedient servant,

Burdwan,
8th June 1802.

(Signed) W. Parker,
Collr.

QUESTIONS.—1.—Are the crops of the present year expected to be productive?

ANSWERS.—The crops of the present year are not expected to be productive in Burdwan, by reason of a destructive inundation of the country in the rainy season. It is computed, that in the district at large, the produce will be deficient by a proportion of one-fourth, compared with the produce of a favourable year.

2.—What is the amount of the balances outstanding in your district on account of the past year, and what is the state of the collections for the present year?

The balances outstanding at the date of this Report, on account of the past Bengal year 1207, amount to S.R^s 79,944. 12. 1. 2. The amount realized at this date, on account of the revenue of the present year, is less, by the sum of S. Rupees 1,47,691. 6. 1. than the amount realized at the same period in the past year.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands which have already been sold for the recovery of the balances of the past year, amounts to S.R^s 1,48,639. 13. 15. and the sale proceeds of such lands to S.R^s 56,722. The jumma of the lands still liable to sale, amounts to something less than S.R^s 5,000. The cause of the unfavourableness of the sales appears to have been a want of assets, at the time of sale, in the mehals sold, which have been for the most part of the worst description.

4.—Are the existing Regulations for collecting the revenue of Government, from zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

This being entirely a question of opinion, I beg to refer to the answer submitted by me from the district of Jessore; since the date of which, I have found no reason to alter the opinion I then entertained.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

Ditto. Ditto.

6.—Are

* See Account, Estimate of Consumption.

No. 1.—part 2.

Answers by the
COLLECTORS.Burdwan
8 June 1802.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers, and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land, the means of oppressing their under farmers and ryots?

Ditto. Ditto.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed Collector of Burdwan in the end of December 1801. The cultivation of the district is supposed to have been very considerably extended, not less than in a degree of one eighth, since the conclusion of the Decennial Settlement. I suppose the uncultivated land in the district, at present, to bear a proportion of one-eighth to the cultivated land.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

The most considerable proprietor of land in the district, the zemindar of Burdwan, does not, I imagine, derive a profit exceeding five per cent. on his jumma; and I am inclined to think that the district at large does not yield a profit exceeding, if equal, to ten per cent. on the assessment of it.

9.—What is the present state of the embankments in your district?

The embankments of the district are, at the date of this Report, in a good and secure state, considering the severity of the past season.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

The established embankments of the district, with few exceptions, are repaired either at the expense of Government, or of the zemindar of Burdwan; and I do not understand that any additional embankments, or works of that nature, are commonly constructed by the other proprietors of lands, with a view to the improvement of their own estates. Tanks are already sufficiently numerous in most parts of the district, and the number of them is occasionally increased by the ryots, who on such occasions pay the amount of ten year's revenue of the ground to the proprietors.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots or immediate cultivators of the soil, in every respect as comfortable as can be expected?

Of late years, the proprietors of land are thought to have conducted themselves towards their ryots with more moderation, and with greater attention to the principles of good faith, than formerly, and the condition of the ryots appears to me as comfortable as can be expected, or desired.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

Under the orders of the Magistrate, various useful roads have been constructed by the convicts; and as they are still employed in this desirable manner, a gradual increase in the number and extent of the roads may be expected. Recently arrived, as I am, in the district, and this object of public benefit already so well attended to, I beg that my suggestions on the subject may be dispensed with.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

In a district so extensive as Burdwan, more time than I have had is necessary for forming an accurate estimate of the population, on data obtained by individual enquiry. After referring, however, to all the official documents on the subject within my reach, and receiving such information as I have been able to procure, I compute the number of the inhabitants of Burdwan to be 40 lacs, and the proportion of Mussulmen and Hindoos, to be three of the former to thirteen of the latter.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

Sugar-cane, indigo, pawn, cotton, tobacco, and mulberry, are, I believe, the most valuable articles of produce in this district. Beetlenut is also produced in a small quantity.

In the progressive improvement and extension of the general cultivation of the district the culture of the above articles, which commonly yield a considerable profit to the cultivator, has also of late years been increased; but not, it is supposed, in any extraordinary degree.

No. 1.—part 2.

Answers by the
COLLECTORS.Burdwan,
8 June 1802.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

In 1206 B.S. the stamp duties yielded S.R.^a 4,000. 8.; in 1207 B.S. S.R.^a 16,014. 10.; and in 1208 B.S. S.R.^a 15,434. 6. In the present year, I estimate their produce at S.R.^a 13,000.

16.—Are the abkarry collections increasing or decreasing?

In 1206 B.S. the abkarry collections amounted to S.R.^a 47,410; in 1207 B.S. to S.R.^a 45,480, and in 1208 B.S. to S.R.^a 43,582. 14.

17.—Are there any articles in your district, on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

I know of no articles on which a productive tax could be levied, without oppression to the people. A tax on tobacco, pawn, and beetle-nut, has already been contemplated by Government, and was strongly objected to by the late Collector, in his Report to the Board of Revenue, of the 14th April 1801.

18.—What are the descriptions of rent-free lands in your district, and what proportion does the produce of the rent-free lands bear to the jumma of the lauds which pay revenue to Government?

The rent-free lands in Burdwan are of various denominations; viz. Bromooter, Dewutter, Shewutter, Bishnooter, Peerooter, Mohoteran, Tuckeraun, Khunabaree, Cheraghee, &c. The value of the produce of them is estimated to bear a proportion of one-fourth to the jumma of the lands which pay revenue to Government.

19.—Which of these descriptions of lands are in general in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The revenue lands are in general of a better quality, and in a better state of cultivation, than the rent-free lands.

20.—What descriptions of old rupees are current in your district?

The old rupees chiefly in circulation in Burdwan, are of the years 10, 11, 12, and 15. A few other sunwants are occasionally to be seen, but are not common.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

The old rupees not having been delivered for recoinage, as required by the Regulations, a general consent seems to have been established for taking them at a batta, or allowance proportionate to the diminution of their value. I am not of opinion, that, as they become more worn, other old rupees are introduced in lieu of them, but that they still continue to circulate, by means of the regulation of the batta at which they pass.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupees into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

The fixing a further period for the old rupees to be delivered for recoinage, and the institution of severe penalties on the tender of them after the expiration of that period, are the only means which occur to me for introducing the 19 sun sicca rupee into exclusive circulation.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

Gold mohurs are in very general circulation in Burdwan, the value of not less than three-fourths of the whole circulating specie of the district being supposed to be in that coin; and I understand that they always pass in the instances adverted to in the question of Government, as equal to 16 sicca rupees.

24.—Has the establishment of the currency of the gold mohur in the interior of the country operated beneficially or otherwise?

By facilitating the adjustment of pecuniary transactions, and by expediting and reducing the expense of the transportation of treasure, the establishment of the currency of the gold mohur has operated beneficially.

No. 1.—part 2:
 Answers by the
 COLLECTORS,
 Burdwan,
 8 June 1802.

25.—What progress has been made by you, in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

A rough draft of 3,324 numbers, to the letter T of the alphabet, has been formed of the Quinquennial Register, No. 2, or that for the years 1202 to 1206 B. S. inclusive. This draft, however, is very incomplete and incorrect, and must be entirely re-made. The register of the lands held exempt from the payment of revenue has not been commenced, nor have the papers requisite for the commencement of it been yet delivered. I have issued advertisements requiring the delivery of them, and have otherwise adopted the necessary preliminary measures for forming the register, as well as that of the lands paying revenue to Government.

26.—What descriptions of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of the those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

Few estates of any magnitude have been sold in this district, excepting sundry portions of pergunnah Bishenpore, the property of Rajah Choiton Sing, and of the zemindary of Burdwan, the property of Maha Rajah Tezchund Behadur. The purchasers have chiefly been men who had acquired capitals by trade, or by service. In Bishenpore, the management of any new proprietors must necessarily have been better than that of the old zemindar Rajah Choiton Sing, who was constantly engaged in dissensions and disputes with his relations; and an obvious improvement in the management of the lands transferred in that pergunnah (with an exception to those between the purchasers of which, and the late proprietor, contentions have arisen, and which, in consequence, are now under the charge of a special Commissioner) is accordingly perceptible. With respect to the purchasers of portions of the zemindary of Burdwan, they also have observed a more vigilant and active system of management, and have found it easy to do so, than the lands experienced when they formed a part of the extensive domains of the zemindar.

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

I am inclined to think that some of the proprietors of land in this district would pay five years purchase for the permanent remission of a part of the fixed jumma of their lands; but I cannot state, with any confidence, the aggregate amount of the jumma of which they would be disposed or enabled so to purchase the remission.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

I do not perceive that the measure adverted to in the preceding question would operate to produce any general improvement of the country, since it appears to me that it could only be engaged in by the opulent class of proprietors, who are already exempt from any difficulties in the management of their estates. Could proprietors of a contrary description, whose assessments bear heavy on them, be supposed capable of availing themselves of the arrangement in question, the relief to be obtained by it would be evidently calculated to promote the future improvement of their lands, at the same time that the demand of Government being lessened, without any diminution being occasioned in the security for the discharge of it, an additional certainty would be established for the punctual recovery of the public revenue.

Burdwan,
 29th October 1801.

(Signed) J. Parker, Collr.

(Zillah Chittagong.)

No. 1.—part 2.

Answers by the
COLLECTORS.Zillah Chittagong,
17 March 1802.To His Excellency the Most Noble Richard MARQUIS WELLESLEY, K. P.
Governor General, &c. &c. &c.

My Lord,

IN obedience to the orders of the honourable the Vice President in Council, I do myself the honour to transmit, for the consideration of your Lordship, my Reply to the Interrogatories regarding the internal state of the country.

Zillah Chittagong,
17th March 1802.

I have the honour to be,
My Lord,
Your Lordship's most obedient and most humble servant,
(Signed) R. Ker, Collr.

INTERROGATORIES:—1. Are the crops of the present year expected to be productive?

ANSWERS:—1. The crops of the present year have been more abundant than for some years past.

2. What is the amount of the balances outstanding in your district, on account of the past year; and what is the state of the collections for the present year?

2. The outstanding balances on account of the past year, amount to Rs. 1,505, of which sum Rs. 542 are in a train of liquidation. The balance exhibited in the Mang Towjee of the past year, amounted to Rs. 87,654; the balance in the Mang Towjee of the present year, to Rs. 60,741; and the total demand on the district for the current year, at the present period, amounts to Rs. 51,513.

3. What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

3. The jumma of the lands which have been sold for realizing the balances of the past year, amounts to Rs. 6,522, and the aggregate proceeds of the sales, to Rs. 22,682, which is considered a favourable price. The jumma of the lands expected to be sold amounts to Rs. 319.

4. Are the existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without at the same time affecting the security or value of landed property?

4. The existing Regulations are well adapted to secure the punctual collection of the public revenue from the principal zemindars in Chittagong Proper; but from the nature of the settlement of Sundeeep and its dependencies, the general rule of attachment cannot be carried into effect, because the proprietors of this joint pergunnah, at the formation of the Decennial Settlement, executed separate engagements for the payment of the jumma assessed upon their respective shares; and their claims to distinct lands forming these shares, have never been ascertained; there has been a proportionate allotment of the public assessment, without any subdivision of territory, the landholders stand recorded as separate proprietors of distinct estates, whereas they are only sharers of a joint undivided pergunnah. The demand of the zemindars is limited upon the talookdars, and fixed at a specific amount; one talookdar in general contributes in defined proportions to several zemindars; hence if the entire estate of one defaulter be attached, the portions of the estates of other proprietors must necessarily be included; and in attaching an entire estate, as recorded on the public registers, it is necessary to attach the whole of the pergunnah, because the estates recorded as separate and distinct, are only fractional portions of the pergunnah.

The Regulations, in my opinion, are not calculated to realize the public demand with promptitude and facility, from the petty zemindars of this district. The minute subdivision of the landed property in this province, arising from the prescriptive right, which the occupants have enjoyed since the formation of the first jumma bundy by Mr. Verelst, of transmitting their lands by inheritance, mortgage, or sale; and from the recognition of that right in the practice of the Dewanny Adawlut since its first institution; has fixed a value on real property here, which is not attached to it in other parts of Bengal, and has given existence to a numerous body of landholders unknown elsewhere: they feel themselves confirmed, by custom and a series of precedents of the Civil Court, as the actual proprietors of the soil of even the smallest portion into which land can be divided; secure in their possessions, and independent, they despise controul, and in general only pay their revenue when convenient to themselves. If recourse be had to attachment, the concomitant expense is excessive in proportion to the arrear and value of the estate; and it has been found ineffectual to adopt the system of distraining their personal property, as it is only productive of causing the elopement of the defaulters, and the concealment of their effects: All deputations therefore made with a view to the distraint and sale of personal property, tend only to harass the incumbents, without any real advantage to Government. As these zemindars

No. 1.—part 2.

Answers by the
COLLECTORS.

Sillah Chittagong,
17 March 1802.

zemindars in general follow their own ploughs, and are the immediate cultivators of the soil, they differ only in name from inferior tenantry, and therefore might be rendered subservient to the same rules; and it would contribute much to the punctual collection of the public revenue, if the collector of this district were authorized, without any previous application to the Dewanny Adawlut, to proceed against defaulting proprietors whose annual revenue may be under 50Rs. in the same manner as he is authorized by section 25 of Regulation VII, 1700, to proceed against the under-tenants of an estate that may become subject to a khas collection on the part of Government.

The proprietors of land in this province, complain that the rule of attachment and sale is severer than personal restraint, upon a principle that temporary coercion is less oppressive than inevitable ruin; and I am of opinion that there should be some gradation of punishment; for although the arrears are in most instances ascribable to a want of good faith on the part of the landholders, immediate attachment, which is generally accompanied with ruin, is a punishment disproportionate to the crime. A limited power vested in the Collector, of confining proprietors of land who might fail in the discharge of the public revenue, would not only, it is conjectured, operate as a sumptuary law, but as a prevention of default; and an active superintendence on the part of the Collector, might insure the punctual payment of the public dues. Sales of land ought to be avoided as much as possible in this district, because almost every transfer made by public sale, diminishes the assets from which Government derive the revenue; the ancient zemindars in general possess charity lands, from the produce of which they contribute to the public resources, but the present purchasers in general have no such means.

5. Are the existing Regulations for collecting the Revenue of Government from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

5. The existing Regulations in my opinion are well calculated to ensure the punctual collection of the public revenue from sudder farmers; and if, in the first instance, attention be paid to the capacity and character of the farmer, and if a fair profit be allowed to him as a compensation for his labour, it is impossible that default can ensue, unless some unforeseen calamity of season intervene.

6. Are the existing Regulations for enabling the zemindars and other proprietors of land and farmers of land, holding their farms immediately of Government, to realize their rents from their under-farmers, and from their ryots, well calculated for the purposes intended, without at the same time affording to the proprietors and farmers of land the means of oppressing their under-farmers and ryots?

6. The independent proprietors of land and sudder farmers, by the existing Regulations of Government, do not possess the means of oppressing their under-farmers and ryots. The powers which the landholders and farmers of land, paying revenue to Government, are at present allowed for enforcing payment of the rents due to them from their under-tenants, if exercised, are sufficiently adequate to secure the advantages intended; but the consummate ignorance of every description of landholders in this province, of the Regulations of Government: their abhorrence of innovation, and their prejudiced partiality for local usages and customs; have rendered nugatory the authority purposely delegated to enable them to controul their under-tenants.

7. When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

7. I had the honour of being appointed Collector of this district on the 30th October 1800.

At the formation of the Permanent Settlement, there were 3,116 doons of cultivated land comprized in the Nabad Mahal; and by the recent measurement, an increase of 3,000 doons has been obtained.

From the several measurements and surveys of this province, it appears that the cultivated land amounts to 58,056 doons, and the waste land susceptible of improvement, to 3,542 doons.

8. Do the proprietors of estates in general derive a profit exceeding the 10 per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

8th. The proprietors of estates in Chittagong Proper, derive a neat profit of 16.2 per cent. upon the jumma; and the proprietors of estates in Sundeep and its dependencies, a profit of 20 per cent. on the jumma.

9. What is the present state of the embankments in your district?

9. In this province there are no embankments which are considered as public works.

10. Do the proprietors of land in general attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

10. Chittagong being a maritime province, is exposed to numerous disadvantages incidental to its situation. The proprietors whose estates lie along the coast, are compelled to guard them from the invasion of the sea; and the lands in the interior of the district are subject to inundation during the periodical rains, from the torrents that pour from the hills

and maintains bursting their banks; but the exertion and industry of the inhabitants seem to have increased in proportion to the obstacles opposed to them; and such is the attention paid by the proprietors of land in general to the permanent improvement of their estates, that in carrying into effect the orders of Government, under date the 28th December 1801, respecting the repair of embankments, it was only found necessary to call upon the landholders in the Banscallee division bordering on the sea; and upon the orders of Government being communicated to them, they evinced the greatest alacrity to comply, and the work has been commenced upon.

The Resolutions passed by Government with regard to the disposal of the forest lands in this province, may operate as a check upon general improvement, because they appear to be a direct tax upon industry, which is a great discouragement to improvements, because the more the landholder improves, the deeper he is taxed.

11. Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the Permanent Settlement, than was observed by the proprietors of land in general previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect as comfortable as can be expected?

11. The zemindars in general conduct themselves with moderation towards their under-tenants, but this originates more from the fear of punishment than the love of justice. The zemindars and ryots, in their common transactions, seldom attend to the principles of good faith: between them there exists a mutual distrust; and the ruling passion that influences them in all their actions, is a strong self-interest that oversteps every bound of morality and virtue. The execution of specific engagements, and delivery of receipts for payments, which in all instances would tend to the security of the landholders and their tenants, are seldom tendered; and the almost total dereliction of the performance of these reciprocal duties, is a strong proof of a want of honesty, both on the part of the zemindars and their ryots.

If comfortable habitations, and a numerous and healthy progeny, be proofs of a happy condition, the ryots in this province enjoy it in a high degree; and the small estates in this district have contributed much to increase population, and to rear a temperate and robust species of men, fit for every sort of labour.

12. What is the state of the roads in your district? Are there any parts of the district, the making of roads through which, would be particularly beneficial to the country; and what would be the expense attending the work?

12. The mounds that form the roads in the district, are in good repair, but the bridges, from having been built of wood, are in general decayed. There are no parts in this province, the making of roads through which, would be particularly beneficial to the country, because the general communication between the town of Islamabad and the interior, is by water.

13. What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

13. The estimated number of inhabitants in this district is twelve hundred thousand, and the proportion that the Mahomedans bear to the Hindoos is as 5 to 3.

14. What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

14. The only articles of produce in this district, which are considered worthy of notice, are cotton, hemp and beetle-nut.

The increase of cotton has been considerable of late years, which is to be ascribed to the high price it brings at the markets of Dewae Callee, Dacca and Narain Gunge. Hemp has increased annually in proportion to the demand; the increasing number of vessels, and manufacture of canvass at this port, encourage the cultivation.

Beetle-nut has increased in quantity: the natives find this a lucrative article of trade, and now appropriate part of their lands to plantations of the tree. There is a prospect of this district supplying the markets of Pegue and Arracan with this article.

15. Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district in the present year?

15. The stamp duties are becoming more productive: the sum produced by these duties in 1800, amounted to rupees 7,529. 12: and the sum produced in 1801, amounted to rupees 11,491. 4.

16. Are the Abkarry collection increasing, or decreasing?

16. In the present Bengal year, there has been an increase of rupees 963. 8.

17. Are there any articles in your district, on which a productive tax might be levied, without oppression to the people? Name the articles, the rate of tax, and the manner in which you would propose it to be levied.

17. The under-mentioned articles may be taxed, by paying duties at the custom house on exportation.

Planks, and Timbers of every description.—The duties to be levied on these articles, at an advance of fifty per cent. on the prime cost.

No. 1.—part 2.

Answers by the
COLLECTORS.

Zillah Chittagong,
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COLLECTORS.Zillah Chittagong,
17 March 1802.

Canvas.—Duties to be levied on this article, at an advance of ten per cent. on the prime cost.

Piece Goods, and Cloths of every description.—Duties to be levied on the prime cost.

Stockings.—Duties to be levied, with an addition of five per cent. on the prime cost.

Cotton.—Duties to be levied on the prime cost.

Chattahs, or Umbrellas.—Duties to be levied on this article, at an advance of twenty per cent. on the prime cost.

18. What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

18. The rent-free lands in general consist of those granted as endowments on temples for the maintenance of Brahmins, and other religious or charitable purposes. The granters are the Nawabs of Moorshedabad, and the Mahomedan rulers, who formerly resided in this province.

The aggregate quantity of registered charity land is 22,271 doons, which being multiplied by 20, the averaged produce of a doon, gives 4,45,420 rupees; the jumma of the lands which pay revenue to government, amounts to rupees 5,39,467.

19. Which of these descriptions of lands are in general in the best state of cultivation, the rent-free lands, or the lands which pay revenue to Government?

19. The lands from which Government derive the revenue are in the best state of cultivation; which may be attributed to the following cause:

The peculiar characteristic which distinguishes the inhabitants of this province, is a strong natural tendency to become proprietors of real property; the predominant inclination that induces them to become landholders, produces every endeavour to retain permanent possession, which can only be effected by the punctual discharge of their revenue, the improvement and high cultivation of their lands, being the best method to secure these advantages, stimulate them to exert their skill, dexterity and judgment, in improving their *malguzarry* lands; whereas the occupancy of charity land being considered secure, the same precautions and exertions are not employed.

20. What descriptions of old rupees are current in your district?

20. Madras arcots, Ichaujee arcots, and Calcutta and Moorshedabad arcots.

21. What is the reason that these rupees continue in circulation; and how are they replaced as they become worn and diminished in value, the 19 sun Sa. rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

21. There are two causes that give duration to the currency of these rupees:—First, there is not a sufficiency of the established gold and silver coin in the province to circulate the annual produce or answer the demand: this appears from the inhabitants in the interior being necessitated to have recourse to barter in their small commercial dealings, and from grain being in general the standard measure of value in all transactions in the remote parts of the district.

It is evident that the power of exchanging must be embarrassed in its operations in proportion to the deficiency of the instruments of commerce and circulation; and the established coin being insufficient for these purposes, the inhabitants are compelled by irresistible reasons to have recourse to some other instrument of commerce; and the arcot rupees approaching nearer to the legal coin than any other instrument of commerce, a preference is given to them before any other commodity, and hence the continuance of their local circulation.

But the insufficiency of the legal coin not only gives a permanent currency to the arcot rupees, but enhances their value above their intrinsic worth, because the *batta* on arcot rupees increases in a direct proportion to the increase of the circulation of *sicca* rupees; and the *batta* decreases in a direct proportion to the decrease of the circulation of *sicca* rupees. Thus, during the collections of the public revenue, when the *sicca* rupee must necessarily be in the greatest circulation, the *batta* on the arcot rupee is 6 r. 4 a. per cent. in the interior, and 3 r. 2 a. per cent. in the town; and at the latter part of the year, when the public demand ceases, and there is a consequent partial stagnation of the circulation of the *sicca* rupee, the *batta* on the arcot rupee in the interior is 3 r. 2 a. per cent. and in the town there is a *batta* of 1 r. 8 a. per cent. on the arcot rupees diminished in value, and those that are not much worn pass at par. If the *batta* on the arcot rupee therefore decrease in a direct proportion to the decrease of the circulation of the *sicca* rupee, it follows that the value of the arcot rupee is enhanced in an inverse proportion to the decrease of the circulation of the *sicca* rupee; and if the *batta* on the arcot rupee increase in a direct proportion to the increase of the circulation of the *sicca* rupee, the value of the arcot rupee will be depreciated in a reciprocal ratio to the increase of the circulation of the *sicca* rupee;—hence, if there were a sufficient number of *sicca* rupees to answer the demand, and circulate the produce of the district, the value of the arcot rupees would suffer such a diminution as to throw them out of circulation.

Secondly. The proprietors and farmers of land deriving a considerable advantage from the local circulation of arcot rupees, contributes to the continuance of their currency.

In the interior of this district the arcot rupees, in all commercial transactions, pass at par, and the only instances where a *batta* is levied upon them, is by the proprietors and farmers of land, in making their collections from their under-tenants, which has been the custom

custom from time immemorial, and by the merchants and traders in the town, in exchanging the arcot rupees collected by the zemindars. From what has been stated, it is evident that those landholders who are necessitated to exchange the arcot rupees for sicca rupees, derive a profit during the greatest part of the year of 37. 2 a. per cent. on their collections, and those landholders who can command a sufficiency of the legal coin to liquidate their instalments, derive a profit equal to the whole of the batta which they levy from their under-tenants.

The Ichaujee and Madras arcots are replaced by importation from the Coromandel coast, the Calcutta and Moorshedabad arcot are brought from the neighbouring districts.

No. 1.—part 2:

Answers by the
COLLECTORS.

Zillah Chittagong,
17 March 1802,

22. What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupees into general circulation, and of rendering it advantageous to all persons to reject any other description of rupees?

22. If the value of the arcot rupee could be fixed at 16 annas sicca, the existing Regulations of Government remaining in full force, it would render it advantageous to all persons to refuse accepting them, because the loss that individuals would then sustain, would be in proportion to the profit they now derive, especially in this district, where almost every individual possessed of any considerable portion of personal property, is either directly or indirectly concerned paying money into the public treasury; but to increase the quantity of the legal coin, appears to me the most infallible method of throwing the arcot rupees out of circulation.

23. Do gold mohurs circulate in your district, to what extent; and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods? In payment of private debts and public demands, it is of course received at the rate which the law requires?

23. The gold paid into this treasury during the current Bengal year, amounts to rupees 4,13,100, and the circulation of the gold coin in the district, is estimated at five lacs of rupees, the gold mohur in general passes at par. The gold may maintain its intrinsic value, from its being less liable to diminish in weight than silver, which appears from the last dispatch of light specie sent to be recoined at the mint, in which there were 5,723 pieces of silver, and only 46 pieces of gold.

24. Has the establishment of the currency of the gold mohur in the interior of the country, operated beneficially or otherwise?

24. As the gold mohur passes at par, its currency is beneficial.

25. What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

25. Owing to a want of materials, and from the Registers for past years being much in arrear, the Pergunnah Register has not been commenced upon; it will occupy fifteen mohurs, for a period of two years, to bring up the arrears only. Upon the conclusion of the settlement with the proprietors of the Noabad lands, which has heretofore employed, and which at present employs the whole of my time, every exertion will be made to bring up the arrears and prepare the prescribed Registers; and I hope in time to be able to complete the several Registers, the formation of which, has hitherto baffled all the endeavours of my predecessors.

26. What descriptions of persons are in general the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers, regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

26. The account sales of last year do not exhibit the name of an individual of any respectability. The purchasers in general are illiterate, and totally unqualified and incapable of managing their own concerns: the only estates that are expected to be sold for the recovery of the arrears of the current Bengal year, are those that were disposed of in liquidation of the balances of the past and former years, which is a strong proof of the mismanagement of the purchasers.

27. Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands: suppose a proportion of 10 or 20 per cent. of that jumma; and how many years purchase do you suppose the proprietors would offer for such remission?

27. From the information I have been able to obtain, I am led to believe that none of the proprietors of land in this district would purchase of Government, the permanent remission of any part of the fixed jumma assessed upon their estates. If Government were to dispose of a portion of the lands comprized in the estates of the landholders to be held by them, exempt from the payment of revenue, and allow a deduction of the fixed jumma equal to the quantity of land thus alienated, and secure the rights of the purchasers by lakheraja sunnuds, it is conjectured that many of the zemindars would offer from 20 to 30 years purchase for such lands.

No. 1 — part 2.

Answers by the
COLLECTORS.Zillah Chittagong,
17 March 1802.

28. What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

28. Admitting that a considerable portion of the fixed jumma could be disposed of in the manner proposed in the preceding interrogatory, it appears to me that it would not produce any immediate effect on the general improvement of the country; because it would be attended with no immediate advantage to the landholders by increasing their funds; and those individuals who are possessed of a capital or stock sufficient to enable them to purchase a remission, have at present the means of improving their estates.

Zillah Chittagong,
17th March 1802.

(Signed)

R. Ker,
Collector.

(Dacca.)

To GEORGE DOWDESWELL, Esq. Secretary to the Government in the
Revenue Department, Fort William.

Sir,

I HAVE NOW the honour to transmit, for the information of the Government, my Replies to the several Interrogatories which accompanied your letter of the 29th of October last. Considering the long time which has elapsed since the interrogatories were sent to me, probably more full and satisfactory answers than those I now send, might have been expected from me; but I beg leave to observe, that the duties of my office as Collector of Revenue, without the aid of an assistant, joined to the charge of the office of Collector of Government customs at this place for several months, have so fully occupied my time of late, that it has not been possible for me to give the questions all the attention they demand. Being aware, however, that they involve matters of the greatest magnitude in the affairs of this country, I did intend, with the view of investigating the various subjects they embrace, by every means in my power, and with the utmost diligence, to have postponed my answers to a more distant period, in hopes of being thereby enabled to lay them before the Government, drawn up with greater precision than they are, and conveying more useful intelligence; but having been lately removed from the office of Collector, I am compelled by a sense of my duty to transmit them in their present state, prepared in the best manner that my means of information and my little leisure have permitted; and I trust that the reasons I have assigned will be allowed to plead for their defects.

Answer 1.—IN the year 1208 B. S. the crops were by no means equal all over this district. In some places, in consequence of the sudden rise of the rivers, the whole of the crops were destroyed; in some places, a part only. In some places, the crops were equal to what they usually are; and in others, much better. Upon the whole, I believe it may be said that the year alluded to was not remarkable either for abundance or scarcity.

Answer 2.—On the 30th April 1802, the balances outstanding in this district on account the year 1207 B. S. were rupees 43,691. 4. 14. 2. In 1208 B. S. the collections were rather more backward than they were in 1207 B. S. by reason, as appears from the representations of mofussul officers and landholders, of ryots having absconded in consequence of their crops being destroyed by sudden inundation.

Answer 3.—The jumma of the lands that have been sold for the realization of the balances of 1207 B. S. including in some instances the arrears of other years, is rupees 1,01,432. 15. 18. 3. and the jumma of the lands expected to be sold on account the said year, rupees 46,861. 2. 6. 3. making together rupees 1,48,294. 2. 5. 2. In some instances the lands that were disposed of, sold at most favourable prices indeed; and in others, quite the reverse. The principal causes of the unfavourableness of the sales, appear to me to be the following: sometimes, want of assets in the land, arising either from the mismanagement of the proprietors, the encroachments of rivers, or the ravages of wild elephants and other beasts; but more frequently, the difficulty people know they shall experience in obtaining possession, from the frauds practised by proprietors, with the view of retaining, after the sale may have taken place, the most productive parts of their estates in their own hands. The frauds I allude to are chiefly, these:—fabricated accounts; trumped-up claims to nij talooks; fictitious transfers, and leases at reduced rates.

Answer 4. It appears to me that the existing Regulations are well calculated to secure the punctual collection of the revenue from such of the zumeendars and other proprietors of land with whom a permanent settlement has been concluded, as are men of respectability, and capable of entertaining a proper sense of the advantages which have been secured to them by laws dictated by wisdom, humanity, and love of justice. But with regard to men who are blind to their own real interests, and have no notion whatever of what is called good faith, and of this description I am sorry to say there is a very considerable proportion, I am doubtful whether more summary, and in cases of daring contumacy, more rigorous measures might not be adopted without affecting the value of landed property. The penalties to which defaulting proprietors are subject, are, the payment of interest at the rate of one per cent. per mensem; fines, at the same rate; attachment of lands; sales of lands; and finally, in the event of want of assets to discharge the balances, confinement. This certainly, at first

right, appears to be a very formidable list of penalties; but upon a closer examination, much of its rigorous appearance soon vanishes. In the first place, the persons who usually fall in balance, could not borrow money from a banker without paying him, in one way or other, interest at the rate of three or four per cent. per mensem, and consequently they consider their being obliged to pay only one per cent., or at most, in case of a fine being imposed, two per cent., for withholding the dues of Government, as very favourable terms. In the next place, the attachment of land is, I am afraid, too easily and too frequently rendered nugatory, either by the zumeendars getting their own creatures to be appointed roork aumeens, or by prevailing on the roork aumeens to enter into their views, or by withholding the necessary papers, or delivering up only such as are fabricated for the purpose and of no use, or by resisting the aumeens either openly or clandestinely, by causing them and their officers to be apprehended by the police darogahs on groundless charges of assault and battery. In the third place, when it is found necessary to proceed to a sale of lands, the zumeendars have their agents in attendance to purchase the lands for them again; and lastly, should it be found necessary to proceed to confinement of the person, then there will be the subsistence money to be paid by the Government, and every one knows that confinement, accompanied as it is with comfortable lodging and ample subsistence, with little labour, is scarcely considered as a punishment by the natives of this country. Upon the whole, therefore, it appears to me that when either the interest of Government, or even that of the individual is considered, the mode to be followed in collecting the revenues can scarcely be too summary, nor, in cases of daring contumacy, too rigorous. Nothing appears to me to be so detrimental to the revenue as delay in collecting it. If a proprietor of land is permitted to pause in the payment of his revenue, he very shortly turns his thoughts to devise some scheme to evade the payment altogether; and I am of opinion, it frequently happens that in defrauding Government of what is justly due to it, he expends double the amount in hush-money, to persons who have the means of detecting the cheat.

Answer 5.—When farmers or their sureties are men of responsibility, there cannot be a doubt of the existing Regulations being well calculated to secure the punctual realization of the revenues from such farmers.

Answer 6.—The arguments generally used by zumeendars and other proprietors of land and farmers of land, to prove that the existing Regulations are not well calculated to enable them to realize their rents, when coercive measures are necessary, are chiefly these; viz.

That the distraint of crops seldom secures the realization of the rents; but on the contrary, is frequently attended with loss to themselves:—that if they depute a small number of people to distrain the crops, the dependant talookdars, ryots, &c. resist them; and if they employ a great number of people to make the distraint, the revenues are expended in the charges incurred; that if, however, they should proceed to make the distraint, the tenants prefer complaints of assault and battery against them and their people, either to the police darogahs or to the magistrates, and having caused them to be apprehended, embrace that opportunity of cutting and carrying off the crops; that the distraint of the other property of tenants, is seldom attended with the desired effect, for the defaulters always contrive to conceal in their neighbours' houses or elsewhere their most valuable effects, leaving only a few earthen pots and articles of little or no value in their own houses; that when they apply to the police darogah for an officer to be present while they make distraint, sometimes, after a great deal of prevarication on his part, they get an officer; at other times, the darogah tells them he has only ten men under him, who are all employed on different duties, and that if they wish to have a man, they must hire one themselves, which they accordingly do, and the darogah empowers him to act; that sometimes several tenants reside in the same house. One of them perhaps is in balance, and the rest not so. When the distrainer goes to distrain the property of the defaulter, all the property found in the house is claimed by the other tenants; and being unable to ascertain what part of the property actually belongs to the defaulting tenant, the distrainer finds it necessary to withdraw the distraint.

That if they institute summary suits against the defaulting tenants, such suits are attended with considerable delay as well as expense; and if they should succeed in getting decisions passed in their favour, they seldom recover the balances in consequence thereof, but are put to the expense of maintaining the defaulters in jail, at the rate of from rupees two to four per mensem for each man.

Such are the obstacles which proprietors of land complain of meeting with, in realizing their rents under the existing Regulations. That there are such obstacles, I have little doubt; and the removal of them, would, I am confident, be attended with very beneficial effects.

Answer 7.—I was appointed Collector of this District on the 13th of February 1797. I am given to understand that in the northern parts of the district, cultivation has not been extended since the first year of the Decennial Settlement; but in the southern parts it is said to have been extended in the proportion of two-sixteenths. It would appear that the cultivated land does not bear the same proportion to the uncultivated land all over the district.

No. 1.—part 2,
Answers by the
COLLECTORS.
Dacca,
8 June 1802.

No. 1.—part 2.
 Answers by the
 COLLECTORS.
 Dacca,
 8 June 1802.

The following is a statement of the supposed proportions of the cultivated to the uncultivated land in different parts of the district :

Southward	-	$\frac{4}{18}$	-	-	uncultivated,	-	-	$\frac{12}{18}$	-	-	cultivated.
Northward	-	$\frac{10}{18}$	-	-	ditto	-	-	$\frac{8}{18}$	-	-	ditto.
Eastward	-	$\frac{12}{18}$	-	-	ditto	-	-	$\frac{6}{18}$	-	-	ditto.
Westward	-	$\frac{6}{18}$	-	-	ditto	-	-	$\frac{12}{18}$	-	-	ditto.

Answer 8.—From the proceedings held at the time of the conclusion of the Decennial Settlement, it would appear that in this district the jumma of the preceding year, and not the actual assets of estates, was the ground-work of that settlement. I should therefore conceive that at the conclusion of the settlement alluded to, it was not known to the officers of Government what profit was left to the proprietors; nor have I any means of ascertaining whether the profit which proprietors at present enjoy, exceeds 10 per cent. or otherwise.

Answer 9.—It does not appear that there are any embankments in this district.

Answer 10.—It does not appear to me that the proprietors of land do in general attend sufficiently to the permanent improvement of their estates, by making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands.

Answer 11.—From what I have heard regarding the cruelties and oppressions to which ryots were formerly subject, I do not hesitate to say, that since the conclusion of the Permanent Settlement, the proprietors of land have conducted themselves with more moderation in their transactions with their ryots than they did before the conclusion of that settlement; and it appears to me that the situation and condition of ryots in general, are in all respects as comfortable as can be expected.

Answer 12.—With an exception to one or two roads in the vicinity of the city, there are none in this district, nor do I think them essentially necessary, there being water-carriage to and from almost every place in the district, and roads could not be made and kept in repair but at a most enormous expense, owing to the low situation of these parts, the violence of the periodical rains, and the almost entire inundation of the country during the greater part of the year.

Answer 13.—For the purpose of ascertaining the population of their respective jurisdictions, I have applied to the Magistrates of the City of Dacca, Zillah Backergunge, and Zillah Dacca-Julapote (all which jurisdictions are comprized in this Collectorship,) but from the former gentlemen only, Mr. Melville, have I yet received an answer, the other Magistrates however are, I understand, endeavouring to ascertain the population of their respective jurisdictions; and I also am using every means in my power to ascertain the population of the whole district. But although I cannot state what the population of the whole district is at present, it may not be altogether useless to state what it was in 1792; which, from an Estimate made by Mr. Douglas, the then Collector, in that year, I find to be as follows; viz.

Men	-	-	-	-	307,144
Women	-	-	-	-	310,608
Male children	-	-	-	-	175,752
Female children	-	-	-	-	145,208
					938,712
					938,712

The City Magistrate estimates the number of inhabitants, within the limits of his jurisdiction, at 200,000: of which, he supposes the Mussulmans are in the proportion of 44½ to 13 Hindoos.

Answer 14.—The most valuable productions of this district are rice, salt, beetle-nuts, cotton sunn, and sugar-cane. I do not learn that the cultivation of these articles has increased of late years.

Answer 15.—The stamp duties are becoming more productive: the sum produced by these duties in this district, in the year 1208 B. S. was Rs. 27,689. In 1207 they produced only Rs. 20,195.

Answer 16.—For some years past there has been little variation in the Abkarry collections, except in the year 1207 B. S. when they fell to about half their usual amount, in consequence of the delay which took place in arranging the Abkarry mehal in concert with the different Magistrates, according to the rules contained in the 6th Regulation of 1800. In 1207 B. S. the Abkarry collections amounted to Rs. 5,246; and in 1208 B. S. to Rs. 10,376.

Answer 17.—I am not aware of there being any articles produced in this district on which a productive tax might be levied, without its being felt as an oppression by the people.

Answer 18.—I am not at present competent to answer this Question, from the following cause: Until very lately the holders of lakherauj land of every description in this district, did

did not know it was necessary to register such lands, in consequence, as they say, of the publications directed by the 25th section of Regulation XIX. 1793; and the 20th section of Regulation XXXVII. 1793, not having been made in the manner prescribed; and being unable to prove the contrary from the records of this office, in conformity to the rule laid down in the 19th section, Regulation VIII. 1800, on the 15th of May 1801, I issued the publications alluded to, of which, according to the usual practice of the natives, very little notice was taken, until within a few days of the expiration of the limited period of twelve months: within that short space as many papers, said to be copies of grants of and documents regarding rent-free land, as will fill several bags, were delivered in; I should suppose there cannot be less than twenty thousand papers, but what they contain I have not yet been able to ascertain; my officers, however, are busily employed in arranging them, and as soon as that part of the business shall have been completed, I shall proceed to compare the copies with the originals, and register the lands, after which I hope that it may be in my power to answer this Question more satisfactorily.

Answer 19.—It is said that in general the rent-free lands are in a better state of cultivation than the lands paying revenue to Government, in consequence of the former being let to ryots on easier terms than the latter.

Answer 20.—It would appear that the only old rupees current in this district are arcots.

Answer 21.—The only reason which occurs to me for the continuation of the arcot currency is, that the shroffs find it to their advantage, by altering the rates of butta in an arbitrary manner, to keep up that currency and enter into combinations for that purpose: how these rupees are replaced as they become worn and diminished in value, I have not been able to ascertain. The shroffs say that no arcot rupees are now brought into the district from other parts; but that what remain are those left since the time the arcot rupee was the only one in circulation.

Answer 22.—The measures which strike me as the most effective for the purpose of introducing the 19 sun sicca rupees into general circulation, are briefly these: a Regulation to be passed, directing publications to be immediately issued in the most general manner, to the following effect:

All persons possessing arcot rupees (now an illegal coin) are hereby required to pay the same into any of the treasuries of the Government as may be most convenient to them, within the space of twelve months from the date of this publication.

All persons who may pay their arcot rupees into any of the treasuries of the Government within the prescribed period, shall immediately receive the full value thereof in the sicca specie.

After the expiration of twelve months, all arcot rupees upon whomsoever found, will be liable to forfeiture to Government; and informers giving notice of persons having rupees of that description in their possession, shall receive one half of the value of the rupees seized in consequence of their information. I would also, with the view of preventing, as far as possible, the diminution of the legal currency, recommend that a Regulation be immediately passed, restricting all persons under very severe penalties from breaking up full weight 19 sun sicca rupees, for the purpose of making ornaments of dress, trinkets, articles of furniture, or for any other purpose whatever.

Answer 23.—Gold mohurs do circulate in this district, and to a very considerable extent.—In the year 1207 B. S. the total receipts at this treasury amounted to rupees 31,06,203. 9. 16. 3. of which the proportions of gold and silver were as follows:

In Silver - - - - -	R ^s 11,27,391 9 16 1
Gold - - - - -	- 19,78,812 — — —
	31,06,203 9 16 1
	31,06,203 9 16 1

The receipts in the above year, on account the revenue of this district, are rupees 11,63,808. 7. 3. of which the proportions of gold and silver were as follows:

In Silver - - - - -	R ^s 258,884 7 3
Gold - - - - -	9,04,924 — —
	11,63,808 — —
	11,63,808 — —

In 1208 B. S. the total receipts at this treasury amounted to rupees 27,75,021. 4. 14. 1. of which the proportions of gold and silver were as follows:

In Silver - - - - -	R ^s 7,81,205 4 14 1
Gold - - - - -	- 19,93,816 — — —
	27,75,021 4 14 1
	27,75,021 4 14 1

No. 1.—part 2.

Answers by the
COLLECTORS.Dacca,
8 June 1802.

The receipts in the same year, on account of the revenues of this district, were rupees 12,73,527. 8. 10. 1. of which the proportions of gold and silver were as follow :

In Silver	-	-	-	-	-	-	-	R ^s 2,50,787	8	10	1
Gold	-	-	-	-	-	-	-	10,22,740	-	-	-
								<hr/>			
								12,73,527			
								8 10 1			
								<hr/>			

It must be observed, however, that there is a greater proportion of gold in revenue transactions, than in almost any other, and it is said that in the whole circulation of the district, the gold may be estimated in the proportion of 9 gold to 7 silver. In general, I believe, the gold mohur passes, in the purchase of goods, at par; that is, for the value of 16 sicca rupees.

Answer 24.—The establishment of the currency of the gold mohur in the interior of the country, has in my opinion operated beneficially, inasmuch as a sum of money in gold can be conveyed from one part to another with much greater ease and less expense than the same sum in silver.

Answer 25.—I am sorry to say that but small progress has been made in preparing the Quinquennial Registers of lands paying revenue to Government, and lands held exempt from the payment of revenue in this district. The cause of the delay in preparing the register of land held exempt from the payment of revenue; will be seen in my eighteenth answer; the cause of the delay in preparing the other register, is as follows: There are in this district about sixteen thousand estates paying revenue to Government, the Mouzawarees (list of villages) of very few of which were delivered in previous to the conclusion of the Decennial Settlement, and of the Mouzawarees delivered in, very few in all probability will now be found, as far as relates to the jumma, to be correct. For the formation of the Quinquennial Register, therefore, it became necessary to require Mouzawarees from almost all the landholders in the district; but from the aversion, which the natives always show to give up any papers regarding their estates, a great many Mouzawarees, although fines have been levied in order to obtain them, are still wanting, and unless they are delivered in, it will be impossible to complete the register alluded to: such papers too as have been delivered in, are, I am apprehensive, only fabricated for the purposes of fraud and chicanery; and should this be the case, a register formed from such documents, can be but of little use. To the present time, the entries of 2,815 estates, containing 18,027 villages and kismuts, have been made.

Answer 26.—The proprietors of the estates sold, bankers, merchants, pleaders, and other officers of courts, and monied men who buy lands merely to sell them again advantageously by private sale to the former proprietors, are in general the purchasers of lands disposed of at public sale in this district; but it has not come to my knowledge that the system of management of such purchasers, in cases wherein an actual transfer has taken place, is regulated by principles better calculated for the permanent improvement of the estates, than the system of management of the former proprietors.

Answer 27.—I should suppose that some few of the monied proprietors of lands in this district, would purchase from Government the permanent remission of a part of the fixed jumma assessed upon their lands, but I do not imagine they would offer more than a five years purchase for such remission. What I mean by a five years purchase, is, that for a remission of 100 rupees, they would offer 500 rupees.

Answer 28.—It certainly appears to me that the disposal of a proportion of the fixed jumma assessed upon estates, whatever effect it might have upon the estate in which the remission might be obtained, would in the end be attended with prejudicial consequences to the country at large; the following are the grounds of my opinion:—The Government has declared the jumma assessed upon lands to be fixed for ever, and it might in the eyes of the natives have an appearance of instability, were the Government so soon to sanction an alteration in that jumma, and give such proprietors as might be unable or unwilling to purchase remissions, hopes that they would in the end obtain them without purchasing, by persevering in using all means in their power to prevent the realization of the revenues, with the view of impressing the Government with an idea that they were over-assessed. The estates of this district are at present by no means equally assessed, and I have reason to think that in many instances, proprietors of lands, with the view of obtaining reductions in their jumma, and being thereby put upon an equality with their neighbours, have been induced to practise more frauds than probably, bad as they in general are, they would have done, had all the estates of the district borne an equal part of the public assessment. It is more than probable that remissions would be purchased in such estates as are already under-assessed, and such objects of envy to the neighbouring proprietors, who if they have now sufficient inducements to endeavour to obtain reductions in their jumma by all modes of chicanery, would then have still stronger inducements to endeavour to obtain their favourite object; and it appears to me that Government might in the end be reduced to the necessity of granting gratuitously to some landholders what it had sold to others for a valuable consideration; the purchasers of remissions seeing them granted gratuitously to others, would in their turn become dissatisfied, and it is difficult to say where the business might end.

I have the honour to be, Sir,

Your most obedient humble servant,

(Signed) H. H. Massie,
Acting Collector.

Dacca,
the 8th June 1802.

(Dinagepore.)

To His Excellency the Most Noble the GOVERNOR GENERAL.

My Lord,

BY order of the honourable the Vice President in Council, I herewith lay before your Lordship a copy of my Answers to certain Interrogatories transmitted to me by the Secretary to Government, in the Judicial and Revenue Departments.

I have the honour to be, My Lord,

Dinagepore,
the 12th December 1801:

Your Lordship's most obedient and most humble servant,
(Signed) G. Smith, Collr.

INTERROGATORIES transmitted to the Collector of Dinagepore by the Secretary to Government, in the Judicial and Revenue Departments; with the Collector's Answers to the same.

1. ARE the crops of the present year expected to be productive?
1. They are.
2. What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the Collections for the present year?
2. The outstanding balances on account of the past year are Rs. 2,035. 3. 12. The balances of the present year are Rs. 26,412; the demand, of which this amount remains unsatisfied, is 7,46,218.
3. What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year? And have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?
3. The jumma of the lands sold for this purpose, is Rs. 76,642. 12. 10. There will be no more sales on account of the past year. The lands in general have sold at a favourable price.
4. Are the existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of lands, with whom a Permanent Settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without at the same time affecting the security or value of landed property?
4. It strikes me that I should make my collections more punctually, if I had nothing to do with the Board of Revenue. Even where my suggestions are approved of by the Board, there is the unavoidable delay of correspondence; and where they are not, the result is generally such as to convince me, that it would have been better if they had been. I do not mean to extol my own judgment, or to depreciate that of the members of the Board; it is sufficient to observe that I am on the spot, while they are many hundred miles off.
5. Are the existing Regulations for collecting the revenue of Government from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?
5. With respect to this, I have had no experience.
6. Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rent from their under-farmers, and from their ryots, well calculated for the purposes intended, without at the same time affording to the proprietors and farmers of land, the means of oppressing the under-farmers and ryots?
6. I conceive that they are.
7. When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?
7. I was appointed Collector of this district in October 1800.
The cultivation of the district has certainly been improved, since the time mentioned in the question. The belief entertained that the settlement will be, if not perpetual, at least more permanent than before, has induced the landholders to bestow greater trouble and expense upon the improvement of their estates; for the public demand being fixed, to improve their estates, is to improve their own circumstances.
Then the sale of portions of zemindariaries, has produced the natural and ordinary effect of breaking large estates into small ones.
If by uncultivated land is meant land of every description not at present cultivated, I take its proportion to the cultivated land to be that of 3 to 2: if the question is confined to land that is susceptible of cultivation, but not at present cultivated, its proportion to the cultivated land may be that of 2 to 3; and at the time mentioned in the interrogatory, it may have been nearly equal to the land in cultivation.

8. Do

No. 1.—part 2.

Answers by the
COLLECTORS.Dinagapore,
12 Dec. 1801.

8. Do the proprietors of estates in general derive a profit exceeding the ten per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?
8. The favourableness of the sales makes it clear that they do. The general price here somewhat exceeds the sudder assessment, and the purchaser calculates upon reimbursing himself in four or five years, say five years; and it makes the profit of the lands to exceed 20 per cent. upon the jumma: this calculation supposes the buyer to have accurate information regarding the lands, and I fancy it has been found that the natives of Bengal are for the most part sufficiently circumspect in laying out their money upon speculation.
9. What is the present state of the embankments in your district?
9. In this district there are no public embankments. The private ones I understand to be in a tolerably good condition.
10. Do the proprietors of land in general attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?
10. My answer to question the 7th will serve as an answer to this.
11. Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the Permanent Settlement, than was observed by the proprietors of land in general previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect as comfortable as can be expected?
11. I rather think that they have; flagrant cases of oppression, or of fraud, never fail to be brought before the adault, and such complaints are in the present day by no means numerous. The condition of the ryots is in general as comfortable as can be expected. The landholders say, it is more so than it ought to be.
12. What is the state of the roads in your district; are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?
12. The roads near the town are kept in good order by the prisoners; I know of no other roads which one rainy season would not utterly destroy. A road from this place to Nalagola would be beneficial; the expense would not exceed a few thousand rupees; but the roads are the province of the Magistrate, and Mr. Burges having been exceedingly attentive to them, will doubtless be able to furnish the fullest information.
13. What is the estimated number of the inhabitants of your district, and what proportion is it supposed the Mahommedans bear to the Hindoos?
13. There are about three-fifths of a million of inhabitants in this district, and about four Hindoos to one Mahommedan.
14. What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?
14. Rice and the sugar-cane. Their cultivation has increased of late years, and the cause of that increase I have set forth in my answer to query the 7th: what is there said relates to cultivation in general; nor do I learn that of these or of any other articles, the proportion to the general produce is at all different from what it was.
15. Are the stamp duties becoming more productive; and what sum do you expect those will produce in your district in the present year?
15. I do not think they are; they will this year yield about 12,000 rupees.
16. Are the abkarry collections increasing, or decreasing?
16. Increasing, but not greatly.
17. Are there any articles in your district, on which a productive tax might be levied, without oppression to the people? Name the articles, the rate of tax, and the manner in which you would propose it to be levied.
17. There are doubtless many taxes that would be productive, but I know of none that would be unoppressive or popular. The natives are of opinion that we receive enough from them. The late re-establishment of internal duties has caused a general dissatisfaction; and from a persuasion that we should go on extending our taxes, fear is the only principle that remains to preserve obedience to our authority. The natives are a reasoning and sagacious people, and though they may not have hearts stout enough to struggle for national independence, they are not without understandings clear enough to comprehend its advantages. They know as well as any Englishman can do, that the only natural and equitable appropriation of a tax, is to the benefit of the country from which it is levied, and they feel it, and not only feel it, but among themselves begin to speak of it as a monstrous and intolerable grievance, that the abundance of India should be directed to the aggrandizement of a foreign and distant station.—“For any good that we derive from the public revenue, for any thing that it adds to the tranquillity, or convenience, or splendour of our country, what you already exact from us is sufficient and more than sufficient. Your further demands are for yourselves, not for us, not for India, but for England: if we comply with them, it is from necessity; you may take our substance, for we are not strong enough

to withhold it from you; but receive with it the bitterest curses of our hearts, our most ardent wishes for the downfall of your unnatural empire." This is what they do say to us inwardly, and what they would say to us aloud, but that they are too discreet to betray hatred where they are too feeble to gratify revenge. When such then are the sentiments that prevail among the better description of natives; and when sentiments are travelling in the ordinary course of knowledge from the higher to the inferior orders, it is scarcely possible for the British Government to be too tender and cautious and moderate in the imposition of further public burthens.

No. 1.—part 2.

Answers by the
COLLECTORS.Dinagapore,
12 Dec. 1801.

18. What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

18. None but the ordinary descriptions. The proportion of their produce to the jumma of revenue lands may be about 2 to 5; but with respect to rent-free lands, it is utterly impossible to obtain any thing like correct information.

19. Which of these descriptions of lands are in general in the best state of cultivation, the rent-free lands, or the lands which pay a revenue to Government?

19. The former unquestionably.

20. What descriptions of old rupees are current in your district?

20. Chiefly phooley, patna and duckie.

21. What is the reason that these rupees continue in circulation; and how are they replaced as they become worn and diminished in value, the 10 sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

21. One reason is, that they are rejected at the public treasury; it may be another, that the people are superstitiously attached to them, because they are old, and remind them of old times and the old government. Their circulation however is certainly less than it was: as to how they are replaced, I can find no native who is able to answer, or even to understand the question.

22. What rules would you recommend to be adopted for the purpose of introducing the 10 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

22. I am not sufficiently master of the subject to recommend any rules. I have heard one mode suggested, that all sorts of rupees should be received in payment of revenue, and all but the 10 sun sicca be remitted for recoinage to the Calcutta mint; but then such a Regulation would revive at the public treasuries the old batta or shroffing system, and that confusion and oppression which are its inseparable concomitants.

23. Do gold mohurs circulate in your district, to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods? In payment of private debts and public demands, it is of course received at the rate which the law requires?

23. They do circulate in my district, and to a considerable extent, and when tendered for the purchase of goods, they are received without discount.

24. Has the establishment of the currency of the gold mohurs in the interior of the country, operated beneficially, or otherwise?

24. I should suppose beneficially. There is at least a convenience in the gold coin. A gold mohur is more easily transported, and more easily concealed, than 16 rupees.

25. What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

25. The progress made by me is none at all; by my predecessor, very trifling. There are two obstacles to the preparing of this Register, the Collector's want of leisure from other duties, and the scantiness of his allowance for English writers. Then a Collector's experience is of itself calculated to slacken his diligence in preparing it, for it shows him its inutility by showing him that he must rest satisfied with such information as the landholders may be pleased to give him; and that with the landholders it is a fixed rule, nay, absolutely a point of honour, to return false and deceitful answers to any enquiry that may be made from them by the officers of Government.

26. What descriptions of persons are in general the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

26. The purchasers are generally mehajuns or money-lenders, and it is possible their narrow short-sighted avarice may be tempted by a prospect of immediate gain, to depart from those rules of conduct towards their tenants, which can alone secure the ultimate and permanent improvement of their property; but that there are effectual impediments to their doing this to any great degree, has appeared from my Answer to Interrogatory the sixth.

No. 1.—part 2.
Answers by the
COLLECTORS.

Dinapore,
12 Dec. 1801.

27. Are you of opinion that any of the proprietors of lands in your districts, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma;) and how many years purchase do you suppose the proprietors would offer for such remission?

27. I am of opinion that many would, and give ten years purchase, nay more.

28. What is your opinion as to the effect which the disposal of a proportion of the jumma in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

28. It might improve the agriculture of the country, and so far it would be beneficial, but it would deprive Government of a very powerful check upon the most powerful of its native subjects, a check for which it might be extremely difficult to find an adequate substitute. It would I think be a most hazardous and impolitic measure. I would on no account recommend the slightest deviation from the perpetual settlement in the way either of remission or increase.

(A true copy.)

(Signed) G. Smith, Collector.

(Zillah Jessore.)

To His Excellency the Most Noble MARQUIS WELLESLEY, K. P.
Governor General.

My Lord,

Allahabad.

IN compliance with instructions which I have received, I have the honour to transmit to your Lordship, a copy of my Answers to a paper of Interrogatories circulated by the Secretary to the Government, in the Revenue and Judicial Departments, under date the 29th October last.

I have the honour to be, My Lord,

Your Lordship's most obedient humble Servant,

(Signed) W. Parker, Acting Collector

Zillah Jessore,
9th January 1802. }

1. ARE the crops of the present year expected to be productive?

In consequence of a sudden and excessive inundation, which happened at an early period in the rainy season, the rice crops of the present year in the district of Jessore, are not on the whole expected to be productive. On the contrary, I am credibly informed, that by this casualty of season, the crops in some extensive pergunnahs have suffered in a proportion of one-third, and have sustained very material, though less damage in many other estates not usually liable to floods. These injurious effects of the inundation, however, have not been universal, and where not felt, I have reason to think that the crops are expected to be as productive as they have been in the most favourable years. The crops of the several sorts of mustard and pulse now on the ground, are in a flourishing condition, and promise to yield an abundant produce.

2. What is the amount of the balances outstanding in your district, on account of the past year; and what is the state of the collections for the present year?

The balances outstanding in this district on account the past year, amounted on the 15th instant to rupees 29,249, without fractions. Of this amount, the sum of rupees 20,665 may be stated to be on balance by adjustment under the heads of suspension, instalments, deposits, &c. the actual balance being by those means reduced to rupees 8,584. The amount collected on the 15th instant on account the revenue of the current year, exceeds the amount realized at the same period in the past year, in the sum of rupees 35,436.

3. What is the amount of the jumma of the lands which have been or are expected to be sold in your district for realizing the balances of the past year? And have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands already sold for the recovery of the balances of the past year, amounts to rupees 1,20,377, and the purchase money paid for them, to rupees 1,08,880. 8. By this statement, it appears that the jumma transferred exceeds the amount paid for it by nearly 11,500 rupees. I am persuaded, however, that the purchase money would have exceeded the jumma of the lands sold, had not one of the most considerable of the sales, at first advertized to be held at Jessore, been afterwards countermanded, and ordered to be held at the Presidency. Admitting the proceeds of the sales to have been equal to the jumma sold, the amount of the former, considered with a reference to the average rate of purchase at private sales, would still have been deficient by about £. 25 per cent. This unfavourable result of the sales by public auction in the district of Jessore, appears referable to the following causes: 1st, to the frequency of public sales; 2dly, to the general poverty of the inhabitants of the district, which prevents a proper competition at the sales, and enables a few individuals to form successful combinations for obtaining the lands at a low rate; and 3dly,

to the embarrassed state in which estates are generally left by the defaulting proprietors, through whose mismanagement or extravagance a sale has become necessary.

4. Are the existing Regulations for collecting the revenue of Government from the zemeendars and other proprietors of lands, with whom a Permanent Settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without at the same time affecting the security or value of landed property?

I am of opinion that the existing Regulations for collecting the revenue of Government, are in chief respects well calculated to secure the punctual realization of the public demand. One general principle however has place in them, which in its operation has occasionally appeared to me to impede the collection of the revenue, and in some measure to affect the value of landed property; I allude to the principle which admits in proprietors of land an unqualified title to transfer, at any time, except when an attachment has actually taken place, portions of their estates by sale, gift or otherwise. A proper exercise of this power, combined with any easy rule for the expeditious allotment of revenue on lands transferred, would doubtless much enhance the value of landed property; but the too common abuse of the liberty in the first instance, and the intricacy and dilatoriness attendant on the execution of the duty prescribed, in the second, are circumstances which manifestly tend to produce a contrary effect. A zemeendar, for instance, foreseeing that his estate must soon come under attachment, preparatory to the public sale of it, for the recovery of balances, hastens to dispose of as great a proportion of it as he can by private sale. The purchasers apply forthwith to the Collector, to separate the lands bought by them from the remaining part of the estate; but the Regulations prohibiting this measure until a jumma, regulated according to their ascertained resources, shall have been allotted on the lands; and a prompt compliance with this rule, being in few instances practicable; it often happens that the day of sale arrives before a separation has been concluded; and that the entire estate, comprehending those parts already privately transferred, is disposed of at public auction. The consequence is, that when the purchaser proceeds to take possession, he finds himself involved in disputes with the persons holding talooks within the limits of his purchase; disputes which seldom terminate but in the institution of an expensive law-suit by one party or the other, as either shall find occasion, by the event of their personal competition, to stand forward as complainant. The frequent recurrence of cases of this nature, must necessarily tend to depreciate the value of landed property, in the estimation both of private and public purchasers, and to impede the collection of the revenue of Government. Another evil of a different nature, also seems to me to arise from the same source as the former, and that is, a continual multiplication of small independent interests in landed property. The most considerable estate is at present divisible into an indefinite number of smaller independent estates, and every division creates a necessity for a new allotment of jumma, a duty in the execution of which, the greatest circumspection will not always ensure, exactness, and in which every error must obviously conduce to render the recovery of the public revenue insecure and uncertain.

5. Are the existing Regulations for collecting the revenue of Government from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

The existing Regulations for collecting the rents of lands farmed immediately of Government, properly enforced, are in my opinion well calculated to secure the punctual collection of the public revenue from the farmers.

6. Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under-farmers and from their ryots, well calculated for the purposes intended, without at the same time affording to the proprietors and farmers of land the means of oppressing their under-farmers and ryots?

The Regulations adverted to in this question, are I think well adapted to the attainment of the ends intended by them, without affording to proprietors and farmers of lands any ultimate means of oppressing their under-farmers and ryots.

7. When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I am acting Collector of this district, and have officiated in that capacity nearly nine months. The cultivation of this district is supposed to have been improved and extended in the proportion of at least one-sixteenth since the formation of the Decennial Settlement. The uncultivated land in the district is estimated to bear a proportion of two-sixteenths to the cultivated; this estimate comprehending the ground annually kept fallow, with a view to a better produce in the ensuing year. The jungle and waste land permanently uncultivated, (exclusively of a part of the sunderbunds situated in the district) is estimated at one-sixteenth of the whole lands.

8. Do the proprietors of estates in general derive a profit exceeding the 10 per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

I think this question may with confidence be answered in the affirmative. The generality
of

No. 1.—part 2.

Answers by the
COLLECTORS

Zillah Jessore,
31 Dec. 1801.

No. 1.—part 2.

Answers by the
COLLECTORS.Zillah Jessore,
31 Dec. 1801.

of the purchasers of large estates in this district are opulent inhabitants of Calcutta, where I believe it is well known that ready money may always be employed at a profit little short of 24 per cent. It seems fair to presume therefore, that these people obtain an equal, or at least a nearly equal profit on their money, when they sink it in the purchase of land. After many enquiries and references to records, I am led to believe that 20 per cent. is the average profit derived on the sudder jumma of the district. The distribution of this profit, however, among the different proprietors of lands, is extremely unequal.

9. What is the present state of the embankments in your district?

The embankments of this district were in the past year under the superintendance of Capt. Mouat, of Engineers, who has lately been called to the Presidency on service. The suddenness of Captain Mouat's recall, deprived him of the power to furnish a written report of the state of the embankments, but he verbally informed me, they were in as good a state as could be expected, after encountering so unfavourable a season as the last.

10. Do the proprietors of land in general attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

I have not been able to ascertain that any proprietors of land in this district, have, of late years attempted to improve their estates by the means adverted to in this question. The construction of embankments being considered a public work performable under the orders, and at the expense of Government, the zemindars imagine themselves exempt from all care and responsibility on that account. Tanks, I understand, are to be found throughout the district, in sufficient numbers for all purposes of life; the practice of digging them, as well from religious motives as from considerations of convenience, having much prevailed in former times.

11. Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the Permanent Settlement, than was observed by the proprietors of land in general previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect as comfortable as can be expected?

From all the information which I have been able to procure, I am induced to believe the proprietors of land have in general conducted themselves with more moderation, and with greater regard to the principles of good faith, in their transactions with their ryots, since the conclusion of the Permanent Settlement, than they did prior to that period. This improved system of conduct may with justice be included among the good effects which have resulted from the Regulations. These in their original state were not only powerfully calculated to protect the lower classes of landholders against oppression and injustice from their superiors, but had a tendency perhaps to throw rather an undue degree of power into the hands of the ryots. By subsequent modifications, however, this tendency has been counteracted, and it may now I think be asserted, that the relative rights and powers of a zemindar and his ryot are properly defined, and equally protected; and that the condition of the latter is in every respect as comfortable as can be expected.

12. What is the state of the roads in your district; are there any parts of the district the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

The only roads at present in this district are to an extent of about twenty miles in different directions in the immediate vicinity of the station; but an increase of the number of them would unquestionably be of great benefit to the country. It might appear a departure from the proper province of a collector, were I to enlarge on the expediency of constructing roads, in every practicable instance, from the sudder stations to the different police tannahs in the district; I shall therefore confine myself to the mention of such other roads as are said to be particularly required. A road from Jessore to Keesubpore, situated ten coss distant, on the river Hurhureed, and another of six coss, from Keesubpore to Tala, a great mart of trade situated on the river Kabhuck, are represented to be much wanted. Of equal benefit, I understand, would be a road from Tala to Looksagar, in Zillah Nuddea, and from Jessore to Calcutta and Kishenagur. The construction of these roads by hired labourers would doubtless be attended with much expense: the obvious substitute for hired labourers are the convicts; but whether those of this zillah are sufficiently numerous to accomplish the work, or could conveniently be employed to undertake it, I have no official opportunities of knowing.

13. What is the estimated number of inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The villages in this district are 12,000 in number, and the average population of each village is generally computed at 100 persons; by which means a population is obtained of 12 lacs in the whole district: of this number, I reckon in every sixteen persons, nine Mahomedans and seven Hindoos. I am aware that in many districts the Hindoos exceed the Mahomedans in number; but the reverse is the fact in Jessore.

14. What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

The most valuable articles of produce in this district are salt, indigo, tobacco, ganjah, mulberry,

mulberry, red wood, pawn, beetle-nut, and long pepper: of these articles, salt is exclusively reserved by Government, and mulberry-cultivated only by persons concerned in the provision of the silk investment; the cultivation of indigo has alone particularly increased of late years, and the reason of that increase is too obvious to require explanation; some of the other articles mentioned may perhaps have lately been cultivated to a greater extent than formerly, but not so much so as to deserve particular notice.

15. Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties in Jessore are expected to produce about 11,000 rupees in the present year; which, if realized, will be an excess of nearly 3,000 rupees on the produce of them in the past year.

16. Are the abkarry collections increasing, or decreasing?

The abkarry collections in this district have ever been very inconsiderable; and though expected in this year to exceed the amount realized in the past, are, on an average of five years, decreasing. The settlement of the mehal for the present year, amounts to rupees 5,349, of which, the sum of 3,000 rupees is expected to be collected within the year.

17. Are there any articles in your district on which a productive tax might be levied without oppression to the people? Name the articles, the rate of tax, and the manner in which you would propose it to be levied.

Pawn, beetle-nut, and tobacco, have already, I believe, come under the consideration of Government, as proper articles of taxation; and in a statement submitted by the late collector, in the year 1800, the annual amount realizable by a tax on them, was estimated at upwards of two lacs and seventy thousand rupees. Besides these articles, I am not prepared to name any on which a tax would not operate oppressively, as well as be unproductive.

18. What are the description of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The descriptions of rent-free lands in this district are,—birmooler, or lands appropriated to the maintenance of brahmins; dewutter, or lands the produce of which is appropriated to the endowment of Hindoo temples, the discharge of expenses incident to the provision of images of worship, and the performance of religious ceremonies prescribed by the Shaster; mohutteran, or lands given for the maintenance of persons of the Hindoo persuasion, not brahmins; khanabarec, or lands given in small portions to individuals, to establish their dwellings on; fakeeraun, or lands appropriated to the maintenance of Mahomedan mendicants; peeraun, or lands appropriated to the preservation and repair of tombs of holy and pious men; milik lakeraj, or lands held by Mahomedans of rank for their support; muddud moash, held for the same purpose, by individuals indiscriminately; and cheraghee, or lands destined to defray the expense of lighting buildings erected over tombs. After the best calculation I have been able to make, I am of opinion that the rent produce of the lands exempt from the payment of revenue in Jessore, is equal to about 7 per cent. on the sudder jumma of the district.

19. Which of these descriptions of lands are in general in the best state of cultivation, the rent-free lands, or the lands which pay revenue to Government?

The lands which pay revenue to Government are in a much better, as well as in a more general state of cultivation in this district than the rent-free lands. The latter, compared with the former, are said to be every where very inferior in soil, and are supposed to have been originally selected on that account as the most proper to be disposed of free of rent.

20. What descriptions of old rupees are current in your district?

The old rupees generally current in this district, are those of the years 10, 11, 12, 15 and 19; sunwauts of the years 20 to 29, and 1 to 9, as well as a few arcot and French rupees are also current, but in fewer numbers and at a heavy batta.

21. What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value, the 19 sun sicca rupees being the only description of rupee struck in the provinces, and that being the rupee in which the public-revenue ought to be paid?

The continuance of old rupees in circulation, appears to me ascribable to the want of a rule sufficiently penal to compel persons to deliver them up for re-coinage. The tenor of all the Regulations which have hitherto been passed on this subject, is rather recommendatory than obligatory, permits rather than commands the re-coinage of old rupees; Regulation XXXV of 1793, it is true, enacts, that after a certain date, that all payments tendered in such rupees shall be illegal, and all engagements concluded in them, irrecoverable in a Court of Justice; but general consent to take old rupees, when not diminished in weight below a certain standard, at par, and when below that standard, with an allowance equal to the deficiency, and a super-added batta, renders this rule perfectly nugatory. In transactions of this nature, is founded that disgraceful traffic in old rupees notoriously carried on in almost every part of the country by shroffs; a traffic scarcely calling less for prevention than a practice which has generally obtained among the same set of people, of marking and defacing, in open violation of the Regulations, the new 19 sun sicca rupees coined in the mints of Government. I do not understand that old rupees are replaced as they become worn and diminished in weight, but am rather of opinion, as may be collected from what I have already said, that however much they may have suffered in value, they still remain in circulation.

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22. What rules would you recommend to be adopted for the purpose of introducing the 10 sun sicca rupees into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

I am of opinion that the object of this question can only be attained by allowing a further period of not less than two years for the delivery of old rupees into the treasuries or mints of Government for re-coinage, on the terms specified in Regulation XXXV, 1793; and by declaring all persons detected in carrying on transactions in old rupees, after the expiration of that period, subject to penalties to Government, by means of forfeiture or otherwise, in addition to the loss of all legal title to recover the amount of such transactions.

23. Do gold mohurs circulate in your district, to what extent, and do they pass at par; that is, for the value of 16 sicca rupees, when tendered for the purchase of goods? In payment of private debts and public demands, it is of course received at the rate which the law requires?

The result of my enquiries on the subject of this question, leads me to think, that about one-third of the aggregate value of the specie in circulation in this district, consists in gold mohurs, tendered for the purchase of goods, and in payment of private debts and public demands; gold mohurs are always received as equal to 16 sicca rupees.

24. Has the establishment of the currency of gold mohur, in the interior of the country, operated beneficially or otherwise?

The establishment of the currency of the gold mohur, has certainly so far operated beneficially, as to simplify and expedite the adjustment of debts and demands, and to reduce the expense of transporting treasure.

25. What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The Quinquennial Register of lands paying revenue to Government, commencing with 1197 B. S. and ending with 1201 B. S. has been completely prepared in this district; and that commencing with 1202 B. S. and ending with 1206 B. S. has been also prepared, with an exception to the insertion of 79 villages, of which the particulars cannot be procured. These registers, however, have not yet been copied; the register of intermediate mutations is completed and written fair up to this date. The holders of rent-free lands in Jessore, having almost universally neglected to deliver in their accounts; it has been found impracticable to make any progress in the registers of those lands. For the purpose of obtaining the necessary materials for them, I have again issued Proclamations throughout the district, as directed in section 19, Regulation VIII, 1800.

26. What description of persons are in general the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of these estates, than the system of management of the former proprietors?

In answering a former question, I stated that wealthy inhabitants of Calcutta, are in general the purchasers of the lands disposed of in this district by public sale. With respect to their system of management, as far as I have had an opportunity of observing, it appears to me much superior to that pursued by the former proprietors; and I am of opinion that by means of a strict vigilance in ascertaining the real resources of their lands, measurements, scrutinies into the tenures of their ryots, and attention to the cultivation of lands heretofore waste, the purchasers in general are bringing their estates into a state of progressive improvement.

27. Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma;) and how many years purchase do you suppose the proprietors would offer for such remission?

I am of opinion that several zemindars in this district would purchase a permanent remission of a part of the revenue assessed on their lands, to the extent supposed in the question of Government; but I have not been able to satisfy myself, so fully as I could have wished, with respect to the price which they would agree to pay for such remission; I am induced however to think, that from five to seven years purchase would in general be consented to by those disposed to purchase at all.

28. What is your opinion as to the effect which the disposal of a proportion of the jumma in the manner proposed in the preceding question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

As it is to be supposed that none but proprietors of estates already highly productive, or persons already able to improve their estates by pecuniary means, could accomplish the redemption of a part of their fixed revenue, I do not perceive that such a measure would produce any immediate advantage in the country at large.

Zillah Jessore,
31st Dec. 1801.

(Signed)

J. Parker, Acting Collector.

(Midnapore.)

MY LORD,

IN obedience to orders I have received from the Honourable the Vice President in Council, I have the honour to transmit to your Lordship a copy of my Answers to the Interrogatories which were forwarded to me by the Secretary to the Government in the Revenue and Judicial Departments, in November last.

I have the honour to be, with great respect,

Your Lordship's most obedient humble servant,

Midnapore,
24th Feb. 1802.(Signed) T. H. Ernst,
Collr.

To His Excellency

The Most Noble Richard Marquis Wellesley, K. P.
Governor General, &c. &c. &c.

ANSWERS of the Collector of *Midnapore*, to the Interrogatories transmitted to him by the Secretary to the Government in the Revenue and Judicial Departments, on the 29th of October 1801.

QUESTIONS.—1.—Are the crops of the present year expected to be productive?

ANSWERS.—There has been a very considerable failure in the crops of the present year, owing to the destructive inundation which happened in August last. The pergunnahs that have suffered most severely from this calamity, bear an assessment of S.R^o 5,70,804. 2. 7. and the losses in those pergunnahs are computed to amount, upon an average, to one-fourth of the crops. In several other pergunnahs assessed at S.R^o 5,97,618. 11. 14. one-fifth or one-sixth of the crops appear to have been destroyed. In the remaining parts of the district, assessed at S.R^o 3,54,537. 1. 14. the harvest has been very abundant. So that upon the whole, the failure in the crops may be estimated at about one-seventh, which, though not sufficient to create an alarming scarcity, will probably, in the course of three or four months, raise the price of rice so much as to be very severely felt by a great proportion of the labouring part of the community.

2.—What is the amount of the balances outstanding in your district, on account of the past year; and what is the state of the collections for the present year?

The balances outstanding in this district on account of the past year (1208 F. S.) amount to S.R^o 25,180. 11. 17. The demand for the present year, till the end of Poes, amounts to S.R^o 2,61,921. 7. of which S.R^o 5,83,638. 1. 13. having been realized, there remains a balance of S.R^o 2,79,283. 5. 7.; the greater part of which is to be ascribed to the losses sustained from inundation, and has therefore been authorized to be suspended by the Board's orders of the 29th August last.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands which have been sold for the recovery of the balances of the past year, amounts to S.R^o 57,533. 2. 14. and the purchase money to S.R^o 57,750. But it is by mere accident that the price of the lands, taken in the aggregate, so nearly corresponds with their supposed value, according to the principles by which the assessment of malguzarry lands was determined. There is the greatest inequality in the assessment of lands in different pergunnahs, and even in the same pergunnah, especially in those of Cossijaereh and Mynachowra. At the sale in question, 18 talooks in the former pergunnah, assessed at S.R^o 17,316. 9. 2. were purchased by individuals for S.R^o 14,655. and eight other talooks, assessed at S.R^o 12,483. 14. 19. were bought on account of Government for S.R^o 3,475. In the latter pergunnah, three mehals, the jumma of which amounts to S.R^o 6,000. 17. were purchased for S.R^o 11,040. and two others, assessed at S.R^o 2,637. 2. 4. for S.R^o 700; and there are eight mehals in this and other pergunnahs for which there was no bidder. That the talooks, 302 in number, which composed the pergunnah of Cossijaereh, are very unequally assessed, I have had occasion to explain very particularly, in accounting for the large balances that have accrued in this pergunnah every year since the final settlement of it, in a letter which I wrote to the Board of Revenue on the 16th October; and which appears to have been recorded on the proceedings of Government in the Revenue Department, on the 13th November; and the remarks contained in the 14th, 15th, and 16th paragraphs of that letter, relative to Cossijaereh, are generally more or less applicable to the other zemindariers in this district, which have been broke into small talooks by public sales, since the conclusion of the settlement. The justness and accuracy of several of the remarks and statements contained in that letter, will naturally, however, be thought questionable from the result of the last sales. After the account I then gave of the situation of most of the landholders of this district, and after the very heavy losses many of them have sustained from inundation in the past year, it will naturally excite surprise, that of 655 lots, included in the statement of lands which were advertised to be sold, on the 5th ultimo, for the recovery of the arrears due from the proprietors on account of the past year, only 71 lots, bearing a jumma of S.R^o 57,533. 2. 14. should have been actually disposed of; and that of the arrears, amounting to S.R^o 1,77,078. 13. 19. which were outstanding at the end of 1801,

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only S.R. 25,180. 11. 17. should be now due. But though these facts are calculated to convey an impression, that the landholders of this district are not so much reduced in their circumstances and condition as I described them to be, I am convinced, that such a conclusion would be erroneous; and have no doubt that Government will accede to this opinion, when they are apprised of the state of the collections in the course of the past year, and of the manner in which the balances were realized before the date on which the lands of the defaulters were advertised for sale.

Before six months of the year had expired, lands assessed at S.R. 3,57,032. had come under attachment, and the arrears due from the proprietors amounted to S.R. 1,58,098. 11. 2. Almost the whole of these lands remained under attachment during the rest of the year, and many more were attached every succeeding month, so that, at the end of the year, the jumma of the mehals under attachment amounted to S.R. 4,32,019. 4. 4. and the arrears due from the proprietors to S.R. 1,55,317. 10. 7. Near two-thirds of these arrears accrued in talooks assessed at less than S.R. 2,000. and most of them less than 500. More than half these talooks formed separate estates when the permanent settlement was made, and the rest have been since formed by the sale of the zemindaries of Cossijoereh, Shawpore, and Mynachoura, and of a few others, in small lots. In my letter to the Board of Revenue, above referred to, I stated various grounds, on which I was led to suppose that the first mentioned talooks, upon an average, afforded a profit of from ten to sixteen per cent. which, though as much was allowed by the rules laid down for the assessment of malguzary lands, appears to me, in such small talooks, to be utterly inadequate to enable the proprietors to live in a manner suitable to their condition and habits. Nor do I think that a different opinion will be entertained by Government on the subject, when it is considered that very few of them have any other means of subsistence than they derive from their talooks; that they were accustomed to spend the whole of the profit they yielded, before the last settlement was made, when an increase of between 20 and 30 per cent. was laid on their jumma; and that the families, and of course the expenses of many of them, have been increasing since their income was diminished. It appears to me, the most fortunate and provident talookdars cannot, in common years, derive from their estates more than a mere subsistence for themselves and their families; and that whenever there is a failure in the crops, from drought or inundation, they must encroach upon the public revenue. This must likewise happen as often as the due observance of their customs and religious ceremonies is attended with any expense; which they cannot avoid without injury to their characters and cast. By the frequent recurrence of these charges, the revenues are continually falling in arrear much more than would otherwise be the case. Very few talookdars are engaged in trade, which might afford a temptation to them to misappropriate their collections; and I have every reason to believe, that, except in mehals notoriously over-assessed, which have been purchased at public sales for less than half, and sometimes for less than one-fifth or one-sixth of their jumma, for the express purpose of defrauding the public revenue, they are immediately expended in some way or other, and hardly ever hoarded. The talookdars have been brought up in habits of economy and attention to the management of their own affairs; and very few of them are addicted to extravagance of any kind. Though not very quick and sagacious, they understand their own interest; and are, generally speaking, wise enough to pursue it as far as lies in their power. They know very well that the attachment of their lands must subject them to heavy losses; and that the continual repetition of it must terminate in their ruin. They know, that if their estates merely afford them a subsistence, they cannot bear the expense of an attaching Aumeen, and the payment of interest on the amount of their balances. They feel it painful and humiliating to them to be deprived of the management of their lands, and they consider it as a great misfortune that Government should have the means of ascertaining the resources of their lands. They think it will be necessary to conciliate the attaching Aumeens, whose good offices and collusion can only be gained by a bribe; and they know that these Aumeens are very apt to commit abuses, which bear hard upon them, though they are not of sufficient magnitude to induce them to be at the trouble and expense of obtaining redress. They likewise think, that whatever an Aumeen may do, they cannot come to represent his misconduct while they are in arrear; or if they did, that the complaint of a defaulter would not be listened to. With such urgent motives for preventing the attachment of their lands by paying their revenue with punctuality, I feel confident, that when they fall in arrear, it is generally owing to their lands being too highly assessed, and very seldom proceeds from any fraudulent intention, or from improvidence, neglect, or mismanagement. How then has it happened, that after having fallen very heavily in balance in the course of the year, they found means to satisfy the claims of Government before their lands were put up to sale? And having been able to pay their arrears at last, why could they not make good their kists as they became due, and thereby avoid the losses and vexations they have incurred by the attachment of their lands? For an answer to these questions I beg leave to refer to the 11th Para. of my letter to the Board of Revenue of the 16th of October, and to add that my observation of what passed during the late sales and a few days before, as well as information I have received on the subject from intelligent persons, thoroughly confirm the truth of the facts therein stated. At the end of November the arrears due from the landholders, whose estates were advertised for sale on the 5th December, amounted to S.R. 1,00,758. 9. 14. By the day of sale only S.R. 11,554. 15. 9. were paid; but while the sale was going on by adjournments from day to day, till the 13th December, S.R. 40,955. 6. 15. were recovered from the defaulters. During this time I had occasion to see and hear the agitation and anxiety that prevailed among the numerous defaulters, or their relations and vakeels, who had come to Midnapore to prevent the sale of their lands; the various expedients they resorted to for
this

this purpose; the negotiations they entered into, and the ruinous bargains they made to raise money enough to pay their balances; I am convinced that many of them would have better consulted their interest by suffering their lands to be sold, than by obtaining a respite; for it can be no more than a respite on the terms which they found it necessary to agree to. But, however circumspect they may be in other respects, they have no idea of entering into calculations when their patrimony is at stake. Their sole object is to save it. They think the worst possible bargain is not to be put in competition with the loss of it; and having once secured it for the present, are thoughtless of consequences, however certain and obvious. With such sentiments, it will hardly be thought surprising that most of them should be able to keep their talooks longer than would happen in the natural course of things; but it appears to me impossible that the evil they have been postponing by such improvident means can be at a great distance; and I am very much afraid, that two successive years of inundation, the last of which has been more destructive than any that has happened for many years, will occasion the loss of many talooks at the end of the present year.

The foregoing remarks are applicable only to the old talookdars, who still possess about one-third of this district, and to a few purchasers who live upon their estates, and are anxious to transmit them as an inheritance to their families. I am aware that, in this detail, I have wandered a good deal from the question; but, as a general answer would have led to erroneous ideas, and appeared at variance with the information contained in my letter to the Board of Revenue above referred to, I have thought it proper to enter into the subject at some length, and to explain the cause of the apparent disagreement. For the same reason, I shall add a few remarks respecting the value and the assessment of lands in this district, as far as a judgment can be formed on these points from the public sales.

The talooks which existed at the time the settlement was made, bear a jumma of S.R. 4,49,787. 3. 4. The jumma of such of these lands as have been sold since that period, amounts to S.R. 73,088. 4. 15. or about one-sixth of the whole, and they were purchased for S.R. 70,241. It must not, however, be supposed that they all sold alike; many produced much less, and many much more than the sudder jumma, as the profit they afford may have varied from 8 to 16 per cent. But the average of the sales supports the conclusion I have been led to draw from all the accounts and information I have been able to procure, that the lands of this description in Midnapore yield, on a medium, a profit of 10 or 12 per cent. on the jumma; and when this is the case, I have almost invariably found, that lands sell for about the amount of the jumma, or eight or ten years purchase. In speaking of the profit those lands afford, I must be understood as meaning only the amount that was left, by the terms of the settlement, to provide for the maintenance and domestic expenses of the talookdars; besides the deductions made on these accounts, from the hustabad jumma under the heads of Malikanna, Thackoer, Shawar, &c. there was a further deduction on account of surinjummy, or charges of collection, which varies in different pergunnahs, but amounts, on an average, to about S.R. eight per cent. on the sudder jumma. Many of the talookdars, who live upon their own estates, or even at the distance of three or four coss, by managing their own lands, get the whole surplus they afford, or from 20 to 25 per cent. upon the sudder jumma; but this surplus cannot be considered as the profit of the zemindar. That part of it which is allowed for charges of collection is received by the zemindar in a distinct character; that of a surburacar or goinashteh, whose duties he performs. This distinction is the more necessary to be adverted to in calculations of the value of lands founded on public sales; because two thirds, and even a greater proportion of the purchasers have no idea of living upon their lands, or of taking the management of them into their own hands, and are therefore obliged to pay, on account of Mofussil charges, as much, or very near as much, and sometimes more than has been allowed for them in the settlement.

The large zemindaries of this district that were engaged for by the proprietors during the period of the Decennial Settlement, excepting perhaps those of Tumlook, which has but lately been annexed to it, appear to be much more highly assessed. The jumma of such of these estates as have been sold, amounts to S.R. 3,37,130. 3. 15. They were first sold in 154 lots, for S.R. 1,84,680: many of these lots, bearing a jumma of S.R. 2,04,314. 11. 12. have been since sold again, and some of them five or six times, by public auction, for S.R. 1,52,575. The zemindary of Cossijoereh and Shawpore, assessed at S.R. 2,13,347. 2. 5. was sold in 50 lots, for S.R. 1,02,065. and a considerable part of these pergunnahs assessed at S.R. 1,22,784. 7. 11. including, in several instances, a repetition of the same jumma as often as the same lands have been sold by public auction, has been since disposed of for S.R. 75,064; so that the average price of the lands appears to have been little more than half of the jumma; from which, on the supposition that lands affording a profit of 10 or 12 per cent. are, as I have stated, worth the amount of the jumma, or 8 or 10 years purchase, it is to be inferred, (and the inference is justified by the most authentic accounts I have received of their actual produce) that the lands in question afford little more than half the profit they ought to yield, according to the rules laid down for the formation of the settlement. And with regard to the settlement of the largest zemindary in this district, namely that of Cossijoereh and Shawpore, which is discussed at great length, in my letter to the Board of Revenue of the 16th of October, the conclusion is confirmed by various data therein referred to. But by the late sales, these calculations seem to be contradicted. Twenty-nine old talooks, for S.R. 13,276. 1. 18. were purchased for S.R. 19,275, and thirty-four talooks assessed at S.R. 44,267. 16. which have been formed by the sale of large zemindaries, for S.R. 38,025, in which are included 26 talooks in Cossijoereh, assessed at S.R. 29,745. 8. 1. which were sold for S.R. 8,030. It will, however, be contended that one year's experience can be opposed to that of the

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eight preceding years, particularly since it does not appear that there was less confidence in the security of landed property, and in the permanency of the jumma during that period, than there is now; and the real value of most of the lands in this district, must be much less at present than it was when the settlement was made, because they have not yet recovered from the effects of the very severe drought that happened in this district in 1199; and have suffered very much from inundation in the two past years, which will occasion a considerable deficiency in the rents this year. The high price that has been paid for the lands which were sold last month, must therefore, I conceive, be owing to the unusual crowd of people, who came to Midnapore to purchase land, and who are said to have been chiefly contraband traders in salt. These persons, ambitious of becoming talookdars, without any knowledge or experience in the management of lands, and careless about money which they had amassed rapidly, and with very little trouble, seem to have been determined to make purchases at any price; and the sale of more than 9-10ths of the lots which had been advertised to be sold, having been put a stop to by the recovery of the arrears due from the proprietors, the competition for those that remained, may account for their having sold for much more than their value. It therefore appears to me, that the late sales cannot be referred to as a criterion of the value and assessment of the lands in this district, and that, consequently, they do not afford any just ground of objection to what is stated relative to those points, in my letter to the Board of Revenue, of the 16th of October.

4.—Are the existing Regulations for collecting the Revenue of Government, from the zemindars or other proprietors of land, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public Revenue, without, at the same time, affecting the security or value of landed property?

It appears to me that the present Regulations make it the interest of the zemindars to pay their revenues with punctuality, and that this is the most effectual mode that can be adopted for the punctual collection of the public revenue. It must always, however, be in the power of the landholders to misappropriate a considerable part of their collections. The lands are not liable to be attached until the month in which a kist is payable may expire, and an attachment can seldom take effect till ten days or a fortnight afterwards. A landholder can therefore always misappropriate one kist, and can generally realize two or very nearly two, before his lands are attached. The kists of Aughun and Poes amount each to three and a half annas of the revenues in this district, and when a talookdar wants money, he generally supplies himself with it from his collections in these months. According to the era of this district, the months of Aughun and Poes are the third and fourth months of the year; and when attachments take place during the first six months of the year, as commonly happens, the arrears almost invariably increase every month, and are frequently doubled by the end of the year. This proceeds from various causes. In small estates, of which more than two-thirds of this district are composed, the charges of attachment and of interest often eat up the whole profit, and sometimes more. In spite of all my endeavours to prevent the anticipation of rents, I have every reason to believe that it is a very common practice. Zemindars are not liable to any penalty for anticipating their rents; and though the Regulations declare that the ryots shall not be allowed credit for any money they may pay in advance, it is impossible to make people who gain a mere subsistence by their labour, pay the same kist twice. Most of the talookdars have no other resource than the profits of their talook to live upon. Dearly as they pay for falling in arrear, they find it costs them less than borrowing money, and sometimes they cannot borrow on any terms; they must therefore either contrive to make collections clandestinely from their ryots after the attachment of their lands, or bribe the attaching Aumeen to give them money enough for their subsistence. In all these ways the landholders are able to appropriate the public revenues to their own expenses, and it is impossible to prevent them from doing so. But, in general, the talookdars are eventually the only sufferers from the transactions I have mentioned; the whole of the balances due from them with interest, being, with few exceptions, either paid by them or recovered by the sale of their lands, at the end of the year.

During the last ten years, the revenues have invariably been very much in arrear in this district, but they appear to have been still more in arrear during the ten years that immediately preceded the permanent settlement; and the ultimate loss in the revenues, was, beyond all comparison, greater during that period than it has been since. The superior efficacy of the present Regulations will appear in a stronger point of view, when it is considered, that before the settlement the revenues of this district were near one-fifth less than they have been since that period, and that remissions used then to be allowed on account of drought and inundation, which of late years have been entirely discontinued.

All the zemindars with whom I have ever had any communication in this and in other districts, have but one sentiment respecting the rules at present in force for the collection of the public revenue: they all say, "that such a harsh and oppressive system was never before resorted to in this country; that the custom of imprisoning landholders for arrears of revenue, was, in comparison, mild and indulgent to them; that, though it was no doubt the intention of Government to confer an important benefit on them by abolishing this custom, it has been found by melancholy experience, that the system of sales and attachments, which has been substituted for it, has, in the course of a very few years, reduced most of the great zemindars in Bengal to distress and beggary, and produced a greater change in the landed property of Bengal, than has ever perhaps happened in the same

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“ space of time in any age or country by the mere effect of internal regulations. That, in former times, the zemindars occasionally lingered a few months in confinement, but that they did not lose their patrimony; that confinement, though it was irksome and distressing to them, was not looked upon as a serious grievance; that, according to their notions and habits of thinking, it bore a very different character from that it possesses in the eyes of their present rulers, who, for more than a century, have attached the highest value to personal liberty, and esteemed the security of it the most valuable privilege of British subjects. That the disgrace attending imprisonment, if it existed at all, was softened by custom, and by being suffered indiscriminately by all ranks and descriptions of persons; that it lasted no longer than the cause of it; and that a defaulter had no sooner recovered his liberty by paying his balances, or by the indulgence of the Haulkum, than it was entirely forgot, and he appeared again in society without any disparagement to his rank or character, in his own eyes, or in the eyes of his countrymen.” Such is the language which has of late years been very generally held by zemindars; but it will not, I trust, be supposed that I am an advocate for prisons and rattaus as preferable to the existing Regulations. I am not discussing the comparative merit of the two systems. I only wish to point out their different tendency and effects. The terrors of imprisonment often operated, I believe, as a wholesome warning to zemindars, to keep their expenses within the bounds of their income, and were perhaps calculated to make a greater impression on them than any penalties by which they might be more remotely affected. It is one of the most striking features of the character of the natives, to be blind and insensible to consequences. They will hardly ever give themselves any trouble to guard against a distant evil, or undertake any thing for the sake of remote advantage. To this apathy and supineness in their disposition, joined to habits of dissipation and extravagance, is no doubt to be ascribed the ruin of several zemindars, though I imagine it has much oftener proceeded from the over-rated assessments of their estates, and from the difficulties they found in realizing the revenues, until the 7th Regulation of 1799, was generally known and enforced. Since this period, the zemindars themselves have been satisfied, and would hardly wish for more power; but the remedy came too late, most of them having been quite ruined before it was applied. When the only restraint, to which they had been accustomed, was withdrawn, and they were declared no longer liable to imprisonment for arrears of revenue, many of them thought only of the relief, without considering that the penalties substituted for imprisonment, would not merely subject them to temporary privations and vexation, but would speedily involve them in utter ruin. They could no longer resist any temptation to misappropriate their collections, they squandered all the money that came in their way, they were constantly in arrear, and their ruin being accelerated by the other causes I have mentioned, (the too high assessment of their estates, and the difficulty of collecting their revenues) they soon lost the whole of their property by public sales.

Though the foregoing remarks are meant to be applied to the large zemindaries in this district, the same improvidence is sometimes manifested in the conduct of the talookdars, from whose education and habits, more attention might be expected to their own interest and welfare. Though I am convinced that most of them are compelled to encroach upon the public revenue, in consequence of their lands being too highly assessed, yet the practice of falling in arrear is so universal in this district, that there must be, I conceive, among the defaulters, some persons whose lands are under attachment during a great part of the year, in consequence of their having carelessly, and inconsiderately, spent more of their collections than they ought at the beginning of the year; and of their not thinking it worth their while to make an effort to pay their balances until the year is at an end, and their lands have been advertised for sale. When this happens, the talookdars, at least such of them as have inherited their estates, or held them some years, appear to have suddenly changed their character; they become busy and active, and turn their minds to every possible means of paying their balances. There is nothing they would not do to save their lands from being sold. They would cheerfully surrender themselves and go to jail, and as this would be of no avail, they are willing to raise money on any terms. But most of them are, I believe, too much involved to be ever able to retrieve themselves, unless Government grant them relief, by reducing their assessments, if not to their old standard, at least to such a degree as may leave them the means of a decent and comfortable subsistence. On their present footing, it appears to me to be impossible that they can keep their lands many years. Their prudence, and their parsimonious habits, the resources that they frequently find in the industry and talents of themselves, or their near relations, and in the attachment of their ryots, as well as the ingenuity they show, in devising a hundred different ways of raising or borrowing money to pay their balances, may protract the period of their ruin for some years. But there is no doubt that their situation is, for the most part, becoming worse every day, and that the ordinary resources of their talooks do not afford the means of preserving them. It is evident, therefore, that they must gradually pass into new hands, and probably this will happen in the course of a very few years.

In considering the situation of these talookdars, it strikes me, that they have reason to complain of having been less favourably dealt with, at the time of the settlement, than the tenants of zemindars, who were in possession of incurrery leases. These tenures, in general, afforded as great a profit as the estates of the sudder talookdars, yet they were confirmed, and no increase was ever exacted from the leaseholders, while the revenues of the sudder talookdars have been raised near one-fifth. I cannot see any just grounds for this distinction; all the talooks in this district, that existed at the time of the settlement, had been many years in the possession of the proprietors, and most of them had belonged to their families for four or five generations. They naturally think, that they or their ancestors having purchased the talooks, or been invested with them by the sovereign power, or its representative, and

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their proprietary right having been acknowledged by their present rulers, they ought to have been treated with, at least, as much indulgence as was shown to mere leaseholders, who obtained grants from zemindars, and still pay their rents to them. And though the revenues of the sudder talookdars had fluctuated at different periods, this will hardly be thought a sufficient reason for assessing their lands higher than they had ever been assessed, in the worst of times, under the former Government. Their lands did not afford them more than a comfortable subsistence, when the settlement was made. But not only so large an increase was then laid on them, as to leave them hardly enough to live upon, in years of common plenty; but they were likewise deprived of the relief they had always obtained before, in years of drought and inundation, by being allowed remissions on their revenues, on account of the losses they sustained. In every point of view, therefore, it appears to me that they have the strongest possible claim to the equitable consideration of Government.

I am of opinion, that the value of landed property is not affected by the operation of the rules that are in force for the punctual collection of the public revenue; having found that lands in this district have commonly sold for about eight or ten years purchase; that is to say, for eight or ten times the amount of the clear annual profit they afford. With regard to the security of landed property, every landholder knows, that he is sure of keeping his estate as long as he pays his revenue. But it seems reasonable to suppose, that the very severe penalties to which a landholder becomes liable by falling in arrear, would have the effect of preventing any persons, but such as always have the command of money, from purchasing lands, that from accidents of season, or other causes, have fallen into decay, and produce less, or little more, than the sudder jumma, with a view to retrieve them, if the want of a spirit of enterprize in the natives did not generally hinder them from engaging in such speculations, except when they see a fair prospect of realizing the public revenue, and of getting a reasonable profit in two or three years; but few will become purchasers even then.

5.—Are the existing Regulations for collecting the revenue of Government from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

There are no persons in this district, holding lands in farm immediately of Government; and I have had no experience of the effect of the existing Regulations for the collection of the public revenue from such persons; but it appears to me, that the provisions contained in Section 23, Regulation VII. of 1799, are amply sufficient for that purpose. No sudder farmer, who understands his own interest, will subject himself to the penalties to which he becomes liable by falling in arrear, if he can possibly help it. And there can, in general, be little danger of any ultimate deficiency in the revenues of the lands let to him, if a Collector takes only tolerable security from him for the performance of his engagements.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

I am of opinion, that since the 7th Regulation of 1799 has been generally known and enforced in the Mofussil, the zemindars have been very well able to realize their rents from their farmers and tenants. Before this period, complaints of the inefficacy of the Regulations were very general among zemindars, or the proprietors of large estates; and it required little discernment to see, that they had not the same powers of coercion over their tenants which Government exercised over them. It was notorious, that many of them had large arrears of rent due to them, which they were utterly unable to recover, while Government were selling their lands for arrears of assessment; justice therefore required, that more effectual means should be provided to enable them to collect their rents; and it has accordingly been judged expedient, at two different periods, very materially to extend the powers they formerly possessed over their tenants and ryots. With this view, the 35th Regulation of 1795 was passed, and this Regulation having been found inadequate to the purposes for which it was framed, more extensive powers were granted to the landholders by Regulation VII. of 1799. This Regulation is, I believe, entirely satisfactory to the landholders, and leaves them nothing to desire. But it appears to me, that owing to the difficulties under which the zemindars laboured, not having been well understood, the means of coercion which this Regulation provides, go beyond the remedy of the evils which gave rise to it, bear unnecessarily hard upon the ryots, and are productive of a great deal of injustice and oppression. The 7th Regulation of 1799, was evidently framed on the supposition, that equal difficulties were experienced in collecting the revenues from the ryots, and from the tenants and farmers who stand between them and the zemindars. But this, far from being the case, I have frequently had occasion to state to the Board, that, as far as my experience goes, I have found that common ryots, or the lowest tenants of zemindars, who are the cultivators of the soil, pay their revenues with great punctuality; and the result of particular inquiries, I have at different times made on the subject, convinces me that they hardly ever fall in arrear, unless unjust demands are made on them. Their ignorance and their poverty leave them so much at the mercy of zemindars, that they have no idea of contesting unjust claims, or of delaying to satisfy them. They are much more apt to submit tamely to an exaction, than to hazard a contest with a zemindar; and they pay a kist or two in advance much oftener than they fall in arrear. Now and then, indeed, a ryot struggles against the authority of a zemindar, and ventures to sue him in the Adawlut, when an attempt

attempt is made to raise his rent, either by levying an increase upon what he conceives to be his mocracy jumma, or by resuming some remission which the zemindar or his predecessors may have granted from the full rates of his land. In such cases, when he sees that the zemindar is determined to levy by distress all he claims, and that he shall gain nothing by satisfying his just demand, he sometimes withholds his rent altogether, until the contest may be decided. But instances of this kind are extremely rare, and are only mentioned, that I may not be supposed to speak with too much latitude of the general punctuality of the ryots in paying their rents.

As a further proof of this fact, I beg leave to observe that I have hardly ever heard a complaint made by a talookdar or farmer, or tenant of any description, of not being able to realize their rents; and I imagine that the 7th Regulation of 1799 must have entirely originated from complaints of the proprietors of large estates. For the greater part of the arrears of revenue, which have arisen since the permanent settlement, having been due from them, their situation and grievances naturally came more under the consideration of Government than those of any other description of people. I am convinced that the only difficulties of any consequence which the proprietors of large estates experienced in collecting their rents, arose from the fraudulent and evasive conduct of farmers, and of the higher order of tenants. These people, with little or no respect for their landlords, more quick and intelligent than common ryots, better skilled in the Regulations, more conversant with the practice of the Courts of Justice, better able by their circumstances to maintain a contest there with their landlords, and more ready to take advantage of every means by which they saw that they might successfully evade their just demands, required to be governed by a stronger hand than poor, helpless, illiterate ryots. But the landholders have always, I conceive, possessed sufficient control over their ryots, who have been commonly too weak and depressed to resist even unjust claims; while farmers and intermediate tenants were, till lately, able to withhold their revenues with impunity, and to set the authority of their landholders at defiance. Landholders had no direct controul over them. They could not proceed against them except through the Courts of Justice, and the ends of substantial justice were defeated by delays and costs of suit. It was not till the 7th Regulation of 1799 was published, that zemindars were armed with sufficient powers to enable them to realize their rents, with punctuality, from their farmers and immediate tenants. This Regulation, by facilitating the arrest of defaulters, but chiefly by empowering zemindars to attach their farms or other tenures, and eventually to annul leases, and to sell or resume all other tenures, in case of failure in the punctual payment of the stipulated rents, gave the zemindars and their farmers as great a controul over their tenants and under-renters as can possibly be granted to them; and more perhaps than can safely be trusted in their hands, though not more, I conceive, than is necessary to enable them to realize their rents with as much regularity as they are required to pay the public revenue of their estates.

But, unfortunately, the powers of the zemindars have been extended where the same plea of necessity does not exist. The original distraining Regulation (the 17th of 1793) appears to me to have afforded ample security for the punctual collection of the rent payable by the ryots. A landholder seldom finds it worth his while to distrain property, except for such petty balances as are commonly due from ryots; and even with the restrictions that attended the powers of distress granted by Regulation XVII. of 1793, they were generally found sufficient for the recovery of such balances, though landholders very seldom had occasion to exercise them. Some of the provisions contained in this Regulation might, perhaps, require alteration so far as to simplify the process, and to leave out some restrictions which were liable to be abused, and others that, from not being generally understood, or judged of much importance, have been seldom attended to in practice. But those provisions which were calculated, in some measure, to protect the ryots from exactions, ought, I think, to have been preserved, and, if possible, guarded by additional checks. Instead of this, the only checks that existed for the prevention of abuses on the part of distrainers, have been removed by two very material alterations in the 17th Regulation of 1793. The 9th section, which enabled a ryot to get rid of an attachment, by executing an engagement binding himself to institute a suit against the distrainer for the trial of the demand for which the attachment was made, has been rescinded by Section 2, Regulation XXXV. of 1793; and, instead of the notice of fifteen days for the sale of attached property, directed in Section 8, Regulation XVII. of 1793, and the period of fifteen days from the day of attachment fixed for the sale of such property by Section 5, Regulation XXXV. of 1795, it may now, by Section 4, Regulation VII. of 1799, be brought to sale within six days after the attachment. I take the liberty to object to both these alterations; because, for the reasons I have stated, I am of opinion that ryots hardly ever fall in arrear, unless a zemindar or farmer demands more rent from them than they think he has a legal right to, or unless they are really unable to pay their balances. In the former case, I conceive that it bears hard enough upon a ryot to be put to the trouble and expense of instituting a suit to try a demand, very likely to be vexatious and unjust. This trouble and expense are sufficient to deter most ryots from having recourse to such a remedy; and, therefore, when a ryot ventures to resort to it, there can, in general, be little doubt that he feels strongly grounded in his objection to the claim made upon him. At present it is in the power of every zemindar and farmer to levy, by distress, the amount of an unjust claim, and thereby to ruin a ryot before he can sue for redress; and, rather than be reduced to such a state, most ryots will submit to an exaction. It therefore appears to me, that ryots ought to have it in their power to get rid of an attachment, and that for this purpose, the 9th section of Regulation XVII. of 1793 ought to be re-enacted, and that other remedies ought to be provided for their protection, from exactions on the part of zemindars and farmers.

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Lands being now exempted from sale for the recovery of arrears of revenue, till the end of the year, it appears to me much less necessary to expedite the sale of distrained property than it was before the 7th Regulation of 1799 was issued, when they were liable to be sold every month. When this was the case, the delay of a fortnight might have been very prejudicial to the interest of a landholder, especially in this district, which consists chiefly of very small talooks; but now it cannot occasion the sale, and hardly ever, I think, even the attachment of his lands, since it very seldom happens that a landholder finds it necessary to levy one-fourth or one-fifth of a kist by distress; and no collector would, I suppose, think it proper to attach his land for so small an arrear of a sudder kist. When a ryot is really unable to make good an arrear, it appears to me that the interval originally placed between the notice to the defaulter, of the attachment of his property and the actual sale of it, is not more than sufficient to enable him to find ways and means to avoid being utterly ruined by a griping landlord; and that what would not be denied by common humanity, ought to be secured to him by the sanction of the law, when it can be done, as in the present case, without establishing a vague and arbitrary exception to a general principle necessary for the collection of the revenues.

At present, as far as I am able to learn, the distraining Regulations are not abused to so great a degree as might naturally be expected, from the poverty and depression of the ryots. It must not, however, be supposed that they do not suffer from exactions: many attachments undoubtedly take place every month on account of unjust claims of rent; and, if the attached property is not very often sold, I am afraid it is only because the owner of it is, for the most part, willing to compound with injustice by paying something to avoid the ruin in which he would be involved by the sale of it. The trouble, the delay, and the enormous expense of carrying on suits in the Adawlut, are such, that people who gain a mere subsistence by their labour (which is the case of nine-tenths of the ryots) are absolutely precluded from having recourse to this remedy. If, therefore, they are not very generally oppressed by exactions, it can only be owing to the forbearance of their landlords, who see it is their interest to take no more from them than they can afford to give. But this is not the foundation on which the security and welfare of 8 or 10 millions of people ought to stand. Instead of leaving them at the mercy of zemindars and farmers, the law ought to afford them an easy and expeditious mode of resisting oppression and injustice; and it appears to me, that the only way in which this can be effectually done, is, by abolishing, or at least reducing the present exorbitant charges of judicial fees and stamps, and by empowering the native Commissioners appointed under Regulation XL, of 1793, to try causes for exaction, and to prevent the sale of attached property until they may be decided. If these measures should be objected to, as subversive of the authority and controul that zemindars and farmers ought to have over the ryots, and as throwing too much power into the hands of the Commissioners, the only means that occur to me of checking exaction, and, at the same time, of preventing real defaulters from getting rid of a distress on false pretences, are, to authorize the Commissioners (who must not, of course, be the landholders themselves, or their agents) to receive complaints of unjust attachments; and, in case it should appear to them, on a summary inquiry, that the claim on account of which an attachment may have been made, is unfounded, to pass an order for putting a stop to it, until the cause may be decided in the Dewanny Adawlut.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed Collector of this district in April 1800. Its cultivation has not been improved or extended since the first year of the Decennial Settlement, owing to a dearth which took place in 1799, and is supposed to have carried off one-sixth of the inhabitants; but it has been gradually recovering from the effects of this calamity. The most intelligent of the natives whom I have consulted on the subject, are of opinion that near 3-4ths of the lands which became waste in consequence, have been since brought into cultivation; and that cultivation is still rather increasing than otherwise. There is no part of the district, however, in which I have been able to discover any considerable improvement, while large tracts of land in Jellassore, and in some parts of Midnapore, chiefly near the jungle, which many of the inhabitants of the adjacent country remember to have seen in a high state of cultivation, are unoccupied, and, for the most part, overgrown with jungle. It appears to me, however, that, in a country where the means of subsistence are plentiful, and procured with little labour, and where the wants of the inhabitants are very few and simple, the population must increase, and that the extension of cultivation must keep pace with the increase of population. Under such circumstances, when the people are governed by mild and equitable laws, and well protected in their persons and property, it is natural to expect that a country will advance very fast in every particular that indicates prosperity; but, even without those advantages, or, at least, with many defects in the Government, I am of opinion that the population will naturally go on increasing; and that it is only liable to be interrupted by a famine, or by the destructive ravages of a hostile invasion. The improving state of this district for the last nine years has, by no means, I conceive, been greater than is fully accounted for by the respite it has enjoyed from those calamities during that period; and I cannot, therefore, attribute it to the increased security and protection that the ryots are supposed to have derived from the permanent settlement. On the contrary, the settlement in this district, considered in all its circumstances and its train of consequences, appears to me to have had an obvious tendency to arrest the natural progress of cultivation

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and improvement. The enormous increase, amounting to near one-fifth of the revenues, in the assessment of the greater part of this district, put it out of the power of most of the landholders to improve their estates. They were no longer able to encourage a spirit of enterprise and industry, by clearing jungle, digging tanks, and making advances to their ryots; and the rigorous punctuality with which Government have, since the permanent settlement, enforced payment of the public revenue, without allowing the landholders any compensation for losses sustained by drought or inundation, which was always granted in former times, has naturally influenced the conduct of landholders and farmers to their ryots. Before estates were made liable to be sold for the recovery of arrears of revenue, the landholders appear, on the whole, to have treated their ryots better than they have done since. Though there was, certainly, a great deal of violence and oppression in former times, yet instances often occurred of kindness and benevolence. Ryots who were in good circumstances, were very apt to be plundered; but relief was seldom denied to those who had been unfortunate, or were in distress. In short, though there was little encouragement to efforts of industry, from the uncertainty of reaping the fruits of it; yet the landholders found it their interest, and were prompted by a regard to their own character and reputation, to protect the great body of the ryots, whose circumstances could afford little temptation to the violation of their property, in the peaceable enjoyment of as much as was necessary for the support of themselves and their families. But as soon as they saw that they were becoming the victims of the new Regulations, they lost all consideration for their ryots, and, in their eagerness to save themselves, made no scruple to levy all they could exact from them. Another great obstacle to the extension of cultivation, has been the insecurity of leases. All the land that has been newly brought into cultivation during the last nine years, consists of what became waste, in consequence of the famines of 1178 and 1199 F. S. A great deal of this land is still waste, and the ryots are more ready to cultivate this kind of land than to clear jungle. But, besides the usual reduction in the rates for three or four years, it is generally found necessary to relinquish something from the full rates during the whole period of the lease, and sometimes a permanent remission is granted by a sort of mocracy tenure, which the grantor himself cannot, and which his heirs seldom choose, to violate. But the ryots who undertake to cultivate land on these terms, are liable to lose all the benefit of their industry, as often as the land passes into new hands by public sales. The jumma of the lands that have been sold in this district since the permanent settlement, amounts to sicca rupees 5,85,013. Many mehals have been sold two or three times, and several five or six times; and most of the purchasers have not scrupled to cancel leases, even where there was no suspicion of collusion, and to enforce payment of all they could exact under Regulation XLIV, of 1793. It is obvious to what a great extent this practice is calculated to operate to the discouragement of agriculture.

About two-thirds of this district consist of jungle, the greater part of which is inaccessible, and supposed to be unfit for cultivation. The lands in the open country, which are inserted in the Hustleboed papers of this district, prepared by the late Sudder canongoe and his officers in 1194 and 1195, and which are said to include all the land in the district except jungles, are stated to consist of begahs 17,79,643. 16. of which three-fourths are supposed to be cultivated, and of the remainder about one-third, or rather more than a lac of begahs, is estimated to be capable of cultivation.

8.—Do the proprietors of estates, in general, derive a profit exceeding the 10 per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

The information required in this Interrogatory, will be found in my Answer to Question 3d, and at greater length in my letter to the Board of Revenue of the 16th of October, which I have so often had occasion to refer to. But it may be proper to observe, in general terms, that from the result of all the enquiries I have made, I am of opinion, that the proprietors of the large estates in this district, assessed at sicca rupees 6,07,940. 14. derive a profit of 10 or 12 per cent. on the jumma; that the talooks, which existed when the settlement was made, and are assessed at sicca rupees 4,49,787. 3. 4. afford the proprietors a profit of between 10 and 16 per cent.; and that the remaining mehals in this district, assessed at sicca rupees 2,38,902. 3. 15. which at the time of the settlement formed only 29 zemindaries, but now consist of 579 talooks, afford the proprietors a profit which varies from 2 or 3 to 16 or 20 per cent. on the jumma; but, on an average, it is considerably less than 10 per cent.

9.—What is the present state of the embankments in your district?

Owing to the inundation which happened in August, and is universally agreed to have been more violent than any that has been experienced in this district for many years, the embankments are very much out of repair. Large breaches have been made in some of them, others have been entirely destroyed, and very few have escaped some injury. The estimated expense of putting them in substantial repair, amounts to sicca rupees 45,363. which is very near four times the amount of the deductions that the landholders received from their jumma on account of poelbundy; I therefore recommended through the Board of Revenue, that half the expense might be defrayed by Government, and the Honourable the Vice President in Council has been pleased to agree to the proposition.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

I have never seen or heard of a zemindar in Bengal, who took any measures for the improvement of his estate on a large and liberal scale. Landholders do not carry their views

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beyond granting waste land on the terms which are customary in the pergunnah, and now and then perhaps relinquishing something more. They hardly ever encourage cultivation, by digging a tank or making advances to ryots; tanks are sometimes dug from motives of piety; but instead of digging them where they are most wanted, and may turn to the best account, landholders generally consult their own convenience or gratify their vanity, by digging them near their own houses or in places of note. Some good, however, was occasionally done by the practice of digging tanks; but this sort of piety seems to be very much on the decay, either because the natives are more relaxed in their morals, or which is more probable, because their circumstances are, for the most part, very much altered for the worse; and I see no prospect of their finding a more powerful motive to exert themselves for the improvement of their estates, in a liberal and enlightened attention to their own interests. With regard to embankments, many landholders entirely depend upon them for the security of their crops; but, in most of the pergunnahs in which they are situated, there being a great number of talookdars, who are always at variance and can never act together, even when their common interest is at stake, it has been found necessary to repair them by means of officers on the part of Government. When the expense is moderate, the talookdars seldom murmur at paying their quotas, but they never shew any anxiety to see the repairs begun early or conducted properly. Though the embankments are at present in a very bad state, and it is of the utmost importance to the landholders, that no time should be lost in commencing the necessary repairs; yet, owing to the heavy expense that will be incurred this year, none of them have shewn the least solicitude on the subject; and I am convinced they would have seen the bunds entirely neglected, rather than consent by their own act to make themselves answerable for the expense, though they must have defrayed it, if Government had not thought proper to relieve them from a part of it.

In some parts of the jungles, and particularly in Roypore, which has the advantage of being situated on both sides of the Cossie, the soil is generally very good, but the population is not supposed to have been increasing there in any considerable degree before the late disturbances; and no attempt deserving of notice, appears to have been ever made to extend the cultivation, which can only be done by means of the inhabitants of the jungles; as those of the open country are never tempted to go and settle there, and probably would not consent to go if the most ample encouragement were held out to them. Very few of the jungle zemindars have the means of improving their estates, and those who have, would laugh at a person who should endeavour to persuade them of the advantage of laying out a great deal of money in clearing jungle, digging tanks, building houses, and making advances to ryots, for the sake of distant and precarious returns, when in various ways of trade, they can easily make a profit of 30 or 40 per cent. in the course of a year; and, even if they were willing to grant such encouragement, there seems to be so little industry and enterprize among the ryots in general, that no important improvements could well be expected to arise from it. Even in the neighbourhood of this station, where there is a great deal of rich jungle land, which might be brought into cultivation without much trouble and expense, and which would, I have no doubt, with proper care and management, soon repay all the expense and afford a considerable profit; though the zemindar is a rich man, and very attentive to the management of his own affairs, he thinks such an undertaking much too arduous for him to engage in; and I see no probability of any material improvement being attempted, unless Government should obtain a grant of the land, and take the necessary measures for bringing it into cultivation.

Except in the neighbourhood of this station, where there are plenty of labourers, who might, perhaps, be prevailed on to cultivate some of the jungle, which has been cleared by the convicts, there seem to be insuperable obstacles to the extension of cultivation in the jungles, from the prejudices of caste, and from the situation of the ryots who have cleared and at present occupy jungle land. During an excursion I lately made for a few days into the jungles as far as Roypore, I went to several villages in five different zemindaries, and made particular enquiries concerning the cultivation and the customs of that part of the district. I found that a distinction prevailed in the heart of the jungles, between abaudy and jungle land. The former, consisting of fine cultivated plains, some of which are on the banks of the Cossei, is occupied by the common cultivating castes of ryots; the latter is in the possession of a poor miserable proscribed race of men, called Sontals. These people being of a very low caste are despised by the ryots of the plains, who would on no account suffer one of them to come and live in their villages, nor would they, of course, live among the Sontals. They seem to think that their castes disqualify them for the atmosphere of the jungles, and for the task of clearing land there, and that the Sontals are unfit for the enjoyment of the abaudy. They are called, by way of distinction, good creditable people, while the Sontals seem hardly to be ranked among human beings; yet the Sontals are mild, sober, industrious people, and though extremely wretched and ignorant, are remarkable for their sincerity and good faith. Their rents are very moderate, and, by the custom of the country are considered as permanent; and though they have no pottahs or writing of any kind, their tenures are hardly ever violated. It seems to be a point of honour with the zemindars, as it is certainly their interest, to treat them well; for such is their timid nature, that on the least oppression they run away, and are heard of no more. But though they hold their lands on easy terms, they are, for the most part, in the lowest state of human misery. They go almost naked, and they seem to be half starved. Their villages are generally situated between cultivated plains and the jungles, in order that they may serve to protect the crops of their more fortunate neighbours from the depredations of deer and wild hogs. They sometimes cultivate their land with considerable success, and raise good crops of rice and collie; but almost all that their vigilance can secure from the ravage of wild beasts, is snatched from them by the more fatal rapacity of money lenders.

lenders. Being always destitute, they are obliged, before they can establish themselves in the jungles, to find a mahaguir, who will engage to feed them till harvest time and to supply them with seed. Money is hardly known to the ryots of the jungles. Grain is the common medium of barter; and the Sontals keep their accounts and pay their debts in grain. The established interest of grain all over the jungles, is half a seer for every seer of rice, borrowed from Chyte and Bysac till Saurin and Bhandoeir (which is the period during which the Sontals are obliged to borrow their food) and the principal and interest are payable from the Aumeen crops in Poes. The interest of paddy borrowed for seed in Jyte and Assai, is double or 100 per cent. and it is payable at the same period; so that the Sontals have to pay interest at the rate of more than 100 per cent. for their food, during four or five months of the year, and near 150 per cent. for their seed. More than half their crops, therefore, generally become the prey of mehajuns, and sometimes they find it necessary to surrender the whole of them. It is evident how very difficult it must be for them ever to get out of debt; and the difficulty is increased by their extreme ignorance and insensibility to the oppression they suffer. Instead of wishing to get rid of their mehajuns, as intolerable pests, they cling to them as their greatest benefactors. They feel indebted to them for their food, and are convinced that they should starve without their assistance; and in the actual state of things, perhaps they cannot do without them. Under all these circumstances, it cannot be expected that the Sontals will increase in number, or labour with any success to better their situation; and on these two circumstances, which commonly go together, the extension of cultivation in the jungles seems entirely to depend.

- 11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots since the establishment of the permanent settlement, than was observed by the proprietors of land, in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

My answers to Interrogatories Six and Seven, contain the grounds of my opinion, that the permanent settlement has by no means had the effect of inspiring the proprietors of land in this district with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, than they observed before. By the present regulations for the administration of justice, the ryots appear to be sufficiently protected from personal violence, but they may be oppressed by exactions, and legally stripped of all their property before they can sue for redress; and the landholders have never, I believe, displayed more severity in the exercise of their authority over the ryots, than they have done since the permanent settlement. They have not, indeed, been able to scourge and confine them, nor to treat them with barbarity, as was sometimes the case formerly. The ryots at present enjoy a degree of personal security, which they never knew before, and this is certainly a most invaluable consequence of the present system. Formerly there was no such thing as collecting the revenues without personal chastisement. A whipper was considered as a necessary part of a tehseeldar's establishment, and a whip might very probably have been represented as the symbol of his office; nor could the revenues have been collected without it. In those days, sales of land and distress of crops were entirely unknown. Zemindars and ryots would not pay their revenues without some kind of coercion that existed. But strange as it may appear, I believe it to be a certain fact that the ryots were in better circumstances than they have been in since. The landholders have been always governed in their conduct to their ryots, by the treatment they have experienced from Government. When they were beat and confined by the officers of Government, they did the same to their ryots; but they were much easier in their circumstances then than they have been since, and they suffered their ryots to be so too. Before the conclusion of the permanent settlement, their rents were much lower than they have been since; they used to receive remissions from Government in years of drought and inundation, they were not charged with interest for arrears of revenue, their estates were not liable to be attached and sold; and large balances accrued every year, which, after the lapse of two or three years, were generally written off as irrecoverable. Being in the enjoyment of these advantages themselves, they allowed their ryots to partake of them, and were much less rigorous towards them than they are now. Though they were obliged to use force in making their collections, they seldom proceeded to excessive violence or cruelty, which seem to be by no means congenial to the disposition and habits of a Hindoo. The severity they exercised does not appear to have enabled them to collect near so much from their ryots, as they now do by attachments and sales. A zemindar threatened and beat his ryots, and put them in confinement, but after taking from them as much as they seemed to be able to pay, he soon set them at liberty; and those who had money, would often endure all the severity he chose to inflict, rather than satisfy his just demands. Where there was real poverty, the ryots generally met with indulgence, and they always received remissions on account of losses sustained from drought or inundation. In many other respects too they were better off than they are now. A zemindar seldom thought it worth his while to measure the land held by his ryots, though they generally occupied more than was specified in their pottahs. He frequently granted remissions from the full rates, or suffered the quality of land to be rated below its real standard, by which means it was held for less than the full rent; he sometimes gave advances to indigent ryots, and relinquished arrears of rent; he never levied an arrear by distress, and very seldom ruined his ryots by exactions. When a landholder was pushed hard for the payment of a kist, or had any pressing demand for money, he sometimes levied

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levied arbitrary exactions from his ryots; but such demands derived a sort of sanction from long custom, and when they were moderate, and there was a real plea for them, the ryots generally submitted to them without murmuring, and found an ample compensation for them in the numerous advantages they derived from his moderation and forbearance in other respects. But all this is now entirely changed; ever since Government have rigorously required the payment of every rupee of the public revenue, the landholders have not scrupled to exact the last anna of rent from the ryots, without mercy.

Before the permanent settlement, the ryots, like most of the labouring poor in all countries, earned no more than a subsistence. Not one ryot in a hundred was able to raise himself to any sort of independence by his industry; and even in the enjoyment of what they possessed, they were secured only by the mercy and forbearance of the landholders, and not by the protection of the laws, or by a sense of their own rights. The rent of land is so high in this district, and I suspect in most parts of Bengal, that unless a ryot contrives to get more land than he pays rent for, or some deduction from the full rates, it is impossible that all the malguzarry land he can cultivate can afford him a subsistence. This was well known to the landholders; and all who understood their own interest, or had the least consideration for their ryots, allowed them those indulgences. But, when they saw their own assessment raised, and the most rigorous measures adopted for the collection of the public revenue; when they found that they were charged with interest for every arrear that arose, and that their estates were liable to be attached and sold, they determined to make the most of their proprietary rights; they often resumed all that they had given up, raised the rents of their ryots to the highest possible rates, and having generally the law on their side, and the means of enforcing it in their own hands, they were able to harass and oppress them without restraint. If the ryots did not enjoy more than a subsistence before, it is evident that these measures must have produced a sad reverse in their situation; and the result of my enquiries on the subject corresponds with the general opinion of the natives, that their situation has, of late years, and particularly since the promulgation of the 7th Regulation of 1799, been worse than it ever was before. Their malguzarry land does not, however, appear to have ever afforded a sufficient resource for their subsistence. They have always found it necessary to practise other occupations besides that of husbandry, and to employ the industry of themselves and their families in many different ways. In order to satisfy myself of their real situation, I some time ago made out lists of five families, containing the number of individuals of which most families of ryots consist, and employed the most intelligent people in the district to draw up detailed accounts of the income and expenses of each of these families in the four divisions of this district; namely Midnapore, Jellassore, Tumlook and Chitwa, where difference of situation, soil and productions, necessarily diversify the occupations of the inhabitants, and the objects of their industry; and for my further satisfaction, I have taken similar accounts from several individual ryots. From the result of all these enquiries, it appears that the profit of malguzarry land does not, on an average, defray half the annual expenses of the ryots, and that the deficiency is derived from the profit of lakhuraj land, and from various kinds of labour and trade. With regard to the lakhuraj land, it is well known that it is almost entirely cultivated by maul ryots. Except in entire villages of lakhuraj land, which do not constitute one-twentieth part of the lakhuraj land of this district, the ryots, who rent it, prefer living on malguzarry land, on account of various advantages they enjoy, which they would run the risk of losing by relinquishing their malguzarry land, and settling on lakhuraj land. The advantages I allude to are, the security in which they live on malguzarry land, owing to the number of inhabitants, and to the establishments of chokeedars and pikes which are kept up there, the right of common for their cattle; and the protection of the zemindar, who would be able to molest them in various ways if they ventured to incur his displeasure, by taking up their residence within the limits of his talook on lakhuraj land, and by cultivating only this sort of land. For these reasons, though lakhuraj land is much more profitable than malguzarry land, owing to the rates being lower, and the mode of payment much easier, the proprietor can hardly ever get any person to cultivate it but the malguzarry ryots of the village; and the zemindar will never allow them to begin ploughing lakhuraj land till they have ploughed their malguzarry land, because the sooner the land is ploughed, the greater probability there is of a good crop; and because it is supposed; that if a ryot were allowed to cultivate his lakhuraj land first, he would neglect his malguzarry land. It is, however, greatly for the advantage of landholders that their ryots should cultivate lakhuraj land; for the ryots not only pay less rent for it, there being a difference of from 4 to 12 annas a begah, in the same sort of malguzarry and lakhuraj land, but their payments are much easier. During the period that the heavy revenue kists are payable, they never pay any rent for their lakhuraj land, and, as the proprietors cannot levy it by distress, and hardly ever think it worth their while to have recourse to the Adawlut, their ryots are generally left to pay it at their own ease and convenience, and are of course rather backward and remiss in their payments.

The produce of the lakhuraj land in this district, appears to be about one-fifth of the malguzarry land. Very little, not more than one-eighth at the utmost, is cultivated by the proprietors themselves. The rest is let to maul ryots; but the proprietors, of course, select for their tenants the most reputable ryots. A considerable quantity of lakhuraj land appears, indeed, to have been cultivated for many years by the families of the present renters; but by the custom of the country, they are only tenants at will, and though they are seldom ousted without cause, the proprietor suffers them to hold the land no longer than they continue to pay the rent. According to the best intelligence I have been able to procure, the proportion of malguzarry ryots who cultivate lakhuraj land, is about 40 in 100, or two-fifths. Being the most considerable ryots, they are supposed to hold more than half the malguzarry land in the district, and the cultivated lakhuraj land being about one-fourth of the cultivated malguzarry-

malguzarry land, it follows that, upon an average, they hold near half as much lakhuraj as malguzarry land. It is evident, then, how very much the collection of more than half the public revenue must be facilitated by the advantages which the ryots derive from the cultivation of lakhuraj land. This circumstance suggests to me the idea of dividing the ryots into two classes; those who cultivate lakhuraj land, and those who have none. The former are seldom employcd, except in the management of their own concerns; are, generally speaking, in tolerable circumstances, and pay their revenues with punctuality. The latter, consisting of three-fifths of the ryots, not being able to earn half a subsistence by the cultivation of malguzarry land, are, with very few exceptions, obliged to hire themselves out in all kinds of labour, and to exercise different branches of industry. They are the persons who, from various accidents and misfortunes, are most liable to fall in arrear, and who, with the most powerful claims to protection, have to bear almost the whole brunt of Regulation VII. of 1799. Thus it appears that, in general, the only ryots, who are able to live with any degree of comfort, are those, who, besides their malguzarry land, cultivate lakhuraj land; and that the rest, consisting of at least three-fifths of the whole, are in a state of extreme poverty and wretchedness. The situation of the ryots in other parts of Bengal, and particularly in Burdwan, where the proportion of lakhuraj to malguzarry land is supposed to be nearly that of 3 to 8, is, I have no doubt, much the same; and I trust, therefore, that independent of other reasons, it will never be in the contemplation of Government to raise any revenue whatever from lakhuraj land. In fact, it may be considered as already taxed.

That I may not be suspected of having spoken at all at random of the situation of the ryots, and that I may be able to give a more forcible and satisfactory idea of it than can be done by a general representation, I beg leave to observe, that in the accounts I have received of the income and expenses of the ryots of different parts of this district, though, from the influence of local circumstances, they necessarily differ in several particulars, there is no difference of any moment in the result; and for the further satisfaction of Government, I shall subjoin an abstract of those accounts, showing the income that five different families of ryots derive, in different parts of this district, from the cultivation of malguzarry land, and from other kinds of labour and industry that they and their families are obliged to resort to for their subsistence.

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NAMES and Description of PERSONS.	Quantity of Land Cultivated.						Value of the Produce.			Deduct Revenue, and Charges of Cultivation	Profit of Malguzarry Land.	Produce of Lakhuraj Land, of various kinds of Labour.	TOTAL								
	Lall.			Kolla.			R.	A.	Q ^{rs} .												
CHUCKLA MIDNAPORE :																					
— No. 1.—																					
Labouring man, woman, boy (10 or 12 years of age) and child - - - - 4	11	0	0	1	0	0	43	8	0	26	5	0	17	3	0	16	0	0	33	0	0
— No. 2.—																					
Ditto - man, woman, boy of 12 years old, man and woman - 5	11	0	0	1	0	0	43	8	0	26	5	0	17	3	0	27	0	0	44	3	0
— No. 3.—																					
2 Labouring men, 2 women, 1 boy of 12 years, 2 children, old men and women - - - 9	22	0	0	2	0	0	88	5	0	56	0	10	32	4	10	39	0	0	71	4	10
— No. 4.—																					
3 D ^s , - 3 women, 2 boys, 3 children, old man and woman - 13	34	0	0	2	0	0	130	2	0	83	9	5	46	9	10	61	0	0	108	1	10
— No. 5.—																					
1 Man, 1 woman, and 1 child -	1	0	0	0	5	0	5	3	0	3	0	0	2	3	0	17	0	0	19	3	0
CHUCKLA JESORE :																					
No. 1. - as above stated - 4	11	0	0	0	15	0	29	9	0	16	1	0	13	8	0	15	8	0	29	0	0
No. 2. - as - ditto - - 5	11	0	0	1	0	0	31	3	5	16	4	10	14	14	15	25	0	0	39	14	0
No. 3. - as - ditto - - 9	22	0	0	1	10	0	60	10	15	31	10	15	28	9	0	37	0	0	65	0	0
No. 4. - as - ditto - - 13	34	0	0	2	0	0	89	4	10	47	9	0	41	11	10	54	0	0	95	0	0
No. 5. - as - ditto - - 3	1	0	0	0	5	0	3	8	0	1	13	0	1	11	0	17	0	0	18	11	0
ZILLAH TUMLOOK.																					
No. 1. - as above stated in Midnapore - - - 14	11	0	0	1	0	0	43	12	10	27	14	0	15	14	10	18	0	0	33	14	10
No. 2. - as - ditto - - 5	11	0	0	1	0	0	43	12	10	27	14	0	15	14	10	31	0	0	46	14	10
No. 3. - as - ditto - - 9	22	0	0	2	0	0	87	9	0	53	14	5	33	10	15	42	0	0	75	10	15
No. 4. - as - ditto - - 13	34	0	0	2	10	0	130	12	10	81	5	0	49	7	10	59	0	0	108	7	10
No. 5. - as - ditto - - 3	1	0	0	0	5	0	5	2	15	3	3	10	1	15	5	19	0	0	21	7	5
CHUCKLA BURDWAN :																					
No. 1. - as above stated - 4	11	0	0	1	0	0	46	0	10	31	14	0	14	2	10	19	0	0	33	2	10
No. 2. - as - ditto - - 5	11	0	0	1	0	0	46	0	10	31	14	0	14	2	10	20	0	0	42	2	10
No. 3. - as - ditto - - 9	22	0	0	2	0	0	92	7	10	63	8	0	23	15	10	46	0	0	74	15	10
No. 4. - as - ditto - - 13	33	0	0	2	10	0	138	9	0	94	12	10	43	12	10	67	0	0	110	2	10
No. 5. - as - ditto - - 3	1	0	0	0	5	0	3	15	10	3	6	0	2	9	10	19	8	0	22	1	10

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Taking a medium from the particulars of these accounts, it appears, that a ryot is generally able, by his own labour, to earn about 2 rupees a month; and that, if he has a family, he cannot afford to appropriate more than twelve annas, or a rupee a month, to his own expenses of every kind.

Having laid before Government the extreme poverty and depression of the ryots, it will naturally be expected that I should propose some measures for their relief. I know only of two, which can be adopted without a complete change of the whole revenue system; and these would, I think, be productive of considerable relief, without endangering the security of the public revenue. I mean, that some checks be established to prevent the oppression that the ryots suffer from exactions by abuses of the 7th Regulation of 1709, and that some alteration may take place in the present kistbundy of this district, according to which, near half the revenues are payable before the ryots can reap their harvest and sell their grain. On the former subject I have explained myself very fully in my answer to Interrogatory 6; and on the latter, I addressed the Board of Revenue on the 28th of September, and though they rejected the proposition, I cannot forbear taking this opportunity of submitting it to the consideration of Government.

I explained to the Board, that nine annas, $\frac{9}{16}$ th of the year's revenue, being payable till the end of Poes, which is the fourth month of the year in this district, and the crops produced till that period not being worth more than two annas ($\frac{1}{8}$ th), the ryots were obliged to raise money on the annum crop, to enable them to pay the remaining seven annas, as they became due; but I ought to have excluded the kist of Poes, which I find the ryots pay by selling their crops as soon as they are gathered, so that there remains only three annas and a half, or, generally speaking, about one-fourth of their rents, which they are obliged to borrow. I mentioned, that by the terms on which they repaid the money in grain, the interest of it amounted to 40 per cent. But this is the profit to the lenders, according to the market price of grain in Aughun and Poes, when the money was lent, which is at least ten per cent. less than it is worth in Phaughun and Chyte, when the grain bargained for is delivered to the lender. So that the ryots evidently lose about 50 per cent. on one-fourth of their yearly rent, which they are under the necessity of paying before they can gather and dispose of the crop from which it is derived; and, to enable them to pay the kists of Poes and Mang, which amount to more than one-third of the revenues, they are obliged to sell their grain to great disadvantage. It will not be denied that these circumstances must operate as most grievous taxes on the industry of people, who are not able to earn half their subsistence from as much malguzarry land as they can possibly cultivate.

The Board, in their answer to my proposition for altering the sudder kistbundy, observe, that they are by no means assured, that a similar indulgence would be granted by the zemindars to the ryots, nor that such indulgence could be granted by the zemindars, consistently with the security of their own rents; and that they are of opinion, it would be highly objectionable to interfere in regulating the engagements between them and their tenants. On each of these points I shall take the liberty to offer a few remarks.

It appears to me, that if Government thought proper to alter the kistbundy, a matter of such general concern would soon circulate all over the district; and that though some landholders would endeavour to anticipate their rents, as they do now, the majority would, readily, and of their own accord, adjust their Mofussil demands according to the sudder kists; and that the great body of the ryots would never consent to forego so great an advantage, when given to understand that the zemindars had received it for the express purpose of extending it to them, and that, if they collected more than might be due, according to the new kistbundy, they would be liable to the penalties prescribed for exactions.

With regard to the security of the zemindar's rents, I do not think it could be materially affected by the proposed indulgence, which is no more than to transfer, in equal proportions, to the kists of Mang and Phaughun, three of the seven annas at present payable in Aughun and Poes; for the ryots would still have to pay the postponed three annas, as soon as they could sell their grain to advantage. I find, however, that many, perhaps half the landholders, are averse to any change; though they acknowledge the hardship the ryots suffer from the present kistbundy, and do not pretend to say, that they would appropriate their grain in any other way than to the consumption of their families, and occasionally, perhaps, to satisfy a debt that they may have found it necessary to incur at the beginning of the year. But the proprietors of land, paying revenue to Government, have an idea that every thing must give way to them. They think that a ryot has no right to stop the cravings of hunger till he has satisfied their claims of rent. The ryots are frequently obliged to surrender all their grain in payment of their debts to zemindars and money lenders, and then to live till the next harvest by borrowing at enormous usury, and paying an advanced price for their food. But I am happy to observe, that the most liberal and intelligent landholders I have consulted, are of opinion, that their rents would not be endangered by the proposed alteration in the kistbundy; and it seems reasonable to suppose, that instead of being in a hurry to dispose of their grain, the ryots would endeavour to keep it as long as possible, because the price of grain almost invariably undergoes a regular progressive increase till the latter end of the Saween.

The last objection to the proposed alteration in the kistbundy, is founded on the impropriety of interfering at all with the engagements subsisting between the landholders and their tenants; and it would certainly involve a change in the terms of those engagements, or in the custom of the country, which often supplies the want of such engagements, and is of equal force with them. I conceive this objection to arise from an idea, that all existing engagements would be infringed; that difficulties and confusion would arise in the collection

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of the revenues ; and that the engagements subsisting between landholders and their tenants, having been valid when they were entered into, and being conformable to the existing Regulations and the custom of the country, must determine the decisions of the Courts of Justice, in case of disputes, notwithstanding any alteration that may take place in the kistbundy. To obviate these difficulties, I beg leave to observe, that it is not usual for the ryots to execute kistbundies, and that this sort of engagement has seldom been entered into by fixed tenants of any description. Farmers are almost the only persons from whom kistbundies are taken ; but in this district, their kists, in common with those of fixed tenants and ryots, are payable according to the sudder kistbundy ; and their rent being engaged for separately, this engagement cannot, I conceive, be affected by a change of the sudder kistbundy ; though it would be necessary, in case of such an alteration, to make the mofussil kistbundy correspond with it. The sudder kistbundy is the rule and standard by which the mofussil demands have for many years been regulated in this district. To continue the latter, therefore, on their present footing, after an alteration in the former, would be to change the custom of the country. This custom is so well established, that no zemindar would consider himself at liberty to collect his rents according to a different kistbundy from that by which his own revenues are collected by Government, nor would ever think of attempting to recover a claim, founded on such a distinction, by regular course of law ; and if he did, I conceive that no Court of Justice would hesitate to dismiss the cause. In fact, the Regulations (Section 3 of Article 23, Regulation VII. of 1799) which positively prohibit anticipations of rent, would bar a decision in his favour. Anticipation of rent must, I conceive, mean the collection of a greater proportion of the mofussil rent than is in demand according to the sudder kistbundy. If any other construction were adopted, there would be no security for the public revenue in case of attachment, which it was the express object of the Regulation quoted to provide for.

It therefore appears to me, that the only serious-objection to the proposed alteration in the kistbundy is, the idea entertained by many of the landholders, that it would deprive them of the only security they possess for the collection of the revenues, namely, the produce of the lands cultivated by their ryots, which it is alledged the ryots would have time and be inclined to dispose of, and then withhold their rents. But this is by no means the general opinion of the landholders : it is contradicted by the most intelligent men I have conversed with on the subject, and seems unreasonable in itself, for the reasons I have mentioned. To justify the rejection of a proposition, which has for its object, not merely to contribute to the comfort and convenience of the great body of the ryots, but to save their crops from the hands of rapacity, and to make the very slender subsistence they can derive from their labour somewhat less precarious than it is at present, as well as to leave them less at the mercy of usurers ; to justify, I say, the denial of such relief to the great body of the people, whose very reduced and comfortless situation gives them so strong a claim to it, I conceive it ought to be very clearly and satisfactorily made out, that the interest of the zemindars, and the security of the public revenue, would be injured by the proposed alteration of the kistbundy ; but this has by no means been done ; and even if it had, I conceive that it would still be very properly a question, whether the well-being of the ryots ought not to supersede every other consideration, and to be the foundation on which the whole revenue system ought to be raised.

12.—What is the state of the roads in your district ? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country ; and what would be the expense attending the work ?

I have made a full report to the Board of Revenue upon the state of the roads in this district, on the 13th of October 1800, in answer to the Interrogatories of Government, transmitted to me on the 1st of May. I also pointed out those that were of most use, and sent an estimate of the expense of putting them in repair. The Magistrate has since been authorized to repair one of them, the road to Burdwan, which is the route by which the troops, marching to the relief of this station, generally come ; but it is of little use, except for the accommodation it affords to the troops and to travellers. In a commercial point of view, there are no roads, I think, in this district, which would be particularly beneficial to the country ; the little trade that exists being chiefly carried on by water during the rains ; and at other times, the roads, in their present state, serving well enough for the carts and bullocks, by which goods are transported from one place to another.

13.—What is the estimated number of the inhabitants of your district ; and what proportion is it supposed the Mahomedans bear to the Hindoos ?

The Magistrate has ascertained, by an actual enumeration, that the number of inhabitants in this district, including Hidjelly, amounts to near a million and a half ; and he is of opinion that about one-eighth of them are Mahomedans.

14.—What are the most valuable articles of produce in your district ; and has the cultivation of them particularly increased of late years ? What is supposed to be the causes of that increase ?

The only valuable articles of produce in this district, are indigo, beetle-nut, and sugar-cane ; but the plantations of the two first articles do not consist of more than a few hundred begahs. The value of the sugar-cane does not exceed 50,000, and the cultivation of it does not appear to have increased of late years.

15.—Are the stamp duties becoming more productive ; and what sum do you expect those duties will produce in your district in the present year ?

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I expect that the stamp duties will produce near S. R. 7,000, which is about 1000 rupees more than they produced last year; but I do not think there is any probability of a further increase.

16.—Are the abkarry collections increasing or decreasing?

Within the last three years the abkarry collections have nearly doubled; and they are still increasing, but not so rapidly as they have done.

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

After the account I have given of the situation of the landholders and ryots in this district, it will not, of course, be expected, that I should propose a tax, by which they may be liable to be affected, in the remotest degree. There has never been a country, I conceive, enjoying the advantage of a regular and permanent government, which afforded fewer resources for *new* taxes, than these provinces do. The immense revenue derived from the land tax, from the customs, and from salt, from the abkarry, from judicial fees, and stamps, and from the internal duties lately established, seem to have taken from the country all that it is capable of affording. The great resources of internal taxation in England, arise from the vast demand for all sorts of luxuries and superfluities, which are the proper objects of taxation; but in these provinces, the natives of the highest orders approach so near the lowest, in their whole domestic economy, there is such extreme simplicity and parsimony in their manner of living, and in every thing about them, that the rich cannot be made to contribute to the exigencies of the Government in any degree of proportion to their ability, except by a tax on their income; and, if new taxes must be imposed, I know of no one that can operate with less severity and oppression, than a tax on the wealthy Hindoos of Calcutta, who have acquired their fortunes, or been able to enjoy and improve them, under the government of their present rulers: I would by no means, however, be understood to recommend such a tax; which would, I conceive, destroy, in the minds of the opulent natives, their only motive of attachment to the Government, and their only ground for preferring it to the Mahomedan Government, or to that of the Mahrattas, namely, their perfect confidence in the inviolable security of private property. I only mean to say, that I conceive such a tax would be less exceptionable than any tax that could be levied in the Mofussil; where the great landed proprietors are, for the most part, quite ruined; the small proprietors, and the intermediate tenantry, reduced to the necessity of employing every expedient that can be thought of, to save their lands from forfeiture and sale; and the great body of the ryots and weavers in a state which affords them no more than a bare subsistence. The profits of trade appear to me to be the only resource for a tax in the Mofussil; but it would bear so very severely on the inhabitants, that I hope it will never be thought of. All the trade of any consequence in the country, passes through the cities in which duties have been established by Regulations X. and XI. of 1801. These duties are said to be as high as the trade can bear, and seem to have caused a very general dissatisfaction and alarm. It cannot, therefore, I imagine, be in the contemplation of Government to extend them to the Mofussil, where I beg leave to deprecate the introduction of them in any shape, or under any restrictions; because it appears to me that, to be at all productive, they must ultimately fall on those who cannot afford to pay them; and because I am convinced, that owing to the abuses inseparable from all transactions carried on by petty native officers with small salaries, placed out of the reach of the inspection and controul of the Company's servants, they would, in general, have to pay twice as much as would ever find its way into the public treasury.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The descriptions of rent-free lands in this district are, Dewutter, Bermutter, Bysunbutter, Mohuteran, Peerun, Fukeeraun, Bhuttatter, Gonnoekoetor, Mududnaush, Melk, Khanabary, and some others, which are merely different names for the same thing. There are about begahs 3,76,000 of rent-free land, which is about one-fourth of the quantity of cultivated malguzarry land; but the best sort of land having hardly ever been alienated from the malguzarry, and very little of the second sort, and the rates being considerably lower, its produce is not supposed to amount to more than 1-5th of the jumma of the lands which pay revenue to Government.

19.—Which of these descriptions of land are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The same ryots, in general, cultivate both descriptions of land, and do not, as far as I can learn, bestow more pains on one, than on the other; but being forced, by the proprietors of the land paying revenue to Government, to plough their malguzarry lands first, and it being advantageous to begin ploughing early in the season, lakhuraj land is said not to produce quite such good crops as malguzarry land, but a much greater proportion of lakhuraj land is cultivated than of malguzarry land; the reason of this is, that almost all the lakhuraj land having been granted, from motives of piety or affection, as an immediate resource for the objects of these sentiments, was in cultivation at the time it was granted; and the rent being lower, and the terms of payment much easier than those of malguzarry land, it is much less liable to be neglected and become waste; and if, by any accident, it ever becomes so, it very seldom remains in that state long.

20.—What

20.—What descriptions of old rupees are current in your district?

All descriptions of old rupees, from 10 and 15 down to two suns, are current in several parts of Jessore, and in some other pergunnahs on the Mahratta frontier, and in the jungles. In Midnapore, 10, 15, 12 and 11 suns are often seen.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 10 sun sicca rupee being the only descriptions of rupees struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

The reasons that these rupees continue in circulation appear to be, that the ryots have paid their revenue in them for ages, and are attached to their old customs; that the landholders find it their interest to collect their revenues in them, because they gain a small profit by batta; that those parts of the district, in which rupees of sorts circulate most, being near the Mahratta frontier, the inhabitants have constant intercourse and trade with the Mahrattas, who take them at par, or at a very trifling discount, while they exact a batta on the millea sicca rupees, equal to the batta that is taken in the Company's provinces on rupees of sorts. There is, likewise, a considerable demand for these rupees for the use of pilgrims passing through this district to the Hindoo temple of Juggernaut in the Cuttack country. The landholders sometimes exchange their rupees of sorts in the Mofussil, but more frequently bring them to the podars of this town, who derive a considerable profit from exchanging them into sicca. It is supposed that the rupees of sorts exchanged here in the course of the year amount to about a lac and a half of rupees. In the natural course of things these rupees find their way back to those parts of the country where there is a demand for them, in consequence of the revenues being paid in them, or for purposes of trade. The difference between the batta for which the podars receive them in exchange for sicca, and the batta which they give for converting them again into sicca, of course constitutes their profit; and when they have more rupees of sorts in their hands than they can dispose of in this district, which is in general the case every year, they remit the surplus to their correspondents at Calcutta, where there is a constant demand for those rupees; which enables them, on an average, to make, by the exchange there, about three-fourths of the profit they realize here.

22.—What rules would you recommend to be adopted, for the purpose of introducing the 10 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupees?

The only way, I conceive, in which the 10 sun sicca can be introduced into more general circulation is, by allowing rupees of sorts to be received in payment of the revenue; in which case, I have no doubt, the landholders would find it their interest to bring them to the public treasury, instead of exchanging them through podars, and by them remitting them to the Calcutta mint, to be recoined. But under the circumstances stated in my answer to the preceding Interrogatory, it appears to me, that the circulation of rupees of sorts can never be entirely put a stop to in this district; because it must be the interest of all persons, who have any intercourse or concerns in trade with the inhabitants of the Mahratta country, to provide themselves with those rupees.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is for the value of 16 S.R., when tendered for the purchase of goods, in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

In this district gold mohurs appear to circulate chiefly in the collection of the revenues, and at this station; at Tumlook, and a few other considerable places. In the Mofussil the ryots, weavers, petty traders, and shopkeepers, seldom take gold; and it is a general rule all over the district, and even in the town, that all sorts of provisions be paid for in silver; and a gold mohur is never received at par in payment for them. But in the purchase of cloth (except of a weaver) and generally of all other commodities, gold mohurs pass at par; in the exchange of gold for silver it generally bears a batta, which varies from one anna to six or seven, at different times of the year, at this place; but is generally less in the Mofussil, and sometimes does not exist at all there, owing to the demand for gold to pay the revenue, and owing to there being no podars. Wherever there are podars, there is a collusive combination, which, I am inclined to think, sometimes keeps up a batta on gold, when, according to the real state of the market it ought to bear a premium, or at least to be at par.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

I have stated, that the currency of the gold mohur has prevailed very little in the interior of the country, except in the payment of the revenue; so far it may have been found convenient, from the facility of transporting it.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of lands held exempt from the payment of revenue?

Fair copies of the Quinquennial Register of lands paying revenue to Government, for the year 1107, have been made in the English and Bengal languages; considerable progress has been made in the register for 1202, in both languages. Rough drafts have been prepared for the Quinquennial Register, and of the register of intermediate mutation; and the original register of rent-free lands, required by Regulation XIX. of 1793, has been brought

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down to No. 6,200, which is rather more than half of it. The reason that further progress has not been made in these registers, is, that none of them were begun when I received charge of my office.

26.—What description of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

When the great zemindaries in this district were first sold, the zemindars servants were very often the purchasers. Since that time landholders, dealers in grain, and salt, and a few monied men, who have no particular occupation, have become the purchasers. In the large zemindaries, the ryots are, in some instances, better satisfied with their new landlords, than with the former proprietors, because the former find it their interest to conciliate and use them tolerably well, and the latter were in the habit of parcelling out a part of their estates, on short leases, to farmers, who, sometimes, exacted all they could by every species of violence and oppression. But in general they seem to regret, and particularly those of small estates, that they have fallen into new hands; and that, instead of a landlord who lived among them, and knew their circumstances and situation, and was seldom disposed to proceed to extremities, they are now subject to the authority of a person who is entirely unacquainted with them, feels no sort of sympathy for them, and who, having merely purchased the estate, for the purpose of laying out his money to advantage, is eager to indemnify himself as fast as possible. With regard to moderation, and a desire to improve their estates, I cannot discover that the purchasers of the lands disposed of by public sale form an exception to the landholders in general, whose conduct in these respects is mentioned in my Answers to Interrogatories 7 and 11.

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

I am of opinion that half the talookdars in this district would be glad to purchase the permanent remission of 10 per cent. of the fixed jumma assessed on their lands, and that they would consent to pay four years purchase for it; which, considering that the estate, from the profits of which they are to be indemnified, is already their own, is, I conceive, as much as it is worth.

28.—What is your opinion as to the effects which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

I do not think that the disposal of a proportion of the jumma, in the manner proposed in the preceding question, would have any considerable effect on the general improvement of the country, for the reasons stated in my answer to Question 7th. It appears to me that the greatest advantage that Government would derive from such an arrangement, would be the security of the public revenue, and the certainty of almost invariably collecting it with punctuality, as landholders, whose estates are moderately assessed, very seldom suffer them to come under attachment. But it is evident that the proprietors of those estates, in which a reduction of the assessment would be most beneficial, (I mean those which are too highly assessed) would, in general, be least able to purchase it; and I conceive that the public revenue of most of the estates, of which the proprietors would be able to purchase the remission a part of it, is already sufficiently secure. But with regard to the first-mentioned estates, I am of opinion that it would be very advantageous to Government to carry the proposed arrangement into effect to the greatest practicable extent, and that several of the proprietors would be able and willing to pay for any remission in their jumma, full as much as it is worth.

(Signed) *J. H. Ernst,*
Coll^r.

Midnapore,
12 February 1802.

(Mymensing.)

To the Most Noble Marquis WELLESLEY, K. P. &c. &c. &c.
Governor General.

MY LORD,

IN obedience to the orders of the Honourable the Vice President in Council, communicated by Mr. Sub-Secretary Dowdeswell, under date the third ultimo, I have the honour to transmit your Lordship a Copy of my Answers to the Interrogatories sent me, regarding the internal state of this district.

Mymensing,
the 29th January 1802.

I have the honour to be,
My Lord,
Your Lordship's most obedient, most humble servant,
(Signed) *Francis Le Gros,*
Coll^r.

INTERROGATORIES to the Collector of Mymensing.—1.—Are the crops of the present year expected to be productive?

ANSWERS by the Collector of Mymensing.—The harvest is now getting in, and I am happy to state, with every promise of abundance.

2.—What is the amount of the balance outstanding in your district on account of the past year; and what is the state of the collections of the present year?

The balance outstanding in this district on account of the past year, is S.R^o 28,383. 13. 19. 1. of which the following is a detail :

Account Serberah carry mehals	-	-	-	-	5,228	15	18	2
- D ^o - Mehals Khas unproductive	-	-	-	-	9,252	13	15	1
- D ^o - Mehals, the property of Government	-	-	-	-	4,022	11	18	—
- D ^o - Mehals unengaged for	-	-	-	-	2,181	15	10	1
- D ^o - Topekhanna, a nominal mehal	-	-	-	-	1,177	10	4	1
- D ^o - Loss by sale	-	-	-	-	2,446	10	17	3
- D ^o - authorized suspensions	-	-	-	-	4,072	15	15	1
Total					S.R ^o 28,383 13 19 1			

The amount collected on account of the present year	}	3,75,748	7	7	3
Balance Account kists of the present year, to this day	}	1,44,000	—	—	—
Total demand up to Aghun		5,19,748 7 7 3			

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The amount of the jumma of lands which have been sold on account of balances of the past year in this district, is S.R^o 13,496. 14. 3. 3. these lands have sold favourably. No further amount is expected to be realized by sale on this account, though many petty mehals, the jumma of which is stated to be R^o. 7,002. 13. 5. 1. have been exposed to sale, but, from over-assessment and want of assets, have proved unsaleable; they are consequently held khas, and will be again, at the expiration of the present year, put up, but I fear will not meet with purchasers.

4.—Are the existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collections of the public revenue, without, at the same time, affecting the security or value of landed property?

The existing Regulations, I should imagine, are well calculated to secure the punctual collection of the public revenue in general; but in this district, I fear, no pecuniary mulct will answer that end, whatever fine may be levied on the proprietors of large estates; for their want of good faith, in withholding the stipulated payment of their revenue, is, I fear, made good to them by the exactions from the ryots; and even when this may not be the case, the present fine of 12 per cent. added to the same rate of interest, bears no proportion to the general rate of interest in the Mofussil, so that it becomes an object with them to withhold the payment of any large balance till the estate is on the point of being sold. I am, therefore, of opinion, that to secure the punctual collection of the revenue in this district, the 4th Section of Regulation XIV. of 1793, should be enforced. The Regulations do not affect the security or value of the landed property.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

The Regulations, as they at present exist, are, in my humble opinion, well calculated for the security of this object.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

The existing Regulations are perfectly well calculated for enabling zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and ryots; and if the zemindars, &c. are guilty of oppression, redress is to be had from the Courts; but as the poorer class of ryots are possessed of no property, saving their implements of husbandry, and a brass pot or so, they possibly may not have the means of carrying on a prosecution; and even in the event of their instituting a suit in the Court, from the necessary attendance, they would, in some measure, be obliged to forego their daily labour.

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7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

My appointment of Collector of this district bears date the 28th December 1795. Its cultivation has been improved and extended since the first year of the Decennial Settlement, to a degree of about 2-16ths. The proportion of uncultivated land to the cultivated may be about 4-16ths, or one-fourth.

8.—Do the proprietors of estates, in general, derive a profit exceeding the 10 per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

Speaking generally, the proprietors of estates do derive a profit exceeding 10 per cent. on the jumma, some estates yielding more than 20, 30, and 50 per cent. on the jumma, and some more than 100; while, on the contrary, other mehals, now under khas management, do not yield the jumma at which they are assessed; some are merely nominal; and others, from being unproductive of any profit, the proprietors have refused to engage for.

9.—What is the present state of the embankments in your district?

There are no embankments in the district.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

The answer to Query No. 9, in part applies to this Interrogatory. From the vast influence of water in this district, which is every where intersected with rivers of very fine water, tanks are not requisite, the proprietors do not dig them, nor do they expend any thing considerable on any public work.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

I believe the establishment of the permanent settlement to have very little weight whatever on the conduct of the proprietors of lands in this district; and I ground my belief on this circumstance, which, strange as it may appear, is absolutely a fact, that I have not met with any landholder whom I could persuade of the permanency of such settlement; and I know, that Mr. Tufton, when Collector here, laboured, but in vain, to convince them of it. Now that the ten years have expired, if they actually had any doubts, they must have ended with them. As to the immediate cultivators of the soil, I fear, that in many instances, they are subject to exactions from their landholders; but of this and other grievances which may exist, they may have redress on application to the Court, provided the obstacles I have ventured to surmise in my reply to Para. 6th, do not operate to the prevention of such application.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country, and what would be the expense attending the work?

I know of but one public road in this district, and this has been made by the convicts, under the direction of the Magistrate, round the town of Nussirabad, a compass of perhaps four miles. It is kept in good order by the Magistrate. This district being in general so low, it would be very expensive to make roads through it, at least to keep them in repair, which they would necessarily require after every season of the periodical rains; neither are roads so absolutely necessary in this, as they may be in many other districts, the numerous rivers affording at all times an uninterrupted intercourse, and no carriage being used for transporting goods by land. In a former letter on this subject, under date the 5th November 1800, in reply to a circular letter from the Board of Revenue, I ventured to surmise the expediency of cutting two roads through the great jungle that extends from near the city of Dacca, across the greatest part of this district; viz. one at Bhawal, where the dawk passes in the dry season; the other near Mehapoor, which is at that period of the year much frequented by foot passengers. This road should be made, merely by clearing away the jungle, for the space of at least 50 feet wide, which I compute might be done at the rate of 100 rupees per mile; and as the jungle in the first of these places extends to about 15 coss, or 30 miles, the expense, at this rate, would amount, of consequence, to R^s 3,000. The other, being only four coss in extent, would, at the same estimate, cost 800 rupees; but being much nearer to the sudder, might perhaps be performed by the convicts. This jungle is much infested with banditti, and is the resort of every wild animal common to Bengal.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The number of inhabitants of this district may be estimated at 6,00,000; and the proportion of Mahomedans, I suppose, is equal, perhaps exceeds, that of Hindoos.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

The

The great staple article produced in this district is rice of a coarse kind; mustard-seed is likewise cultivated to a considerable extent; and these two articles include the general production; and have of late years increased in cultivation, owing to the markets being of late more fully attended than formerly; and this I can only ascribe to the good system of police which prevails and affords protection to the dealers.

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15.—Are the stamp duties become more productive; and what sum do you expect those duties will produce in your district in the present year?

The stamp duties are becoming rather more productive, as will appear by the under-mentioned statement; viz.

Collected on this account to the end of December 1800, 4,876. 14.; collected to the same period, account 1801, 7,326. 8.—The whole sum collected last year was 8,165. 8. and may this year amount to R¹ 10,000.—The expenditure is entirely confined to the Courts and the Collector's department.

16.—Are the abkarry collections increasing or decreasing?

The abkarry collections, which last year fell short of the preceding, are again increasing.

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

With exception to the articles of tobacco, goor, pawn, and beetle-nut, I do not know of any others on which a productive tax could be levied, without oppression to the people. Regarding the tax on these articles, the mode of levying it, &c. I had the pleasure to report my sentiments in a letter to the Secretary to the Board of Revenue, under date the 1st November 1800; in which I stated it as my opinion, that the tax on tobacco particularly, would, I feared, be considered by the natives as oppressive. I likewise ventured to surmise, as the most eligible mode for levying such tax, that shops be licensed for the vend of these articles, in like manner as for the abkarry; which I still continue to think would be the most eligible, the rates being settled in the same proportion as for the above article.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

Rent-free lands are:—Altumga, Mudadmash, Dewutter, Boisnobuter, Burmutter, Mohatran, Chiraghy, Aimah, Pirpal, Kheyran or charity lands. The proportion of the produce of these lands is nearly on a par with the jumma of the lands paying revenue, perhaps exceeds it a trifle.

19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The cultivation is also nearly equal.

20.—What descriptions of old rupees are current in your district?

Arcot are the only description of old rupees current in this district, and that to no great extent.

21.—What is the reason that these rupees continue in circulation, and how are they replaced, as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

These rupees circulate only in private transactions; and as they become worn and diminished, they are passed among the natives at their intrinsic value, who even reduce them by cutting; in which state they are purchased by the shroffs and poddars, and remitted to Dacca, and exchanged for the sicca rupees.

22.—What rules would you recommend to be adopted, for the purpose of introducing the 19 sun sicca rupees into general circulation, and of rendering it advantageous to all persons to reject any other description of rupees?

I would humbly propose, that for a limited space of one year, all such descriptions of coin be received in payment of revenue, but at the intrinsic worth of the silver, with an allowance also for re-coinage. I think this must bring the whole of such coin in that time to the treasury. If, after that period, it be in anywise tendered, the Magistrate might be empowered to seize it on the part of Government. It would be but just, at the same time, to receive all such coin at the treasury at the above rate, and give siccas in exchange.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

Gold Mohurs circulate in this district to an extent of about one-third in proportion to two-thirds of silver, and to their full value of 16 rupees, as well in purchase of goods, &c. as in payment of all demands, public or private.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

The establishment of the currency of the gold mohur has operated beneficially in the interior of the country.

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25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The general pergunnah registers of malguzarry and lakhuraj lands are preparing from the records in the Serrishta, and are in a state of forwardness: from these the periodical registers will shortly after be prepared and transmitted to the Accountant to the Board of Revenue, when transcribed fair.

26.—What description of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The purchasers are, in general, the proprietors of the nearest estates to those sold; and as it very frequently happens that the original proprietors, by tampering with the renters, throw every obstacle in the way they possibly can, it is some time before the purchaser is fully put in possession. Suits are necessarily entered into on the occasion, which, till decided, the purchaser will not naturally think of improvement; in cases, however, where no obstacles occur, the system of improvement may be traced.

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

I am of opinion that some few of the landholders would purchase a remission of part of their fixed jumma, on the terms mentioned, provided the proportion so purchased be separated from and not made responsible for the balance due from the Kbiraf lands; and that eight or ten years purchase would be offered by the proprietors for such remission.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

I think, if the arrangement above alluded to be carried into effect, to its greatest practicable extent, it would produce a general improvement throughout the country; but I fear few of the landholders in this district have the means of purchasing to any great extent.

Mymensing,
 9th January 1802.

(Signed) Francis Le Gros,
 Collr.

(Moorshedabad.)

To N. B. EDMONSTONE, Esq. Secretary to the Government.

SIR;

IN obedience to the orders of the Honourable the Vice President in Council, conveyed to me through Mr. Secretary Dowdeswell, under date the 3d December last, I have the honour to submit, for the consideration of his Excellency the Most Noble the Governor General, a Copy of my Replies to the several Interrogatories regarding the internal state of this district, which accompanied Mr. Dowdeswell's Letter of the 29th October preceding.

Z^d Moorshedabad,
 11 Feb. 1802.

I am, Sir,
 Your most obedient servant,
 (Signed) Tho. Hayes,
 Collector.

INTERROGATORIES.—1.—Are the crops of the present year expected to be productive?

REPLIES.—Of the lands comprised in this district, those situated on the eastern side of the river Bhaugrutty are denominated Baugry, or Low Lands; and those on the western side "Rarch," or High Lands. The bhaugry lands having been exposed to the effects of the late inundation, the bhadan crops were in many situations materially injured, and in others totally destroyed. Several of the ryots, or cultivators of these lands, perished from hunger, and those who escaped with their lives, in consequence of the loss of their habitations, their cattle and implements of husbandry, were reduced to the greatest distress. The "Rarch," or high lands, not having experienced the effects of the above calamity, excepting in situations adjacent to the river, yielded a plentiful harvest in the month of Aughun, the period at which the crops of the lands of this description arrive at maturity.

2.—What is the amount of the balances outstanding in your district on account of the past year, and what is the state of the collections for the present year?

The arrears at present outstanding in this district, on account of the past Bengal year, amount to S.R. 6,000. This sum however includes a balance of S.R. 3,000. due from pergunnah Rocunpou, the estate of the late Soorjnarain Roy Sudder Canongoe, during whose lifetime it accumulated, and being forthcoming from the surplus proceeds of the sales of different portions of the estate, which have taken place in other districts, the arrears of this district

district cannot in fact be said to exceed S.R^a 3,000. The collections of the present year have been in some degree retarded, in consequence of the injury which the country has sustained from the late inundation; but in the event of the chyte crop being productive, I have every reason to hope, that the greater part of the public assessment will be realized at the close of the year.

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11 February 1803.

- 3.—What is the amount of the jummah of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and, if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands which have been sold for the discharge of the arrears outstanding in this district, on account of the past Bengal year, amounts to S.R^a 17,455. 5. 15. The estates disposed of have in general sold at a favourable price, with the exception of such of them as include "Muzcoory," or independent talooks, the proprietors of which are entitled to separation under Section 5 of Regulation VIII. of 1793.

- 4.—Are the existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

The existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of land, with whom a permanent settlement has been concluded, are unquestionably well calculated to secure the punctual collection of the public revenue.

A penalty on the amount of the arrear, added to legal interest thereon, with the immediate supercession of the defaulter in the management of his estate, through an Aumeen, to be paid at his expense, and an ultimate sale of part of the estate, in the event of the sequestered growing resources till the end of the year not making up the deficiency, are probably the strongest engines of terror and compulsion which could be devised, when the personal restraint of the defaulter is prohibited. I think it necessary, however, to remark, that the attainment of the object intended by the above Regulations is in some measure impeded by the supineness, and, in many instances, by the positive refusal of the defaulting proprietors, to cause the attendance of the officers employed by them in making the collections; and to furnish the Aumeen, who may be deputed by the Collector to attach their lands, with the necessary account and information to enable him to collect the rents from the under tenants. And though the estates of such refractory defaulters are, under Section 3 of Regulation I. of 1801, liable to immediate sale, for the recovery of the arrears due from them; still the unavoidable delay in furnishing the necessary reports, and in obtaining the permission of Government to proceed to such sales, affords the defaulters an opportunity of misappropriating the resources of their estates, and at the same time deters individuals from becoming the purchasers of them. Another obstacle to the attainment of the object intended by the above Regulations is, that the landholders, who are in expectation of their estates being attached, almost invariably collect the rents in advance from their ryots, and other under tenants. And though by Clause 3 of Section 23 of Regulation VII. of 1799, it is expressly declared, that persons making anticipated payments, or producing receipts for such payments, shall not be entitled to credit for the amount from the officer of Government, who may attach their lands; still the strict enforcement of that penalty against the ryots frequently occasions their desertion, and is ultimately productive of a loss of the public revenue.

The security and value of landed property are certainly affected by its being rendered liable to sale for the recovery of arrears of revenue, though not to the same extent as they were when the land was liable to be sold for the deficiency on each month's instalment.

- 5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

The existing Regulations for collecting the revenue of Government from persons holding lands in farm immediately of Government, are, in my opinion, calculated to secure the punctual collection of the public revenue from the farmers. The only further source of compulsion of which I am aware, for the purpose of preventing fraudulent want of punctuality in the farmer, would be the forfeiture of his lease in the event of a second or third default.

- 6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of lands the means of oppressing their under farmers and ryots?

The zemindars and other descriptions of landholders are, I believe, unanimous in acknowledging, that the existing Regulations for enabling them to realize their rents from their under farmers and from their ryots, are, in general, well calculated for the purposes intended, provided no obstacle arose to the strict and immediate enforcement of the different processes established by them. But they complain of the delay which is occasioned by their being under the necessity of applying to the Cauzies and Commissioners, for the purpose of bringing the property of their under renters to sale subsequent to its sequestration, and likewise of their not being able, on all occasions, to obtain timely assistance from the police officers, in
cases

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cases of their under renters endeavouring, either forcibly or clandestinely, to take away the products of their lands subsequent to their being brought under attachment. On the other hand, the existing Regulations certainly can be perverted by such proprietors and farmers of land, or their agents, as are so inclined, into the means of oppressing the under farmers and ryots, nor could any regulations, in my opinion, be so devised as to preclude altogether the possibility of oppression.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed Collector of the district at the commencement of the year 1799 only, but am given to understand, that the cultivation of the district has been considerably improved and extended since the first year of the Decennial Settlement, though I cannot at present state in what specific degree.

The whole of the country, from Moidapour to Bullitungee, and thence to the head of the Culnullee, the Gowas and Comrah plains, and the whole country from Setoo to Ferookabad and Begungungee, which formerly constituted an almost impenetrable jungle, are at present in the highest state of cultivation. There is still, however, a considerable extent of jungle between Sootec and Ghiesabad. I have not any exact data on which to form a calculation of the proportion which the uncultivated land in this district bears to the cultivated land, but should conjecture, that about four-fifths of the lands are in a state of cultivation, and the remaining one-fifth uncultivated.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

I am not aware that I possess any means of ascertaining whether the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the amount of their assessment. The proprietors themselves will never acknowledge that they derive a greater profit, and the fact can never admit of proof, unless an estate should be for a complete year under the management of an officer of Government. I have every reason, however, to believe, that few of the landholders, and those only whose estates have, in consequence of their own mismanagement, gone to decay, derive so small a profit as the ten per cent. relinquished to them by Government.

9.—What is the present state of the embankments in your district?

In the course of the last unusually severe season, during which it is, I believe, the general opinion that no human exertion could have protected the country from inundation, several of the Government embankments in this district, and almost the whole of the embankments which the landholders are bound by their engagements to keep in repair at their own expense, were carried away. The former are at present reconstructing under the immediate superintendence of the Committee, and the landholders have been called upon to construct and repair the latter; and in the event of their neglecting to comply with such requisitions, I have been directed to submit estimates of the expense of making the necessary repairs, for which they will be ultimately held responsible.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their land?

During the system of monthly sales of land for the deficiency on each instalment, no proprietor of land could consider himself sufficiently secure in his occupancy, to give any attention to the permanent improvement of his estate; his whole thoughts were occupied by the monthly necessity of being ready at the day of payment; nor could he, without risk of losing his estate, appropriate the surplus of one instalment, lest the next should fail; but, exclusive of this consideration, the character of the natives is averse from all speculations, however well grounded the prospect of success, where the disbursement is considerable, and the returns uncertain, gradual, and distant. Such embankments as they are bound by their engagements with Government to keep in repair, are repaired in a very slovenly manner, and at the least possible expense. Tanks are occasionally dug by landholders as well as by individuals, on religious principles, but never, I believe, with a view of improving their estates. Silk and indigo works, when established by others, though manifestly calculated to increase the produce of their lands, and to enrich their tenants, and ultimately themselves, they view with jealousy and discountenance with their utmost influence, on account of the protection which the factories may afford to the tenants against the oppression of the landlord.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The Regulation of Government which directs the consolidation of all the formerly vague items of Mofussil demand into one specific sum, and prohibits the future imposition of any new "Abwauds" or "Mathoots" upon the ryots, and requires the delivery of pottahs, specifying the total amount annual, and monthly demandable from them, has in a great measure

measure compelled the proprietors of land to conduct themselves with moderation and attention, to the principles of good faith in their transactions with their ryots, than was observed by them previously to the conclusion of the Decennial Settlement. The latter are not at present so completely at the mercy of their landlords, as they were under the former system of uncertainty, when their only alternative was to oppose fraud to extortion; but as moderation and good faith are not characteristics of the natives of this country, the landholders still find means of imposing on the ignorance of their under tenants, who frequently complain, that at the annual adjustment of their accounts, they are overcharged by a refusal on the part of their landlords, or their agents, to give them credit for payments of which the "Dabkhillas," or receipts are not forthcoming. Laws alone are not sufficient to reform a people; they can only in a certain degree counteract and set bounds to dishonesty; and I have therefore reason to believe, that the situation and condition of the ryots, or immediate cultivators of the soil, are, in every respect, as comfortable as can be expected from the operation of the laws alone.

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12.—What is the state of the roads in your district? Are there any parts of the district the making of roads through which would be particularly beneficial to the country, and what would be the expense attending the work?

The sudder or high road towards the Presidency, which has been made by the convicts under the immediate superintendence of the zillah Magistrate, is in a very good state of repair; but from the circumstance of its being constructed with earth and other perishable materials, requires constant and vigilant attention, especially during the rainy season, to preserve it from decay. I am not aware of the necessity of constructing roads in any other situations, the bunds and gowpauts answering every purpose of roads in the interior parts of the district.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

According to an estimate which was formed by Sir John Harington in the year 1790, the number of inhabitants of this district, including men, women and children, amounted to 1,020,572, but I have reason to think, that the population has decreased since that period, owing to the mortalities which prevailed for two or three successive years in the city of Moorshedabad. The general supposition is, that of the inhabitants of this district, about two-thirds are Hindoos and one-third Mahomedans.

14.—What are the most valuable articles of produce in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

The only valuable article of produce in this district is silk, which of late years has rather decreased in value, owing to a failure in the Company's investment, and in the private demands for it.

15.—Are the stamp duties becoming more productive; and what do you expect those duties will produce in your district, in the present year?

The stamp duties are becoming more productive, in consequence of the increased rates of tax on the manufacture and vend of spirituous liquors and drugs, as well as of the great demand for stamp paper, for the purpose of transcribing the particulars of and grants for all rent-free lands, which the proprietors are required to register in the Collector's office, under penalty of such lands being rendered liable to the payment of revenue. The stamp duties will, I expect, in the course of the present year, yield a produce of S.R. 30,000.

16.—Are the abkarry collections increasing or decreasing?

From the number of licences which were issued at the commencement of the present year, for the manufacture and sale of spirituous liquors, I had every reason to believe that this branch of the public revenue would have augmented very considerably; but several of the licensed shops and stills in the city of Moorshedabad having been carried away during the late inundation, the proprietors of them were of consequence under the necessity of relinquishing their licences, and though some of them have been since renewed, still I am apprehensive that the circumstances above stated, will occasion a decrease in the abkarry collections for the present year.

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

I know not of any particular articles on which a productive tax might be levied, without oppression to the people, in any mode, except by Custom-house or haut duties. The former have been already re-established by Government, and I am not aware of any objection to the re-establishment of the latter. They are of easy collection, and being paid by each individual in a trifling increase upon the price of the article which he purchases, would not be felt as a tax.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The rent-free lands in this district come under the denomination of "Badshaher," or lands held under royal grants, also "Deoter Bhermoter, Peeran, Takeeraun, Muhotteran, Bushnowuter, Bhuttotur," &c. &c. If the intent of the latter part of this question be, to

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enquire what proportion the produce of each bheegah of rent-free lands bears to the jumma assessed, or each bheegah of mulguzarry land, it will be in the proportion of nearly 3 to 1; but if the intent of the question be, to ask what proportion the produce of all rent-free lands bears to the jumma of the whole district, I do not possess any means of affording the information required, the Collectors being restricted by Section 7 of Regulation VIII. of 1800, from requiring from the holders of rent-free lands, any papers or information respecting the rents of lands of that description, for the purpose of entering the same in the register directed to be prepared by that Regulation.

19.—Which of these descriptions of lands are in the best state of cultivation; the rent free lands, or the lands which pay revenue to Government?

The rent-free lands have the reputation of being, in general, in a better state of cultivation than the lands which pay revenue to Government, from the circumstance of the proprietors of the former description of lands feeling themselves more secure in the enjoyment of their property; and of their paying, in consequence, a greater attention to the improvement of it. It may likewise be urged, that the rent free lands being chiefly in small portions, the grantees have had the influence and opportunity to select those of the greatest value, or at all events, they have been wise enough not to take those of the least. The lands which pay revenue to Government being of various qualities, some parts of the assessed estates must of course appear in an inferior state of cultivation, when compared to those which are exempt from the payment of revenue; but I have reason to believe, that with lands equally capable of fertility, little or no difference will be found in the state of cultivation, between the lands paying revenue to Government, and those which are held rent-free.

20.—What descriptions of old rupees are current in your district?

The old rupees which are at present current in my district, come under the denomination of 11, 12, 15, 19 suns, and sunwats. A few Dacca and Monghur rupees, likewise, still continue in circulation.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn, and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

The reason of the old rupees continuing in circulation is, that almost all purchases of silks, and different species of cloths at the Mofussil aurungs, are paid for in rupees of this description; and the 19 sun sicca rupee, though the only description of rupee struck in the provinces, is seldom or ever introduced in such payments. It is not necessary that the old rupees should be replaced as they become worn, and diminished in value. It suffices for all purposes of exchange, that the diminution in value should be considered in the "batta." The 19 sun sicca rupees of the first milled coinage are already so worn and defaced as to be much decreased in value, and to have obtained a separate denomination.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

The only mode of introducing the 19 sun sicca rupee into general circulation, would be by withdrawing rupees of every other description from circulation. I cannot suggest any rules for rendering it advantageous to all persons to reject any other description of rupee; but in the event of the public treasuries being again opened for the receipt of old rupees, to be recoined at the expense of Government, I am inclined to think, that in the course of a few years they will entirely disappear.

23.—Do gold mohurs circulate in your district; to what extent; and do they pass at par; that is, for the value of 16 sicca rupees when tendered for the purchase of goods; in payment of private debts, and public demands, it is of course received at the rate which the law requires?

I cannot form any estimate of the extent to which gold mohurs circulate in this district; nor am I aware of any data on which to attempt an estimate. They pass at par, when tendered for the purchase of goods to the value of 16 sicca rupees; and in purchases to a smaller amount, halves and quarters of gold mohurs pass at par. In bills of exchange, it is usual for the drawer to specify the specie in which the bill is to be paid; and if gold be specified, it is of course taken at par. Gold mohurs are not exchanged by the shroffs or money changers, for the full value of 16 sicca rupees; nor can it be expected that any man, whose livelihood is derived from the changing of money, will give the full legal value for any coin, whether gold or silver.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

I conceive that the establishment of the currency of the gold mohur, in the interior of the country, has operated beneficially; at least I am not aware of any reason for its having operated otherwise. The natives, in general, appear sensible of the advantages which attend its superior value, and small bulk for the purpose of transportation, and of hoarding.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and Quinquennial Register of the lands held exempt from the payment of revenue?

The quarterly registers of intermediate mutations in estates paying revenue to Government for the past Bengal year, have been completed, and transmitted to the Accountant to the

the Board of Revenue; but the want of an adequate establishment of public officers for the performance of this particular duty, retards, in a great degree, the preparation of the Quinquennial Registers of such estates, as well as the periodical register of lands held exempt from the payment of revenue. The avocations of my public officers who are attached to other departments, will only admit of their affording occasional assistance in the preparation of the several registers abovementioned.

No. 1.—part 2:

Answers by the
COLLECTORS.

Zillah

Moorshedabad,
11 February 1802.

26.—What descriptions of persons are, in general, the purchasers of the lands disposed by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

At the annual public sales which take place in this district for the recovery of arrears of revenue, the lands are, in general, purchased by the different descriptions of landholders, but frequently by bankers, merchants; and, in short, by men of all ranks and professions, who possess sufficient funds to enable them to become land proprietors. The system of management of these purchasers appear to be regulated by principles worse calculated for the permanent improvement of their estates, than the system of management of the former proprietors. Their first and universal principle is, to avail themselves, to the fullest extent, of that Regulation which declares null and void all the engagements of their predecessors; to measure and reassess the whole of the lands comprised in their respective purchases. To raise the denomination of the inferior lands so as to bring them, as near as possible, to the highest "nirkh" of the pergunnah. To distrain, without remorse, for their enhanced demand; and to oust, and stand suit with all their dependent talookdars, and with the proprietors of "Isternary tenures."

27.—Are you of opinion that any of the proprietors of lands in your district, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

The remission of the fixed assessment on landed property never having, I believe, since the period of the first establishment of the empire of Hindostan been granted in perpetuity, excepting on the lands appropriated to public works, or for the support of religious endowments; without consulting the proprietors of land in my district, I cannot form an opinion, whether any of them would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands, or what proportion of that jumma they would purchase, and how many years purchase they would offer for such remission. The custom of the country has long fixed the price of the remission of the public assessment on lands of the above description, at ten years purchase; and I conclude, therefore, that a greater price could not now be expected from the landholders, on an arrangement of the nature proposed in this question. But, from the knowledge which I possess of the situation and circumstances of the proprietors of land, in general, in my district, I have reason to think that few of them possess funds sufficient to admit of their making such a purchase, however beneficial in many respects it would be to them. I am, moreover, apprehensive that, from the suspicion natural to the dispositions of the natives, and perhaps, also, from a want of confidence in the permanence of the British Government, they might be deterred from making purchases of the nature here proposed, by doubts of its perpetuity. They might dread the re-establishment in a few years of the remitted jumma.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

I am of opinion, that the arrangement proposed in the preceding question, in the event of its being carried into effect to the greatest practicable extent, and of the purchasers being relieved from all apprehension of future assessment, would be the means of extending, in a very great degree, the cultivation of the country, and consequently of promoting its general improvement.

Zillah Moorshedabad,
8th February 1802.

(Signed) *Tho^s Hayes,*
Collector.

(Kishnaghur.)

To His Excellency the Most Noble Marquis WELLESLEY, K. P. Governor General, &c.

MY LORD,

ACCOMPANYING, I have the honour to submit to your Excellency my Replies to the Interrogatories, forwarded to me by the Secretary to the Government, on the 3d of December.

Kishnaghur,
16th January 1802.

I have the honour to be, with the greatest respect,
My Lord,
Your Excellency's most obedient and very humble servant,
(Signed) *A. Seton,*
Collector.

No. 1.—part 2.

Answers by the
COLLECTORS.Kishnaghur,
16 January 1802.

REPLIES to Interrogatories to the Collectors.

1.—The rice crops were almost entirely destroyed by the inundation of this district, which commenced in the month of July and continued to that of October; but the subsequent crops promise to be unusually productive, owing to the rich sediment deposited by the overflow.

2.—The amount of the outstanding balances of the past year does not exceed S.R^s 20,000, a considerable part of which will be realized very soon; and I think the collections of the present year extremely forward, considering the late destructive inundation. The annual revenue of this district is S.R^s 12,45,670. 7. 92. of which sum S.R^s 7,53,376. 3. 14. r. has been realized; and, with two or three exceptions, in all not exceeding 13,000 R^s. I expect that the whole assessment will be collected in one month after the expiration of the present year.

3.—The jumma of the lands disposed of, on account of the balances of the past year, is S.R^s 1,00,714. 9. 7. 2. and the sales were in general favourable.

4.—The first Regulation of 1801, has tended in a very material degree to expedite the realization of the revenues, without in any way affecting the security or value of landed property; but as it authorizes the Collectors to require the personal attendance of the landholders, without subjecting them to any penalty in the event of disobedience, their being made liable to a fine would be of essential service; and should Government approve of Collectors being empowered, in particular instances, to put their persons in restraint, it would prove very beneficial, especially when a large part of the revenue is received from one zemindar; and as much depends upon the prompt execution of orders, the additional powers now proposed might be entrusted to the discretion of the Collector, but every instance of their being enforced submitted to the Board, with the particulars of the case. This authority over the landholders would command attention and obedience, and in my opinion, enable Collectors to realize the revenue with much greater punctuality than at present.

5.—The Regulations for collecting the revenue from persons holding lands in farm immediately from Government, are well adapted to enforce payment of it; but the additional powers recommended in the above paragraph, would be of considerable benefit.

6.—The powers vested by the Regulations in the zemindars, and other proprietors and farmers of lands, are fully adequate to enable them to collect their rents from their under farmers and ryots, though they undoubtedly afford them an opportunity of being oppressive; but as authority is indispensably necessary to ensure the collections, it must rest with the Courts of Justice to correct with rigour such abuses as may come before them.

7.—I was appointed Collector of Nuddea in March 1797. The cultivation of the district since the first year of the Decennial Settlement, has, on an average, increased two annas in the rupee; and it is generally supposed that the proportion the uncultivated land bears to that which is cultivated, is as follows:

Jungle	-	-	-	-	-	-	-	1,05,000	begahs
Ground, lying fallow	-	-	-	-	-	-	-	19,59,500	ditto.
In cultivation	-	-	-	-	-	-	-	19,59,500	ditto.

The soil of this district being remarkably light, the land is only capable of cultivation three successive years, after which it must lie fallow for an equal period; therefore only one half of an estate can be in cultivation at one time.

8.—I have every reason to believe that the proprietors of estates, in general, receive a greater profit than the 10 per cent. estimated to be left them on the conclusion of the Decennial Settlement; and although there are instances where the estate does not yield so much, the profits in general exceed that amount, sometimes one and even two annas in the rupee.

9.—The embankments in this district received great injury from the late rise of the rivers, which overflowed them several feet, and even inundated such parts of the country which, from their elevated situation, never suffered before. The bunds, previous to the overflow, had been repaired with every attention; but the soil being light, and chiefly composed of sand, it is extremely ill calculated for making substantial embankments, or such as might be expected to stand any unusual rise of the rivers.

10.—In this district, the proprietors of land are generally very inattentive to the permanent improvement of their estates, by making embankments, or engaging in any works that are attended with an expense; ultimate advantage not being, with them, a consideration sufficient to reconcile them to an immediate outlay of money.

11.—I am of opinion, that since the establishment of the permanent settlement, the ryots have been less harassed than formerly; and that under landholders who are in easy circumstances, they are as comfortable as their situation will admit. But under such of the proprietors who, from extravagance, mismanagement, or other causes, are distressed to pay their revenue to Government, they are unkindly treated, and subject to oppression.

12.—With exception to the roads for a short distance immediately round this station, those through the district are, undeserving that name, being nothing but footpaths, seldom

to be found in the same situation two successive years, owing to the ryots ploughing them up at the season of cultivation, from which practice passengers of every denomination suffer the greatest inconvenience. As the troops marching to and from the Presidency to Berhampore and Dacca, pass through a part of this district, a road to each of these stations demands the earliest attention. The Magistrate is now engaged in making them with the convicts. Fourteen miles of that to the Presidency had been completed at the commencement of the rains; but in many places has since been totally destroyed by the late inundation of the district. I am of opinion, that by employing the convicts, roads of twenty-five feet wide may be constructed, at the average rate of one hundred and thirty rupees each mile; and I take the liberty to suggest the great advantage which travellers of every description, and the inhabitants in general, would derive, if fixed roads, leading to every village, were merely marked out. I do not think it would be any hardship on the zemindars and proprietors of lands, to be called upon by Government to do this, as it could be easily effected by the ryots making out one of the dimensions that might be ordered, through the land rented by them, which would be the means of facilitating a communication with the different market towns through the district, and otherwise be of benefit to the ryots, by preventing foot paths, which are now made, in every direction, through fields on which their grain is standing.

13.—In this district there are 5,749 villages, which, from the most accurate information I have been able to acquire, contain about 127,405 houses; and allowing in each house a family of six persons, the population will amount to 764,430, of which number 286,661 are Mahometans.

14.—The most valuable articles of produce in this district are toot (or mulberry), hemp, flax, tobacco, sugar-cane, oush (a plant from which a red dye is extracted), and peepill (a sort of spice). It does not appear that the cultivation of these has for some years increased, which, I am of opinion, proceeds from the expense attending it being considerable, and this district being peculiarly liable to inundation, from the numerous rivers and nullahs with which it is intersected.

15.—The stamp duties are becoming more productive. The value of stamp paper disposed of in the past year, was S.R. 10,400; and I expect that the amount this year will be about 12,000 rupees.

16.—The abkarry collections of the present year exceed those of the past 400 rupees; and I still expect that more licences will be taken out.

17.—It does not occur to me that there is any one specific article in this district from which a productive tax could be derived; but that a duty on goldsmiths, braziers, and boats of every description, might collectively yield the annual amount of about 20,000 rupees, without oppressing any classes, and which, for obvious reasons, might prove extremely beneficial to the police of the district. It appears to me, that the best mode of levying this duty would be by making these tradesmen and owners of boats take out an annual licence, by which means the revenue would be certain, and no expense incurred in its collection. I propose that goldsmiths residing in towns pay twelve rupees for their licences, and those in the villages eight rupees, in consideration of their having less employment. Thus estimating the number of tradesmen even so low as one thousand and five hundred in each class, the amount collected will be 10,000 rupees. Estimating the braziers at two thousand, and requiring them to take out licences in the proportion of one half at two rupees, and the other at one rupee, the amount arising from this tax would be 2,500 rupees. But that which, in my opinion, would be likely to prove the most productive, is the tax proposed on boats; a duty of ten rupees might be levied on those of the largest dimensions; upon those of a smaller size, but larger than a panchway, seven rupees; on the panchways, four rupees; fishing boats, two rupees; and dingees, one rupee. This tax might be collected in the same manner as above proposed, and may be estimated to produce in this district about 10,000 rupees.

18.—There are seven descriptions of rent-free lands in this district; namely, Debutter, Bemootter, Mahutteran, Pecran, Fukeeraun, Bustammutter, and Muddutmash, the quantity of which is estimated at nine lacs of beegahs; and I am of opinion that the proportion the actual produce of them bears to the jumma of the lands paying revenue to Government, is as four to three.

19.—The lands in this district paying revenue to Government, I consider generally in better cultivation than those that are rent-free. It appears to me, that the same ryots being employed upon both, they will bestow the greatest industry upon those of which they are not liable to be dispossessed, and can with security erect habitations upon: this is not the case with the ryots when employed upon rent-free lands, for not being granted leases, they are liable to be discharged at the pleasure or caprice of the proprietors. So precarious a tenure must be an obstacle to the improvement of the soil, and affect cultivation very essentially. I also understand that the reduced rate at which the ryots obtain the rent-free lands, is their only inducement for engaging in the cultivation of them; and that the proprietors, taking advantage of their not having written engagements, on finding the crops productive, exact more than originally agreed upon, which must discourage the ryots from bestowing much labour, when uncertain of receiving the benefit of it. But in such instances as the rent-free lands are cultivated by the proprietors themselves, which I estimate in a proportion of three-ninths, they are in equal or higher cultivation than the revenue lands.

No. 1.—part 2.
Answers by the
COLLECTORS,
K. Shnaghar,
16 January 1802.

No. 1.—part 2.

Answers by the
COLLECTORS.Kishnaghur,
16 January 1802.

20.—The old rupees current in this district are of the following descriptions: Moorsheadabad rupees of the eleventh, twelfth, and fourteenth sun; Azeemabudee and Benares siccas; Phooly sonats, French Arcots, and Jehazee Arcots.

21.—The circulation of these rupees continue in consequence of the interference of the shroffs and their agents in every part of the country, who derive a great profit by the landholders and others being obliged to procure from them the nineteenth sun sicca rupee or gold mohurs, in exchange for the old rupees, in which the rents are paid by the ryots, but not received at the public treasury; from which circumstances it is evidently the interest of the shroffs and money-changers to obstruct the general currency of the nineteenth sun sicca rupee as much as possible. When rupees are worn and diminished in value, they continue in circulation, but subject to such batta as the shroffs may fix upon them.

22.—I am of opinion, that by the Moorshedabad rupees of the 11th, 12th, and 15th sun being received by Government in payment of revenue, they will all be collected in the course of a few months from the interior of the district; after which time should rupees of every description be received at the public treasuries agreeable to their weight, and a trifling premium allowed, the currency of the 19th sun sicca rupee would be secured, and it would become the interest of the landholders to pay in all the old rupees.

23.—The gold mohur is in general circulation in this district, and received in payment for goods at the value of sixteen sicca rupees.

24.—It is the general opinion that the establishment of the currency of the gold mohur in the interior of the country has operated very beneficially.

25.—The rough draft of the Quinquennial Register, No. 2. of lands paying revenue to Government, has been completed in English, Persian, and Bengallee; but only one volume of it copied fair. The Register of rent-free lands is not completed; there are, however, thirty-seven volumes written in English, twenty-three in Persian, and forty in Bengallee; but in consequence of there not being any establishment at present allowed for this duty, the Registers are now at a stand.

26.—When entire estates, or portions of such put up to sale, have been considerable, they have been generally purchased either by Calcutta banyans or responsible inhabitants of this district, and a few by people who have since turned out adventurers, but who, not finding their purchases equal to the expectations they had formed, collected what they were able, and absconded. The conduct and management in general of the late purchasers, has been better calculated for the improvement of the country than that of the former proprietors, of which I have had convincing proof this season, several of them having discharged their revenues without oppressing their ryots, but allowed them time to pay their rents in consequence of the injury they sustained by the inundation.

27.—There are so few proprietors of land in this district who possess any property except the profits immediately arising from the estate they may hold, that though they should be desirous of purchasing the permanent remission of any portion of the jumma assessed upon their lands, would find great difficulty in procuring the amount required. I think it probable that almost all who have the means would be desirous of purchasing the remission of the jumma on such part of their estates as they may have erected habitations upon or possess mangoe plantations, &c. but so inconsiderable a portion would scarcely merit the attention of Government; and I apprehend, from the general character of the natives, who are ever averse to part with any considerable amount, that proprietors, whose circumstances are sufficiently affluent to enable them to purchase the remission of a part or even the whole of the jumma on their estates, would feel reluctant to a measure which would oblige them to advance at once so large a sum. I am of opinion, however, that the landholders in general would be greatly influenced by the example of some of the principal natives in Calcutta who hold lands in the different districts; and in the event of their becoming purchasers, that they would expect to obtain the remission at three or four years purchase, which is the general rate rent-free lands are disposed of in this district.

28.—The measure proposed appears to me most important and desirable; and, could it be carried extensively into effect, of all others the best calculated for the general improvement of the country.

Kishnaghur,
16th January 1802.

(Signed)

A. Seton,
Collector.

(Twenty-four Pergunnahs).

To His Excellency the Most Noble Marquis WELLESLEY, &c. &c. &c.
Governor General of the British Dominions in India.

MY LORD,

I HAVE the honour to submit my Reply to the Interrogatories issued to the different Collectors by your Lordship's orders, under date the 29th October 1801; and directed by a subsequent Letter from the Secretary to Government, under date the 3d December, to be transmitted direct to your Excellency.

At the same time that I entreat your Lordship to excuse my delay in obeying the above orders, I cannot help urging the critical season which, being as it were the time of winding up the whole of the preceding yearly accounts with the zemindars, and settling with them for the ensuing year, has of necessity employed almost my whole attention for some time past. The Replies, I fear, contain but little information; it is, however, my duty to submit the truth, and with that to acknowledge, that the district under my charge is really in a state so inconsistent with those expectations, which naturally arise from a knowledge that there have been Regulations instituted by Government for the guidance of all parties, operating since the first year of the Decennial Settlement, that nothing but the greatest exertion of very efficient abilities, vested and supported with temporary special powers, such as are incompatible with the existing Regulations, and not authorized to be exercised by the Collectors, would, in my opinion, bring to a proper determination.

It would not have been in my power to have detailed them circumstantially, without a considerably greater delay than has already occurred; and as that has already grown to too great a length, I have taken this opportunity of submitting my apology, with the Interrogatories, and such Replies annexed to them as have appeared to me really founded upon fact. Another copy has been sent to the Secretary, according to your Lordship's original orders on the subject.

Collector's Cutchery,
24 Pergunnahs,
1st May 1802.

I have the honour to be, my Lord,
With the greatest respect,
Your Lordship's most obedient and most humble servant,
(Signed) *Frederick Fitz Roy*,
Collector of the 24 Pergunnahs.

INTERROGATORIES to the Collectors, dated 30th Oct. 1801, received 7th Nov. 1801.—1. Are the crops of the present year expected to be productive?

COLLECTOR'S REPLY.—The crops are highly productive, notwithstanding the complaints made against inundation.

2.—What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the collections for the present year?

There are no balances, but such as have been created by the proprietors misappropriating the monies collected, except in one or two instances, where the lands have been originally over-assessed at the formation of the settlement; and even they are ascribable to an inexcusable practice of rendering false accounts, and producing persons under fictitious names to represent zemindars, who engage to pay the assessment, and abscond, after realizing what they can from the ryots. Coolpce, and one or two other mehals, are under this predicament, and have been so many years.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and, if the latter, what is the cause of the unfavourableness of the sales?

It is almost impossible to answer this question with that degree of circumspect correctness I could wish. It has long been the usage of the landholders to hold back their revenues, till the very day before the sale of their estates are ordered to take place; when they crowd in with the arrears and the interest of the arrears due from them; and are so impatient to pay, and by that means save their property from transfer, that they often detain the receiver late beyond the office hour. The fact is that they keep the largest part of their revenues, which they realize from the ryots in the harvest season, in hand to defray the expenses of marriages, chunuck pooja, rut pooja, and many other of their religious institutions, as well as the concerns they have in trade; all which require money at a particular season, and leave the dues of Government unsettled till the last moment; but no sale actually takes place of their lands.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

The existing Regulations, I am of opinion, are not sufficiently coercive; or, in other words, admit of too much delay, in reference from one authority to another, to secure the prompt payment of the revenues; and, certainly, if the sale of landed property were actually to take place, as often as the Regulations admit, for the realization of the revenues, the consequent frequent transfer of it would considerably depreciate the value of land, and create

No. 1.—part 2.

Answers by the
COLLECTORS.Twenty-four
Pergunnahs.
1 May 1802.

No. 1.—part 2.

Answers by the
COLLECTORS.Twenty-four
Pergunnahs,
1 May 1802.

create great failure in our best resources. Fortunately, the lands in the district under my charge are valuable and well cultivated; belong mostly to rich monied men, residents in the city of Calcutta, who only make a show of poverty, and admit of their estates being advertised for sale, but almost always preserve them, by paying within the prescribed time.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue?

The existing Regulations have one clause in them respecting farmers, which will generally secure the payment of the revenue to Government, *if properly attended to*; and that is the responsible and good surety directed to be taken from them. I have, however, always felt repugnant to granting lands in farm, finding that the proprietor himself would too often farm his own estate fictitiously; and, under the cloak of the Regulations, save his lands from being sold for arrears, which, having frequently accrued on the same lands, are ultimately given up as hopeless balances; and the zemindar then takes them at an under jumma, or on an average on the gross amount, realized for three or four years back.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of lands, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

The zemindars or proprietors of lands, of whatever description, in the district under my charge, are not guided by the Regulations; their influence with their under renters, &c. is of a nature totally incompatible with any rules laid down to them in the Regulations of Government. There is such a spirit of litigation, trick and chicanery, among all ranks of people in the 24 pergunnahs, that I imagine, if they depended solely on that system of regularity, they would not realize their dues from their tenants. Every thing depends on the wealth and management of the landholder; the poor people do not care for the Regulations; immediate decision is what they always look to; and it is no where the interest of the proprietor to oppress, all such occasions being readily redressed by the interference of judicial authority, to which they can appeal without difficulty.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed Collector of the 24 pergunnahs on the 3d April 1800. The cultivation of the district has improved, as far as I am able to learn or judge, to a degree even beyond expectation, since the period mentioned in the 7th Interrogatory; and the proportion of uncultivated land to the uncultivated, is estimated, by well informed natives, at about seven-eighths; or, as they express themselves, there are fourteen annas of cultivated, and two of uncultivated land; making a rupee the standard by which they calculate.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

I am well assured that they derive profits merely from their land revenue to a considerable amount over and above the ten per cent. estimated to be left to them on the conclusion of the Ten Years Settlement; it is said, that some proprietors do not on an average pay more than one rupee in a thousand of their gross collections from landed property in the district of 24 pergunnahs.

9.—What is the present state of the embankments in your district?

The embankments are under the superintendence of the salt agent, whose business goes on best when the salt water is suffered to insinuate itself into the arable land, and it is often allowed to break into the cultivated parts; so that the embankments cannot be considered in any other than a bad state, for the good of the actual tillers of the soil.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

The proprietors of land in general, in the 24 pergunnahs, have very little to attend to in the improvement of their estates; the district is low, full of tanks and reservoirs for water; the cultivation of almost any article they may wish to raise, is very easy; and their greatest care is to keep out the salt water, which they find it their interest to do at their own expense, rather than delay by waiting the result of references, which they make every year to the Collector's office, praying to be vested with the management of the embankments as formerly; this, perhaps, with a view to get some pecuniary consideration or remission from their jumma.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land, in general, previously to the conclusion of that settlement; and is the situation, and condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The

The district is small in extent; others are so close in the vicinity, that severe treatment on the part of the proprietors, would drive the ryots away. They are attached to their soil, and find the performance of their part easy. I do not believe, however, that the proprietors have much to boast on the score of their equitable conduct, or *good faith* in their transactions with their ryots; the fear of the Courts, of their tenants absconding to a contiguous zemindarry, and their own interest, is the ryots best security against oppression or unfair dealing on the part of the proprietor. The ryots are indolent themselves, and, except where a combination is instigated, very little inclined to complain; they have few wants, and those amply gratified, for the most part, throughout the district of the 24 pergunnahs.

I have had complaints made to me against severity, but only in one instance, and that was not cognizable by the Collector: the man complained of is rich, rose from being only a mundul, or head ryot, to great wealth comparatively, and is apt to be severe to his former coadjutors.

12.—What is the state of the roads in your district; are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the works?

The roads are very bad in the interior; and making roads, and regulating their course, would be a most beneficial measure on every account. There was a grant from Lord Clive to Rajah Nobkishun, for making a road to Coolpee, from a place called Behella to the southward of Kheederpoor, copy of which grant I have in my possession, which I got from the present Rajah Rajekishun; the terms of the grant have been altogether neglected since the Ten Years Settlement, though the Rajah is in possession of the appropriated land, and all its emoluments. It would be most essential to enforce the performance of the terms of that grant. The expense of labour in making roads, wherever they are necessary, is really inconsiderable, compared with the good that would result; and I would particularly recommend the above-noticed communication with Coolpee and Diamond harbour to be exacted as a duty from the Rajah, which he has hitherto neglected of late years.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

I have never had a good opportunity of estimating the number of inhabitants in the 24 pergunnahs; the proportion of Moosulmans to the Hindoos, is said to be four of the former to twelve of the latter.

14.—What are the most valuable articles of produce in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

Indigo is the most valuable production of foreign commodity cultivated in the 24 pergunnahs; it is, however, very precarious, requires large capital, and much loss to be borne with in making advances to the ryots, who are all apt to take advantage of any little accident, that may furnish them with excuse or pretext for the non-performance of their engagements. The zemindars themselves are not remiss, when opportunity occurs, of encouraging the cultivators to abscond, or otherwise neglect their concerns of this nature; there are, nevertheless, two or three well established factories in those parts, where the ryots are rich, and more independent of the proprietors of the soil, which not unusually in the 24 pergunnahs occasions the zemindar himself clandestinely to lend the money for making the advance: they are almost all of them gentlemen's banians, or have been. They have great objection to any innovation or new institutions, which may bring among their ryots persons who may see and enquire into the actual resources of their landed property: a sort of Chinese jealousy that pervades the whole system of the Bengal people, and impels them to keep their best villages buried in almost impenetrable jungles, to the great injury of their health and constitution.

15.—Are the stamp duties more productive; and what sum do you expect these duties will produce in your district, in the present year?

The stamp duties are doubtless becoming more productive every year, every day, and every hour; but as the sale of that article in my office, depends more on accident than in almost any other, I am not able to estimate the sum that may be produced in any one year.

16.—Are the abkarry collections increasing or decreasing?

The abkarry collections are increasing considerably, but not immediately in the 24 pergunnahs; the city of Calcutta is the great mart for all sorts of produce, under the head of abkarry.

17.—Are there any articles in your district, on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

Government abolished the "Sayer Gunjeat" duties, and granted remissions of revenue to the zemindars, and even pay compensation on this account, from their own treasure. It would be just, in my opinion, to resume the sayer, as I can safely assert, that the zemindars have never discontinued to collect the duty; though it would be as difficult to prove this, as it is impossible to prevent it. I know of no particular produce that I would tax; but if all articles of luxury were brought into consideration, I should certainly specify palanquins, hackerrys, and all such conveyances as were not formerly, but are now growing into common use among people very little entitled to ride in them, and who are barbarous

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in the use of the animal they have hired: the rate would be best ascertained from the police. In general the country is so rich, that almost every article might be taxed, except the mere necessaries of life, without oppressing any.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

I have been credibly informed, besides the testimony of the office records, that there are vast quantities of lands held under invalid titles, but I have not had time to enquire into them; and the possessors of these lands have as yet evaded my authority, and requisitions to them to appear and shew the titles which they hold them under; this leads me to imagine that there are but few instances of well-founded right, under the descriptions of rent-free lands.

19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The malgoozarry lands are best cultivated; they are situated in the highest and most productive parts of the district; the proprietors superintendence, his interest, and that of his connections are blended, and depend on the good management of what is security,* his own property; whilst the other, if not really held without title, is almost all subject to resumption, either by falling into bad hands, or the terms of the deeds expiring.

* Sic. orig.

20.—What descriptions of old rupees are current in your district?

In the Mofussil, some old fifteen sun or sonat rupees, and many of the 11 and 12 sun siccas.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupees being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

The district is so little resorted to in the interior parts by any one who would reject these old rupees, that a vast number still remains among the middling sort of ryots, who pay and receive them at all the markets, or in transactions among themselves; but no rupees of this description are received at the treasury in payment of the public revenue, or of any description but the 19 sun sicca struck in the provinces.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

I would recommend, that the Collector be empowered to send shroffs or respectable merchants into every pergunnah, to attend all markets and the most public places of resort, under strict injunctions and giving good security not to receive or pay any other rupee but the prescribed 19 sun, on pain of penalty to be levied on him, in case of proof being brought of any instance of deviation from the rules under which he might be authorized to act. I would, at the same time, allow of the old rupees being received by him at par for a certain given period, that he should immediately remit them, and receive 19 sun to be issued in lieu; that after a certain fixed date, they should be subject to a considerable discount if tendered in payment, on any account, in the 24 pergunnahs.

23.—Do gold mohurs circulate in your district; to what extent; and do they pass at par, that is, for the value of 16 sicca rupees when tendered for the purchase of goods; in payment of private debts and public demands, it is of course received at the rate which the law requires?

Gold mohurs are current in all parts of the district, but the people in general do not require the amount of sixteen rupees of eight or of four, for their common concerns.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

It is very advantageous to the zemindars to be permitted to pay in gold, for many reasons; and particularly as it admits of their keeping the silver, or purchasing gold mohurs of those who are more in want of silver, and so paying their kists into the Company's treasury in gold, which they have purchased advantageously.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held except from the payment of revenue?

The zemindars, &c. have uniformly disregarded all requisitions made to them from the Collector's office, to render the necessary accounts for forming the Quinquennial Registers.

26.—What description of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors.

The purchasers of lands are, in general, agents sent by the zemindars, whose property may be put to sale; very few actual sales take place, and those only in cases where the proprietor has already realized all that could be got from the ryots in the Mofussil, or who has some surreptitious motive for selling his estate.

27.—Are you of opinion, that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma, assessed

assessed upon their lands (suppose a proportion of 10 or 20 per-cent. of that jumma) and how many years purchase do you suppose the proprietors would offer for such remissions?

I am fully persuaded that the proprietors, in general, would most readily embrace the opportunity, if offered to them, of purchasing the permanent remission of part of the fixed jumma, now assessed on their lands, and that they would give many years advance at even ten per-cent.; the only difficulty that occurs to me likely to intervene, would be the making of the real proprietors acknowledge themselves as such, for they are by no means well ascertained upon record in the 24 pergunnahs.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

If the measure were to take place in its fullest extent throughout the district, it would necessarily be productive of great general benefit and improvement to the country; the monied men, I hope, would then give their minds more immediately to the improvement of their respective estates, and I think that object would induce them to visit the Mofussil themselves, instead of leaving the management to gomashahs or agents; the consequent competition that would accrue, would make the intercourse with the suburbs more easy of access, by opening roads and communications at present not thought of by them, and perhaps unknown to them: in short, it appears almost unnecessary to enumerate the number of good effects that strike me, as likely to result from the measure, since they must have been fully weighed with the consideration of the personage who instituted the Interrogatories.

I have the honour to subscribe myself, &c. &c.

(Signed) *F. Fitzroy,*
Coll^r of 24 Pergunnahs.

No. 1.—part 2.
Answers by the
COLLECTORS.

Twenty-four
Pergunnahs,
1 May 1802.

(Zillah Purnea.)

INTERROGATORIES.—1. Are the crops of the present year expected to be productive?

ANSWERS.—The bhudwee and aughunnee crops were almost totally destroyed by the excessive inundation during the last rainy season; and the rubbee harvest, now gathering in, is in general abundant, with exception of some of the low situations, where the waters remained until the season for sowing had passed, or others, where the husbandmen, in consequence of a great mortality among their cattle, were not able to till their lands.

2.—What is the amount of the balances outstanding in your district on account of the past year, and what is the state of the collections for the present year?

The balances now outstanding on account of 1207, B. S amount to rupees 10,754. 14. 1. It is to be observed, that of the above balance, R¹ 7,433. 10. 2. are due from kismut pergunnah Konkjowle, the Mofussil assets of which estate, from an actual investigation entered into by the orders of the Board of Revenue, have been found unequal to the sudder assessment, the residue is due from estates also nearly in the same predicament. The landholders have hitherto, by mortgaging portions of their estates and by loans, been enabled to pay up their instalments as in former years; but from the great losses sustained by them in consequence of the inundation, and the great mortality among the cattle of the peasantry, it is conjectured, that a larger portion of lands may be sold this year than formerly; the balance which shall ultimately remain outstanding, may amount to about the same sum as the abovementioned of last year.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of, sold at a favourable price or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The amount of the jumma of lands which were sold for realizing the balance of 1207, is R¹ 13,005. 4. 11. 2. they sold in general at an unfavourable price, owing to existing Mofussil assets not being equal to the Sudder assessment.

4.—Are the existing Regulations for collecting the revenue of the Government, from the zemindars and other proprietors of lands, with whom the permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without at the same time affecting the security or value of landed property?

Undoubtedly; and the Regulations, as relate to the zemindars and other proprietors of land, far from operating prejudicially as to the security or value of landed property, I conceive have the contrary effect.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

Fully so.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize

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realize the rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land, the means of oppressing their under farmer and ryots?

This question I am at a loss to give an adequate answer to. Trick and chicanery are so generally practised by all parties, that it is difficult to decide upon their respective claims, so as to frame regulations which may not be found to throw too much power into the hands of the one, or to afford too great indulgence to the other.

Arguing on a general principle, it might naturally be expected that self-interest, (and no doubt with some it has its due effect,) would be sufficient security to the under farmer and ryot, against oppression from the zemindar or other proprietor of land; but woeful instances occur daily, wherein the latter, blinded by avarice, urged on by private malice, or pressed by necessity, makes a very oppressive use of the great power vested in him by the existing Regulations for the distraint of property. Even allowing self-interest its due influence with the proprietors of land, the same principle will not apply to the farmers, or to the agents of either; that it does not, is fully exemplified by the repeated instances of families, nay whole villages reduced to penury and distress by their oppressive use of that power of distraint, which is vested in them, with equal authority as in the actual proprietor of the soil. This objection, however, relates principally to the under farmers, who are vested also with the same power of distraint; their leases are in general for a very short period, and they are often natives of a distant part of the country, consequently they take little or no interest in the welfare of the ryots.

It is true that the Court of Justice is open to the oppressed for redress, and no doubt in every case of an oppressive nature *when brought forward*, heavy damages are awarded against the offending party. But how often does it happen, that the petty under farmer or the ryot is totally deprived by exertion of the means of obtaining redress. It may be alleged, that a man so situated, is at liberty to prosecute in *forma pauperis*, but the mere journey from his place of residence, subjects him to greater expense than he can afford, and the necessity he is under probably, of labouring for his daily subsistence, makes it a great hardship for him to waste his time in attendance on a Court of Justice; and at all events, admitting that he has the means, his engaging in a law process, from the delay and expense unavoidably attending it, it is obvious must be prejudicial equally to his temporal interests and to his morals.

The petty under farmer, or the ryot, consequently is often constrained either to submit to or fly from exaction, rather than enter into a ruinous contest with his more powerful opponent.

On the other hand, the present complicated and perplexed state of the Mofussil rents, appear to call for the power of distraint, which is vested in the proprietor of land or farmer; and it may admit of doubt, whether without it, under *the present system*, they would be able to realize their dues: the under farmer and ryot, in their turn, would avail themselves of the opportunities then afforded them of evading payment of their rents, and defalcation of Government's revenues must be the consequence.

The several parties have so little confidence in each other, and the present vague system affording such opportunities of fraud and collusion, it becomes the interest of so many to continue it, that they are all in general equally averse to give or to receive pottahs for a certain quantity of land at a specific rent; this measure, I believe, has no where been carried into due effect. For the most part the ryot cultivates his lands without any written engagements, depending on the records of his village, which, being in the hands of the proprietors and farmers, or their agents, are often altered, and sometimes wholly set aside, and the rates wantonly and arbitrarily increased; or where engagements are entered into, they are vague and indefinite, merely specifying the rate per beega, for every particular article; consequently subjecting the lands often to measurement at the end of the season, to ascertain the number of beegas under each separate cultivation, which gives rise to disputes and contention without end, and lays open innumerable avenues to collusion and litigation; amidst the confusion which must inevitably follow, the honest man is harassed, whilst the views of the knave are promoted.

The term to which the leases of pottahs are limited by the existing Regulations, viz. ten years, may in some instances be too short. Where waste lands are to be cleared, and brought into cultivation, it might be extended to 15 years.

No man can be expected to strike out improvements in husbandry, unless he enjoy an assured interest in the soil he cultivates for a fixed period. The pottah of the ryot, on the exertion of whose industry improvements must principally depend, in general specifies no particular period, but merely "from year to year."

Under all these considerations, the most essential step appears to be, to afford requisite security to all parties, by the adjustment of the present complicated and perplexed system, and the regulation of the rents by pottahs for specific sums for certain periods, and for ascertained quantities of land. This measure is merely recommended by the existing Regulations, but I fear it can never be effected without the interference of Government in some way between the landholder and the ryot, by measures compulsory on both parties. In the mean time the existing Regulations for the distraint of property, with some modification as to farmers and their agents, and the agents of the proprietors of land, may be absolutely necessary.

7.—When were you appointed Collector of the district, and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what

what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

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Zillah Purnea,
27 April 1802.

I have but lately been appointed to officiate as Collector of this district, and have not yet had an opportunity accurately to ascertain the present state of the cultivation; but, by the result of the enquiries I have made on the subject from people long resident in the district, I am led to suppose that, generally speaking, the cultivation has increased since the formation of the Decennial Settlement; but still the uncultivated land, as far as I am at present advised, appears to bear a proportion of at least one-third to the whole land in cultivation. This deficiency, however, is not to be attributed alone to the want of population, but also to the native barrenness of the soil in many places.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

The zemindars in this district, with a few exceptions to the proprietors of estates situate in the south-east quarter, do derive a far greater profit.

9.—What is the present state of the embankments in your district?

There are at present no embankments of any consequence in this district. There are several small ones in the vicinity of the Honourable Company's factory at Malda, and one about four coss to the northward of the town of Purnea; they all require some repairs this season, and the necessary steps have been taken. I have lately been given to understand, that embankments appear to have been formerly raised to protect from inundation that tract of land lying between the Ganges and the Mahannunda rivers, on which Malda is situate, and that traces of very considerable ones are still to be met with about the ruins of the ancient city of Gour. I have not yet had leisure to ascertain this point, but shall take an early opportunity of proceeding to Malda for that purpose.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

From my general observation of the country, I am led to believe, that the proprietors of land pay very little attention to these works, which appear to be rather in a state of decay than of improvement; the neglect may be attributed to want of capital in some, but mostly to a natural indolence of character, a want of enterprize, and an utter ignorance of the principles of agriculture.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

I was not in the country before the establishment of the permanent settlement, therefore am not competent myself to form the comparison; but from what I can learn on the subject, it appears that the conduct of the proprietors of land, as far as relates to justice in their transactions with their ryots, is little mended; it appears to have been then, as now, the object of one party to extort, and consequently of the other to withhold, as much as possible. The wretched habitations, the modes of life, and the appearance in general of the ryots, or immediate cultivators of the soil, indicate but little comfort. From the great defect in the Mofussil system, noticed in No. 6, the ryot lies at the mercy of the landholder, who avails himself of every improvement to raise the rents; consequently he labours but for the mere necessaries of life.

Another evil which, under the present mode of collecting the Mofussil rents, presses hard upon the ryot or the immediate cultivator of the soil, is the custom, which I believe prevails in many parts, for the landholder to let out a very considerable tract of land to one man, called a Mundul: he probably cultivates a small part only himself, sometimes none; and lets to under ryots: in case of his failure, the landholder seizes the crops in the ground for the rent due, although the ryot may have paid to the mundul the rent he agreed for; thus the ryot incurs a ruinous loss by the fault of the mundul, who generally absconds. The landholder has a strong inducement for continuing this practice, as it gives him a double security for his rent, viz. the mundul and the ryot; and he will therefore persist in it, unless strictly prohibited. These circumstances, of course, must deter the ryot from exerting his industry to better his situation, and must ever depress him in indigence and wretchedness.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

The roads in general in this district are good; but require bridges in particular situations. The road between this place, and the military station at Kissengunge, I conceive, would be much improved, by throwing up causeways in several places across small nullahs and jeels, which being filled with water during the periodical rains, the road becomes almost impassable, for either boats or any other conveyance; and indeed the communication is often entirely cut off. This being the high road, not only from Kissengunge, but also from some of the principal and most productive pergunnahs in the district, viz. Soeyapore, Sirapoor, Badose, and Tagepoor, the inconvenience to internal commerce is very great.

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This improvement, therefore, may be worthy the consideration of Government. The whole distance, on which it would be necessary to raise causeways is, I believe, about eight or ten miles, and bridges will be necessary in some parts; but the works, I conceive, with the assistance of the prisoners, might not cost above rupees 6,000.

While on this subject, it may not be irrelevant to remark on ferries. The enlivening influence which a brisk and uninterrupted intercourse must ever have on the internal commerce of a country, attaches to them a consequence which appears to call for some interference on the part of Government; at present they stand much in need of it. The Ghaut niangies (or other proprietors or renters) make what demand they please, and refuse to proceed until their boats are full; so that travellers have often to wait a long time; sometimes, on the large rivers, a whole day, at the Ghauts: their boats, moreover, are often very badly constructed and very dangerous, and melancholy accidents frequently happen from their overloading them.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

There are no materials by which to form accurate estimates; the consideration of the subject, too, must naturally embrace many various speculations; and I have not yet been a sufficient length of time in my present office, to make such investigations as I could wish, to direct me on the subject; I have therefore resorted to a calculation made by a former Collector, Mr. S. Heatly, and submitted to the Board of Revenue, in his address to their Secretary, of the 20th July 1789. I find the number of villages, at that period, was 5,800; which, calculating 183 inhabitants to each village, and allowing an extra number for Purnea and other large towns, made the population amount to 1,200,000 souls. The number of villages, at this period, is 7,056; which, calculated in the above mode, (and it appears to me a moderate estimate) yields a population of

	-	-	-	-	-	1,291,248
Add for Purnea and other large towns	-	-	-	-	-	158,752
						<u>1,450,000</u>

This calculation is in some measure confirmed by the result of a comparison of the total amount of jumma of the district and the above population at that period, with the jumma of the present time, which gives a population of 1,479,200. The Mahomedans, it is supposed, bear a proportion of about seven-tenths to the Hindoos.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

The most valuable articles of produce in this district are paddy, mustard seed, and indigo. I am led to believe, that the cultivation, generally, in this district, has increased of late years, but particularly of the last-mentioned article. The general improvement must be attributed to the salutary effects of the regulations of Government, and the particular increase to the exertions of gentlemen in the indigo line; to the encouragement held out by them to the ryots, and to the confidence established by the equity of their dealings.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties have considerably increased since the promulgation of the 7th Regulation of 1800, as appears from the following statement:

Amount of collections from January 1798, to April in the same year	2,109.	10.
D° - - - in the year 1205, or 1798-9	-	3,607. 6.
D° - - - - - 1206, or 1799-1800	-	4,188. 2.
D° - - - - - 1207, or 1800-1	-	7,191. 14.

The collections of the present year 1801-2, I expect, will amount to about 14,000 rupees.

16.—Are the akbarry collections increasing or decreasing?

They have been annually decreasing for these five years past, as appears by the following statement of the collections, from the period of their resumption by Government:

1197 B.S. or 1791 E.S.	-	-	-	-	2,753.	7.	4.	0.
1198 - - or 1791-2	-	-	-	-	3,768.	9.	5.	3.
1199 - - or 1792-3	-	-	-	-	9,085.	2.	2.	0.
1200 - - or 1793-4	-	-	-	-	28,248.	14.	16.	0.
1201 - - or 1794-5	-	-	-	-	30,581.	5.	3.	0.
1202 - - or 1795-6	-	-	-	-	3,08,954.	2.	0.	0.
1203 - - or 1796-7	-	-	-	-	28,904.	7.	10.	0.
1204 - - or 1797-8	-	-	-	-	21,497.	1.	5.	0.
1205 - - or 1798-9	-	-	-	-	19,507.	2.	10.	0.
1206 - - or 1799-1800	-	-	-	-	17,187.	15.	15.	0.
1207 - - or 1800-1	-	-	-	-	15,731.	6.	0.	0.

The collections of the current year 1801-2, it is expected, will amount to rupees 15,439. 4.

17.—Are there any articles in your district, on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

I am not aware of any article of produce in this district, on which a productive tax might be levied; but I think a land tax, of at least 20 per cent. on the annual value of rent-free estates,

estates, which are very numerous in this district, might with propriety be imposed, as the holders of those estates at present contribute nothing, either directly or indirectly, in aid of Government, for the protection they enjoy.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumna of the lands which pay revenue to Government?

The different descriptions of rent-free lands in this district are as follow:

1. Burrumootur: Charity lands granted to Brahmans, for their support.
2. Bishunpeet: Lands granted to Brahmans, for the maintenance of Hindoo temples.
3. Sheebootur: - D° - - D° - - D°.
4. Dewootur: - - D° - - D° - - D°.
5. Thakoor Sawa: D° - - D° - - D°.
6. Bhuttotur: Lands formerly granted to bards, for their support.
7. Musjid: For the maintenance of Mahomedan temples.
8. Kankah: For the maintenance of places in which Mahomedan pilgrims are lodged and entertained.
9. Nuzur Immama-een: For the maintenance of Mahomedan temples.
10. Nuzur Peeran: For the maintenance of Mahomedan burial-places.
11. Fukkeeran: For the support of Mahomedan monks.
12. Muddudmaush: Formerly granted as a provision to old and worn-out servants, and continued to their descendants; these lands are called also Milkee.
13. Muhotturan: D° - - D° - - D°.
14. Inamat: - D° - - D° - - D°.
15. Churagh Afraz-i-Durgah: For furnishing the lights which it is customary to burn on Mahomedan tombs.
16. Nokurran: Granted in lieu of wages to servants.
17. Jagcer: Lands granted with stipulations, for certain services to be rendered to the state. On most of the lands of this description, in this district, a small quit-rent has been assessed.
18. Nankar: The produce of the Lakheraje lands is not ascertainable from any records at present in this office, but the rate for beega is generally about one-half of what is paid for Malguzaree lands. The number of registered Lakheraje tenures is 16,546; and this is computed to be not more than one-eighth of the whole number existing in the district.

19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

I conceive the former are; and the superiority may be ascribable to the easy terms, as mentioned in the foregoing, on which the lands are rented, and to the farming system not being generally pursued by the proprietors, who, in general, are present on the spot, and in small estates often cultivate the whole themselves. They have not the same inducements as the landholders paying revenue to Government to rack-rent their ryots, and are more willing to grant indulgencies in case of failure in the crops.

20.—What description of old rupees are current in your district?

The Patna sonats are the chief currency of the district; and in the neighbourhood of the town of Purnea, and in the southern quarter, a few of the old eleventh sun siccas, called poorbees, are in circulation,

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupees being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

The imports from the Morung country into this district are very considerable; viz. timbers, rice, cotton, gums, cardamum, and drugs of various sorts; and the balance of trade being much in its favour, it carries out a large sum in the Patna sonat rupees. Excepting that species, none other which is in circulation within the Company's provinces is current in that country, and the Morung merchants decline taking any other in exchange for their commodities; consequently it has become almost the only currency in the northern parts of this district.

The zemindars of those parts, therefore, being under the necessity of receiving it from their under farmers and ryots, in payment of their rents, remit the coin so received to their respective bankers in the town of Purnea, who exchange it, mostly at an exorbitant battee, for gold mohurs and siccas of the 19th sun, to be paid into the Honourable Company's treasury on account of Government revenues. Thus then it becomes the interest of the bankers, who are a numerous body, to continue them in circulation by all the means in their power, for the sake of the profit which arises to them on changing the rupees (the battee on sonats and poorbees varying from 2 to 6 per cent. according to the largeness of the revenue instalments to be paid to Government); and through their influence, for they are in general monied men, with very extensive connections, it is, that the sonat species has been continued in circulation throughout all the other parts also of the district, which the Morung trade does not affect. But I must confess myself at a loss to explain how they are replaced when worn or diminished in value.

No. 1.—part 2.

Answers by the
COLLECTORS.Zillah Purnea,
27 April 1802.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19th sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

Under the circumstances of the trade of this district with the Morung, as above recited, both the practicableness and the policy of the measure may admit of doubt.

It might probably tend to the attainment of the object in view, were the Collectors authorized to accept of the sonat and poorbee rupees, in payment of Government revenues, at an equitable and fixed rate of battee; the amount thus received to be remitted to the mint master at Calcutta, and to be there recoined.

The present Regulations, which make illegal all bonds and other instruments, specifying any other species than the rupee or gold mohur of the 19th sun to be received or paid, still to remain in due force. This measure may eventually drain the district of the sonat species, but an essential step would be first to break the combination of the bankers, and this, I fear, it would be found very difficult to accomplish, for the landholders, even were Government to receive the sonat rupees at a lower rate of battee than they would have to pay to their bankers, might probably still prefer remitting their revenues through them, from consideration of the seasonable assistance which the bankers have it in their power to render them, by advancing money on pressing emergencies. Eventually it might not prove a loss to Government were the sonat species to be received by the Collectors at par, as its intrinsic value, I believe, is greater than that of the 19th sun sicca, from there being less alloy in the rupees.

The bankers, to discourage the circulation of the 19th sun sicca rupees, make it a practice to demand battee on them if they be in the least soiled, or on various other futile pretences; it may therefore be advisable to issue orders strictly prohibiting such procedure, on pain of very heavy penalties; and as the plea they urge is that battee is demanded on such rupees at the Company's treasury, it may be proper, at the same time, to authorize the Collectors to receive the 19th sun sicca rupees indiscriminately at par.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

Gold mohurs are in circulation in the town of Purnea only, but not in the interior of the country; in the purchase of goods they always pass at par, and sometimes even bear a premium. A great portion of the revenues of Government are paid in them to the Collector.

24.—Has the establishment of the currency of the gold mohurs, in the interior of the country, operated beneficially or otherwise?

Is answered by the foregoing.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

Two Quinquennial Registers of land paying revenue to Government, one commencing with the year 1202 B.S. and the other with 1207 B.S. are complete. A rough draft only of a Register of the lands held exempt from the payment of revenue, commencing with the year 1202 B.S. and containing the number of tenures, viz. 16,546, specified in No. 18. is ready; and I fear that the whole cannot be duly prepared without the temporary addition of an English writer to the present establishment, the tenures being so very numerous.

26.—What descriptions of persons are in general the purchasers of lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

They are in general respectable monied men, and possessing large capitals; their system of management, I conceive, is much better calculated for the permanent improvement of the estates, than that of the former proprietors?

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission.

I am of opinion that they would not readily be induced to do it; the distrust of the natives of this country is so great, that I fear the most solemn assurances of Government would not convince them that they should be secure in their purchases. Could this distrust be overcome, there are a few of the principal proprietors in the district, who, I conceive, are able and would be willing to do it; and I suppose they would offer about six or eight years purchase.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

Could the arrangement be carried into effect to any great extent, it would certainly be advantageous

advantageous both to the proprietor of land and to Government; in so much as to the former it would yield a large income, thereby enabling him to pay his revenues better; and to the Company it would leave a better security for the remaining portion of revenue to be collected. And it would tend to promote the general prosperity of the country; as the proprietor would then be possessed of ample resources, from which to make up deficiencies which might occur in his Mofussil rents, from drought, inundation, or other causes; and therefore would not so readily be induced to rack rent his under farmers and ryots, which, it is feared, he now often does, if urged, in such emergencies, for the payment of his revenue; and it is to be reasonably expected, that, from the holding a greater interest than formerly in the land, he would be induced to sit down seriously to the task of regulating the rents.

Such an arrangement too would ultimately throw into the coffers of the landholder a large capital, without which no improvements of consequence in agriculture can be looked to.

Zillah Purnea,
27th April 1802.

(Signed) *W. E. Rees,*
Act^g Coll^r.

No. 1.—part 2.
Answers by the
COLLECTORS,
Zillah Purnea,
27 April 1802.

(Zillah Rajshahy.)

To Captain MERRICK SHAWE,

Military Secretary to his Excellency the Most Noble the Governor General, &c. &c.

SIR,

CONFORMABLY to directions from the Honourable the Vice President in Council, under date the 3d instant, I have the honour to transmit for his Excellency a copy of my Reply to the Interrogatories of Government to Collectors, issued on the 29th October last.

I have the honour to be, Sir,

Your most obedient humble servant,

Zillah Rajshahy,
26 Dec. 1801.

(Signed) *And^w Gardiner.*
Coll^r.

To G. DOWDESWELL, Esq.

Secretary to Government, Revenue Department, Fort William.

SIR,

I HAVE the honour to acknowledge the receipt of the Interrogatories to Collectors, from the Honourable Vice President in Council, which accompanied your letter of the 29th of October last, and herewith to furnish my Replies thereto, with an Appendix occasionally referred to.

For the sake of perspicuity I have recapitulated the Queries, and placed the Answers opposite each.

I have to apologize for not having complied with these orders earlier; but it has been owing to severe indisposition, which necessitated me to apply to the Board of Revenue for a short leave of absence, and I was only enabled to return to my station the 11th instant.

I shall, agreeably to the instructions conveyed in your letter of the 3d instant, transmit the duplicate of the Report to his Excellency the Most Noble the Governor General.

I am, Sir, &c.

Zillah Rajshahy,
22d Dec. 1801.

(Signed) *And^w Gardiner.*
Coll^r.

(A true Copy.)
A. G. Coll^r.

REPORT from the Collector of Zillah *Rajshahy*, in conformity to the Queries of the Honourable Vice President in Council, dated the 29th October 1801.

INTERROGATORIES.—1. Are the crops of the present year expected to be productive?

REPLIES.—Reverting to the state of the crops when the Collector had the honour to report to the Board of Revenue, under date the 11th June 1801 (Appendix, No. 1.) and comparing it with that which befel them in consequence of the uncommon sudden rise of the rivers, reported on the 24th August (Appendix, No. 2.) which destroyed the pools, and was the cause of much loss; he is of opinion, that taking the district generally, they will be found to have fallen short of expectation one half.

2.—What is the amount of the balances outstanding in your district on account of the past year, and what is the state of the collections for the present year?

The amount of the balances outstanding in the district of Rajshahy, at the close of the Bengal year 1207, was R^s 2,08,551. 7. 2. 3. of which there has been recovered to the present
264. 5 F date

No. 1.—part 2.

Answers by the
COLLECTORS.Zillah Rajshahy,
26 December 1801.

date R^a 1,39,938. 6. 16. 1. reducing them to R^a 68,613. 0. 6. 2. of which sum R^a 573. 10. 7. is an authorized deduction on account of the teak plantation of Government. The remainder R^a 68,039. 5. 19. 2. may bear the following descriptions :

Deemed irrecoverable	- - - - -	11,159	5	19	1
Due from absconded defaulters, who have no more lands, but who may perchance be apprehended, or some property belonging to them may be found, for both which purposes every exertion is using	- - - - -	41,369	10	11	2
Still expected	- - - - -	15,510	5	8	3
Total	- - - - -	68,039	5	19	2

In regard to the collections of the year, notwithstanding the calamities of the season, they are in a much more favourable state than those of the past, and the Collector flatters himself they will continue to bear such a result, on comparison, to its close.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands which have been sold in the district of Rajshahy, for the purpose of realizing the balances of the past year, is R^a 1,06,523. 10. 14. and no further sales are expected to take place.

The prices, taken generally, have been favourable; where the contrary has happened, it is to be attributed to oppression or neglect on the part of the former proprietor; causing in the one instance depopulation, and in both a diminution of assets, which can only be retrieved by care and encouragement on the part of the purchasers, who bid according to the probable expense they must be at in effecting a restoration.

4.—Are the existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

The existing Regulations are certainly well calculated to secure the punctual collection of the public revenue from the zemindars and other proprietors of land, with whom a permanent settlement has been concluded; but not without affecting the security or value of landed property, owing to the circumstance of the proprietors being required to pay the kist of the past month by the first of the ensuing: for, in order to effect this, they must commence making their demands on the ryots from the commencement of the month for which the kist is due, as the zemindar has first to call on his naib, the naib on the kurrumcharies, the kurrumcharies on the ryots, and similar returns are to be made in the reverse order, before the proprietor has it in his power to transmit his realizations to the huzzoor; and as he finds no excuse there admitted for nonpayment, he is, in a great degree, induced to oppress his dependents, in order to save his lands from attachment and a subsequent sale. This oppression leads to depopulation, and its consequence, neglect of culture; so that when the lands came to be offered for sale (the only security which Government have) they have obviously suffered a diminution in value. The Collector is of opinion that such bad consequence, might be obviated, by extending the period of demand against the proprietor to the 15th of the month following that for which the kist is due. He also begs leave to suggest it as a desirable object, in order to prevent the too frequent recurrence of defaulters absconding, and the consequent loss which Government has sustained, as noticed in the 2d description of persons from whom balances are due on account of 1207, under the 2d Answer of this Report; that all future purchasers of land should, in addition to the security of their landed property, be obliged to enter into recognizances, binding themselves to answer all demands which may be outstanding against them in the event of their becoming defaulters, on pain of forfeiting a certain sum proportionate to their jumma; and that they should furnish good and creditable security for the faithful performance of such engagement. Such a regulation would also tend to prevent the great evil, which has too often occurred, of purchasing in fictitious names.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

The Regulations appear to the Collector also well calculated to secure the punctual collection from farmers; but an extension of the period of demand, from the 1st to the 15th, is also recommended in regard to them, for similar reasons as set forth in the 4th Answer.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers, and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

It has been already noticed, that the proprietors and farmers are induced to be harsh with their dependants, in order to enable them to comply with the demand of the huzzoor on the 1st of the month ensuing to that for which the kist is due.

7.—When

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

The present Collector was appointed on the 13th of July 1795; and the cultivation of the district has certainly been greatly improved and extended since that period. The degree of improvement, since the first year of the Decennial Settlement, may be reckoned at two lacs of rupees. The proportion which the uncultivated land now bears to the cultivated, is conceived to be one-third to two-thirds.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

It is conceived that a proportion of three-fourths get more than the ten per cent. and the remaining fourth may be divided; half getting exactly ten, and the other half less.

9.—What is the present state of the embankments in your district?

The embankments, at present, require considerable repairs, in consequence of the late severe inundation; but it is trusted that the assiduity of the superintendent will effectually contribute to the preservation of the country in the ensuing season. Captain Parlbly, of the Engineers, has hitherto had charge of the Sushkerpore embankments; and Mr. John Morgan, those situated in Bhettooreeah. The former gentleman, as a professional man, is no doubt possessed of all the requisite abilities for the due performance of the duties which have been hitherto assigned to him in regard to the embankments, and the Collector considers him as possessing the most laudable zeal for the public welfare; but the circumstance of his residing at Moorshedabad, where he has an extensive range of pools to superintend, situated in that district, appears to the Collector incompatible with the duties required of him here; for, in times of danger, it seems impossible for him, however willing he may be, to attend to both districts. The sudden rises of the river form the greatest dangers to be apprehended; and when they happen, the misfortune is general. Added to this, the distance of Captain Parlbly's residence causes a great delay in his receiving information, and an equal one, if not greater, before his instructions are received, in consequence. The Collector, for these reasons, was induced to suggest to the Committee appointed by his Excellency the Most Noble the Governor General to investigate the state of the embankments, the advisableness of placing the Sushkerpore embankments under charge of Mr. John Morgan, who resides on the spot, and whose personal attentions to the duties which have already been allotted to him he can vouch for. The Collector again takes the liberty of recommending this plan to the notice of Government, as tending highly to facilitate that attention which the public embankments require.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

The proprietors of land, in general, have attended to the improvement of their estates; but this improvement has been chiefly confined to cultivating waste lands and clearing jungles, not to the establishing of any works or making embankments. A few tanks have been dug where water is much wanted in high spots; but they are generally made, if the Collector may be allowed to use the expression, and the assertions of the natives themselves are to be believed, "from a wish to save the soul alive," and have little to do with the present life. No tukaver has been paid on any of these accounts, as held out to those who wish for it, by the Regulations of Government.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

Moderation, and attention to the principles of good faith, in transactions among the natives, are, the Collector is sorry to be of opinion, rare qualities to be met with; however, he would not be so uncharitable as to denounce the whole race: there are certainly good men amongst them, who feel the benefits arising from British administration under the present system; and as, since the establishment of the permanent settlement, these fortunate provinces have not been visited by war, famine, or pestilence, population must have increased. These good subjects have no doubt disseminated their opinions among their progeny; it is therefore reasonably to be hoped, that the time is not far distant, when moderation and the principles of good faith shall be predominant; and when this desirable event takes place, it will shed its genial influence over the immediate cultivators of the soil, who are at present as comfortable as can be expected, under existing circumstances.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

The Collector having nothing now to offer respecting the roads, takes the liberty of referring to his address to the Board of Revenue on this subject, under date 3d April 1801, which is copied in the (Appendix, No. 3.)

No. 1.—part 2.

Answers by the
COLLECTORS.

Zillah Rajshahy,
26 December 1801.

No. 1.—part 2.

Answers by the
COLLECTORS.Zillah Rajshahy,
26 December 1801.

13.—What is the estimated number of the inhabitants in your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The estimated number of inhabitants in this district is 1,500,000; previous to the separations which took place, it was reckoned - - - - - 1,997,763

Males - - - - -	1,107,683	
Adults - - - - -	817,763	
Boys - - - - -	289,922	
	<hr/>	1,107,683
Women - - - - -	890,080	
Grown - - - - -	683,950	
Children - - - - -	206,130	
	<hr/>	890,080
		<hr/>
		1,997,763

The separations are estimated at ten lacs, and the annexations at five, leaving in round numbers, as above stated, 1,500,000. The Collector is of opinion, that the proportion which the Mussulmans bear to the Hindoos, is as 3 to 5.

14.—What are the most valuable articles of produce in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

The most valuable articles of produce in Rajshahy are mulberry and paddy; and the cultivation of them has increased in proportion to the extended state of agriculture, already noticed in this Report.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The amount expected from the stamp duties in zillah Rajshahy in the present year, is rupees 14,500. They may become more productive in future, by extending the stamps to other papers, as proposed in the Collector's Letter of 15th June last. Vide (Appendix, No. 4.)

16.—Are the abkarry collections increasing or decreasing?

The abkarry collections are less than in former years; but he does not attribute this to a diminution of rice, he is rather afraid that, notwithstanding all his care to prevent it, a quantity of liquor is manufactured clandestinely.

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied.

The Collector being of opinion that taxes should chiefly be put on articles of luxury, begs leave to propose their being levied from those natives who keep carriages, palanquins, and pleasure boats, and on such as can afford to entertain a separate servant for the purpose of carrying an umbrella. In regard to the mode of levying these taxes, the Collector would propose that his assistant be empowered to keep an office of registry, with established fees for the performance of this duty; and that every person using the above indulgences, be directed to register himself on pain of confiscation of the article used, or a certain mulct, as may be deemed most eligible, the Collector to levy the tax, according to the assistant's book of registry. Those who enjoy rent-free lands, and participate in the general benefits received by the community, without contributing any thing to its support, might, he conceives, also with propriety be made subject to the payment of a tax.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government.

The descriptions of the rent-free lands in this district, are muddudmah or lands granted for subsistence, and belachurt or unconditional, and they are generally considered hereditary, their produce is reckoned at not less than three lacs annually; the jumma of the lands which pay revenue to Government, is Rupees 14,71,902. 11. 15. 3.

19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The rent-free lands are, in general, not admitted to be waste, as the lands paying revenue to Government often are; but the latter when cultivated, are reckoned more productive than the former.

20.—What descriptions of old rupees are current in your district?

Old sonat rupees are still prevalent in the Mofussil, and a few French arcots.

21.—What is the reason that these rupees continue in circulation, and how are they replaced, as they become worn and diminished in value; the 19 sun-sicca rupees being the only description of rupee struck in these provinces, and that being the rupee in which the public revenue ought to be paid?

One chief reason for their still continuing in circulation, appears to be, that they are not offered in payment of revenue at the public treasury, but previously changed by the shroffs and mohaguns, who make a profit by the batta, and again send them into the Mofussil.

22.—What

22.—What rules would you recommend to be adopted for the purpose of introducing the 10 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

The Collector is of opinion, that if a Regulation was enacted, to commence its operation six or twelve months after promulgation, prohibiting all persons from taking any other rupee but the 10 sun sicca, under pain of their being confiscated whenever found, it would have the desired effect; and in the mean time the proprietors of land should be directed to send in the actual rupees they collect, to the public treasury, to be received according to weight, and sent to the mint to be recoined into 10 suns, as has already been the intention of Government.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

Gold mohurs circulate in this district generally at their full value of 16 sicca rupees, and the Collector conceives that a fourth part of the transactions is carried on in this coin.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

The establishment of the currency of the gold mohur, in the interior of the country, is reckoned to have operated beneficially, from its advantage in portableness.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The Collector had registered, on the original plan, 1,168 estates paying revenue to Government, as they stood on the commencement of the Bengal æra 1202, when he stopped progress, in consequence of the promulgation of Regulation VIII. of 1800, and waited for the new forms directed thereby. These were furnished under date the 30th January 1801, but were not received until the 17th March following; previous to which, viz. the 19th February, the Collector, conformably to the 17th Section of the above Regulation, reported to the Board of Revenue the additional assistance required for keeping the registers, as per letter, copied in Appendix No. 5. In reply to this address, he, in a letter from the Secretary to the Board of Revenue, dated 5 June, and received the 15th, was informed that his Excellency the Most Noble the Governor General in Council had come to a resolution, under date the 3d of June, to revise such part of Section 17 of Regulation VIII. of 1800, as related to the employment of extra-officers, for preparing and keeping up the registers of landed property, that the establishments proposed were not authorized, and at the same time prohibiting the entertaining of extra officers; the progress therefore which has been made is but small, being 100 estates, as they stood on the 1st of Bysaack 1207.

The necessary advertisements, allowing a farther period of one year to the rent-free landholders by the above Regulation, were issued on the 14th February 1801.

26.—What descriptions of persons are in general the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The purchasers, in general, at the public sales, are men who have raised themselves by service, and their system of management is considered to be conducted on better principles than those of the former proprietors, from the circumstance of its not now being necessary to sell so many estates as formerly.

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

The Collector is of opinion that the minds of the proprietors are not prepared to meet the plan suggested in this question, and that, with their present ideas, the very few who might come forward would not offer more than three years purchase.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

The Collector is rather of opinion that the plan would be detrimental to the general improvement of the country, inasmuch, as that the first object of the purchaser would be to reimburse himself as speedily as possible; and this wish might lead him into acts of oppression, destructive, in the end, to his own interest certainly; yet still it is to be apprehended it would be the case.

(Signed) *Andrew Gardner,*
Collector.

Zillah Rajshahy,
22 December 1801.

No. 1.—part 2.

Answers by the
COLLECTORS.

Zillah Rajshahy,
22 December 1801.

No. 1.—part 2.

Answers by the
COLLECTORS.Zillah Rajshahy,
11 June 1801,
Appendix.

APPENDIX to the Report from the Collector of Zillah Rajshahy, in answer to the circular Interrogatories of the Honourable Vice President in Council, bearing date the 29th October 1801.

(No. 1.)

To THOMAS GRAHAM, Esq. President, and Members of the Board of Revenue.

(No. 1.)

GENTLEMEN,
CONFORMABLY to the circular Orders conveyed in your Sub-Secretary's Letter of the 12th ultimo, I have the satisfaction to acquaint your Board, that the crops of grain in this district are at present in an excellent state, and that the natives in general appear hitherto perfectly satisfied with the weather.

I have the honour to be, &c.

Rajshahy,
11th June 1801.

(Signed) Andrew Gardener,
Collector.

(No. 2.)

(No. 2.)

To THOMAS GRAHAM, Esq. President, and Members of the Board of Revenue.

GENTLEMEN,
IT is with real concern I announce to you, that the fine prospects of a plentiful crop reported in my address of the 11th June last, are greatly done away, owing to the very great rise of the rivers, which has caused several breaches in the pools, and the greater part of the country is thereby overflowed. Much distress is occasioned to the peasantry, and consequently to the proprietors of the lands.

It wants still a month of the period on which I am directed to furnish a Report; but I have deemed it my duty to acquaint you with the present state of the district, that you may not be led to draw flattering conclusions from the pleasing tenor of my last Report.

I have the honour to be, &c.

Zillah Rajshahy,
24th August 1801.

(Signed) Andrew Gardener,
Collector.

(No. 3.)

(No. 3.)

To THOMAS GRAHAM, Esq. President, and Members of the Board of Revenue.

GENTLEMEN,

1. IN compliance with the Orders conveyed in your Sub-Secretary's Letter of the 9th May last, enclosing Copy of Instructions from his Lordship in Council to the Magistrates, respecting different objects of enquiry, I have now the honour to submit such information as I have been able to obtain, from the records of my office, and from conversations with natives versed in the subjects, as well as from what has come under my own observation.

2. For the sake of perspicuity, I shall quote the Queries in the margin, and answer each distinctly, to the best of my abilities.

3. The communication in this district is, except from the beginning of January, to the end of May or middle of June, almost entirely carried on by water.

1st. You will give an account of the Roads within your jurisdiction, reporting in what manner and by whom they are repaired.

4. The roads frequented during the dry season, scarce deserve the name, being for the most part merely footpaths made by the people walking; and driving their cattle from village to village, when the waters are shallow.

5. There were formerly high roads in the district, but they have all fallen into decay, so much so as hardly to be traced. Four may be mentioned; viz. one from Nattore to Nobolgunge, 28 miles west; one from Bauliah, to the northern boundary of the zillah, towards Rungpore, 52; one from the banks of the Pudda, to the northern boundary of the zillah, towards Muldah or Dunagepore, 44; one from pergunnah Chowgery to Bomannepore, about 24 miles distance, which was made by Moha Ranni Bhewannee: it has been an excellent road, and is still so in many parts, not being even subject to inundation, from its height; but there are a number of breaches in it which require filling up.

6. There is one pretty good road from Nattore, in a S. W. direction to Malunchi, on the banks of the Burrel, which was made during Mr. Grant's magistracy, in 1795. It extends nine miles, and requires annual repairs, which it receives from the prisoners. From its great loftiness, the heavy pressure of water on it during the height of the rains causes several breaches, and renders it impassible annually for a time: this would be obviated by erecting bridges.

2d. You will state what Roads are particularly required, in

7. As great benefit must result to commerce, by having good roads interspersed through a district where it is stagnated for the want of them, I beg leave to recommend your notice to

to those proposed by my predecessor, Mr. Colebrooke, on the 17th of October 1791, as follow, in addition to those already mentioned.

From Nohutta to Jehanguerpore - - - -	27 miles.	} This is partly done by Ranni Bowannee's road, already noticed.
Doolbari to Godagari - - - -	25.	
Bowani Gunge to Subgunge - - - -	36.	
Nattore to Subgunge - - - -	44.	
D° to Nookela - - - -	50	
Pubna to Secrpoor - - - -	48	
Belcoochy to Rutliagunge - - - -	40	

what manner they can best be made, whether by the convicts or otherwise, and at what expense.

8. A long period, of course, must elapse before all these can be effected, if they are to be made by the prisoners, which will certainly be the least expensive mode, though not the most expeditious. What the amount would be the Magistrate is best able to judge; but if the roads are to be made by day labourers, I conceive the expense may be estimated at 200 rupees per mile, on an average.

9. The best mode of preventing encroachments on the roads, after they are made, I conceive would be by putting them under the charge of the nearest police darogahs, and publishing prohibitory advertisements.

3d. What regulations are necessary for preventing encroachments on the Roads, and for regulating the repairs to be made; and whether the duties, which are now the engagements to keep the roads in repair, can be required to perform this duty without its being felt as a burden by them?

10. It should be the duty of the darogahs to report to the Magistrate, from time to time, the state of the roads, together with the transgressions of any individuals, who, on proof, ought to be made to repair the damages, and pay a fine to Government.

11. With regard to the damages which may be expected to be incurred by the periodical rains, I am of opinion, that if they happen any where within half a mile of a village, the inhabitants ought to afford their labour in making the necessary repairs; the beneficial effects must outweigh any supposed hardship: but if it extends beyond that distance, that the prisoners should be sent, under proper guards, for the purpose, by Government.

without its being felt as a burden by

12. In a district so liable to inundation as this is, roads can never be expected to be permanent without bridges, and therefore a great number will be required, if the highways proposed are carried into execution; but I cannot determine how many, without an actual survey. The Road from Nattore to Malunchi being more immediately under my observation, I can venture to declare that three are absolutely necessary. Considerable breaches are made annually in consequence of the want of them, and render the road useless for a great part of the year: it is necessarily very high, which circumstance will make these bridges very expensive, not less, I conceive, than 750 or 800 rupees each.

4th. You will report whether any Bridges are necessary in any particular situations, and at what expense they can be made.

13. Having likewise travelled on the road proposed to be renewed between Nabob Gunge and Nattore, I can also state that six or seven bridges are necessary; but as the arches of these would not be required so high, I imagine 450 or 500 would be the utmost of the expense attending the erection of each of them.

14. The present Magistrate, Mr. Douglas, and I, agree in opinion, that it would be of the greatest utility the construction of a wooden bridge across the river Narrud at Nattore, as it would not only facilitate the approach of our native officers, but be of great convenience to the inhabitants in general, 30 or 40 people constantly crossing without, I may say, the smallest intermission; and the hurry is so great in flocking to the Adawluts or Collector's Cutcherry, that accidents too frequently occur, which would be obviated by the adoption of this salutary measure, of having a wooden bridge: the expense, I conceive, would be about 4,000 rupees, which would soon be reimbursed by a small toll.

15. The ferries in this district are numerous: the one of greatest resort, I believe, is that established at Nababgunge, called by the natives Koodulkali Ghat, but denominated in the public records Goozar Gourangpoor; it belongs to the zemindar, who pays an annual rent to Government into the treasury of the Collector of Moorshedabad of 2,631. 13. 4. rupees: he sometimes farms it, and sometimes holds it khaus, and he settles the expenses accordingly.

5th. You will report on the present state of the Ferries, particularizing by whom the necessary establishments of boats are kept up, and in what manner the expense is defrayed.

16. There are about 40 other principal ferries on the Pudda. The following are the names which have come to my knowledge: Goozur, Hazrahate, Birozpoor alias Poolbaria, Shekunderpoor, Shakapoor, Surdah Ghat, Dokrakol, Hurreshungkarpoor, Koostia, Avora, Dhoonagacha, Autooa, Moonshidpoor, Koomedpoor, Lallpoor, Nazir Gunj, Dhowapara, Binodepoor, Sreepoor, Mertibhora, Russora, Oodypoor, Gungadhurdi, Godagari, Doomria, Selimpoor, Ameerpoor, Goalpara, Baltitha and Alypoor, from all of which Government derive rents, through the respective zemindars, in a similar mode to that mentioned with respect to Goozur Gourangpoor, in the last paragraph.

17. The other ferries in the district are small in comparison with those mentioned, but mostly pay in the same manner, and the disbursements are made from the profits arising on the receipts: they may be estimated, in number, at 250: about 30 or 40, perhaps, may be kept up by the ryots themselves, for their own convenience during the periodical rains, and where the zemindar, to prevent hindrance to his occupations, allots a few begahs of chakeram land to a Ghaut Manjee to carry his dependants across at all times.

6th. What arrangement would you recommend for the future regulation of the Ferries.

18. The chief regulation necessary appears to be, the fixing of the rates, and the prevention of the mangies carrying over armed natives or suspicious people during the night,

" Should a professional person be appointed, I further beg leave to request that it may be made a part of his commission, to survey the course of the Narrud river from this place to where it formerly joined the Puddah near Bauliah, and to ascertain what would be the annual expense of the embankments, necessary to prevent its overflowing the country in the event of its being opened, so as to afford a free communication with the Puddah."

" The expense of opening this river would be very inconsiderable indeed; I believe it might be effected almost without any expense, by employing the Fouzdarry convicts on the work; and as it would give a free passage for boats of burden to Nattore, at all seasons of the year, the advantage of it would be great. It may however be liable to greater disadvantages less obvious, and I would not on any account recommend the opening of the passage suggested, without surveys being first made by a professional person, well qualified to judge of the consequences; the more especially as it was formerly open, and must have been closed from experience of some inconveniences; though, from the enquiries I have made, I am induced to believe that these inconveniences, viz. such as could have resulted from its overflowing its banks in some places, would have been better remedied by raising a bund where requisite, than by closing up the mouth of the river, in consequence of which the nearest communication between Nattore and the Puddah is by the Burrell, a very circuitous route, and this open in the rainy season only. At present no boats of any considerable burden can come here, and small boats which come from Jurgunge by the Chullen jail, are stopped some miles below Nattore, where the cargoes are shifted, brought on a short distance by land and re-embarked on other small boats for this place."

30. I am of opinion, that bamboos form so useful an article of consumption, that the total prohibition of them in the neighbourhood of cities and towns, would operate as a hardship on the individuals inhabiting them; but that the plantations should be frequently thinned, so as to admit of a free circulation of air, and cleared from all underwood, I think highly necessary; and this should be a principal object of the Magistrate and police officers under him to see adhered to; as where the plantations are thick, and covered with underwood, they generally form hiding places for thieves and decoits.

[with a view to render them more healthy, and if so, under what particular

31. There are a great many jungles in the district: the principal are in Pergh Chandly, Pergh Wezerpore, Pergh Bainsdol Pultapore, Ningatche in Pergh Mehmensahy and Ramrama in Pergh Amrole, which are all resorts for decoits and every kind of destructive animals.

32. The clearing of these jungles would be of the greatest benefit, but there appear objections to employing the convicts in this labour; viz. the probability of frequent escapes, and the chances of rescues being attempted.

33. It is certainly the interest of the zemindars to clear these jungles themselves, as under the Regulations they are not liable to any increase of revenue which is unalterably fixed; but they seem in general afraid of the expense. Much under jungle has been cleared and brought into cultivation since my arrival in this district, and I have the pleasure of seeing agriculture daily extending in such situations; but the jungles above noticed are very extensive, and consist of large trees of every description, and also in many places of cane, which becomes impenetrable to man; I am therefore of opinion, that without the assistance of Government the destruction of them cannot be effected. The zemindars however seem afraid to borrow, under the idea that they would be hardly pressed when the tuccavy becomes due; it appears therefore necessary, in order to obviate these alarms, that a long period should be allowed, and every encouragement offered to incite the landholders to the adoption of this most salutary measure.

34. In regard to the remaining part of his Lordship's proceedings, namely, in what manner the expenses attending the objects in view can be provided for, I am of opinion, that, with exception to the toll proposed for the erection of the wooden bridge over the Narrud, they might be defrayed by the produce of the taxes hinted at in my Address of the 14th October last*.

I have the honour to be, &c.

Z. Rajshahy,
3d April 1801.

(Signed) *Andrew Gardiner,*
Collector.

No. 4.

(No. 4.)

To THOMAS GRAHAM, Esq. President and Members of the Board of Revenue.

GENTLEMEN,

IN reply to your Sub-Secretary's circular Letter, of the 1st ultimo, with its enclosure, directing me to report, whether there are any other sorts of paper in common use among the inhabitants of this district, besides those specified in Regulation VII. of 1800, which, by being rendered subject to the payment of a stamp duty, might become a productive source

* The substance of the Letter alluded to is repeated in the Answer to the 17th Interrogatory.

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12th. Whether it appears necessary to prohibit or restrict the growth of bamboos or other plantations in the neighbourhood of the cities and principal towns, regulations?

13th. Whether there are any jungles within your jurisdiction, which could be cut down and cleared by the labour of the convicts or otherwise, either with a view to extend the cultivation, to prevent their affording a refuge to banditti and destructive animals, or with a view to render the climate more healthy; whether the zemindars would be willing to engage in such undertakings, and in that event, what assistance they will require from Government?

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of revenue, without operating as a burthen upon any particular description of people, I beg leave to submit the following sentiments.

It is directed, in the above Regulation, that all petitions presented by individuals to the Collectors, shall be on stamped paper, but it does not appear that this order extends to the answer and subsequent proceedings which the Collectors are under the necessity of holding on the subject represented; I would, therefore, recommend, that this extension should take place.

I am also of opinion, that all perwannahs, issued at the request of any individual, should be on stamped paper, chargeable to the petitioner.

It seems to me but fair, that in all appointments which take place, the sunnud should be on stamped paper, chargeable to the person who is to enjoy the office; but that in cases of ameens deputed to attach the lands of defaulters, the stamp duty should become a charge to the person who caused the appointment.

Engagements on account of Government revenue are exempt from the stamp duty by the Regulation, but the idea is gone abroad that this extends to all revenue matters; it is my humble opinion; however, that the transactions of lakheraj landholders are not included, and should your Board coincide with me, I would beg leave to recommend its being particularly specified, that the indulgence does not extend to rent-free landholders.

I conceive that if all Razenamahs, Sudder and Mofussil, were ordered to be on stamped paper, a considerable source of revenue would be the consequence.

I also beg leave to notice, that complaints made to munsiffs in the first instance, who are appointed by the Judges, are, I understand, exempt from stamp duty; but if they were subject to it, it might do away the intention of their appointment, viz. to afford more leisure to the Judges for their other weighty avocations.

I am not aware of any other papers being in use, which are not included in Regulation VII, of 1800; but should any occur to me hereafter, I shall do myself the honour of again addressing your Board on the subject.

Before I conclude, permit me to ask, whether the agreements between the zemindars and their ryots and others, in revenue matters, are intended by the Regulation to be included in the exception, as being Government revenue?

Z. Rajshahy,
15th June 1801.

I have the honour, &c.
(Signed) Andrew Gardiner,
Collector.

(No. 5.)

No. 5.—Miscellaneous.

To WILLIAM COWPER, Esq. President and Members of the Board of Revenue.

GENTLEMEN,

CONFORMABLY to the 17 Section of Regulation VIII. of 1800, I do myself the honour to report on the additional assistance requisite for the preparation of the different registers necessary to be prepared according to the orders of Government, which, for the purpose of perspicuity, I beg leave to enumerate as follows:

1st. A quinquennial pergh register of lands malgoozary and lakheraj, in Persian, according to Regulation 8, of 1800, which directs particulars to be stated therein.

Rough draft - - - - -	1
Fair copy - - - - -	1
Copy for the Board of Revenue Accountant -	1

2d. An annual intermediate pergh register, in Persian, as above - 3.

3d. General quinquennial register of estates, according to Regulation 48, of 1793, in English and Persian, three of each, as above - 6

4th. Quarterly register of intermediate mutations in landed property, according to Regulation 48, of 1793, in English and Persian, three of each, every quarter, annually - 24

5th. Periodical register of lakheraj lands not badshahy, according to Regulation 19, of 1793, in English and Persian, three of each, quarterly - 6

6th. Quarterly register of intermediate resumptions, or the occurrences respecting grants, not badshahy, of exempted lands, according to Regulation 19, of 1793, in English and Persian, three of each, every quarter, annually - 24

7th. Periodical register of badshahy lakheraj lands, according to Regulation 37, of 1793, in English and Persian, three of each - 6

8th. Quarterly register of intermediate resumptions, or other occurrences respecting badshahy grants of exempted lands, according to Regulation 37, of 1793, in English and Persian, three of each every quarter, annually - 24

Total - - - - 96

Abstract:

Quarterly, 72—Annual, 3—Quinquennial, 21 - - 96.

It is my humble opinion, that the keepers of the native records, whose duty it is specifically to prepare the 1st and 2d, will require the assistance of four mohars, at 15 rupees per mensem - - - - - 60

The preparation of the 3d will require two Persian mohars, at 15 R^e per mensem each - - - - - 30
Two writers, one at 30, and another at rupees 25 - - - - - 55
85

The 5th will occupy the time and attention of two Persian mohars and two writers, the former at 12 each, and the latter at 20 each - - - - - 64

The remaining numbers, viz. 4th, 6th, 7th, 8th, may be done by one writer at - - - - - 25
And two mohars, at 15 each - - - - - 30
55

Contingencies, Bengal: pens, papers, books, ink, binding, dufftory, &c. - - - - - 264
36

Rupees - - - - - 300

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I regret that it is not in my power to report any part of my present establishment which can be appropriated to the above allowances, as, on a retrospect, I can only ascribe the slow progress made in the Quinquennial Register, on the original plan, to my having rare opportunities of interfering with the other important avocations of the mohars under me; and feeling, at the same time, a diffidence in proposing any additional expense to Government, but which is now removed, from my having been called upon by the Regulation in question.

I have the honour to be, &c.

Z. Rajshahy,
19th February 1801.

(Signed) *Andrew Gardiner,*
Collector.

(Rungpore.)

The Most Noble Marquis WELLESLEY, Governor General, &c. &c. &c.

MY LORD,

IN compliance with the instructions of the Honourable the Vice President, communicated in Mr. Secretary Dowdeswell's Letter of the 3d December last, I do myself the honour to submit to your Lordship my Answers to the Interrogatories to the Collectors; which I should have replied to at an earlier period, had not my public duty obliged me to proceed to Dewan Gunge, to investigate the losses said to have been incurred by the encroachments of the Burrampooter River.

I have the honour to be, with the utmost respect,

Rungpore,
6th Jan. 1802.

Your Lordship's most obedient humble servant,
(Signed) *Alex Wright,*
Coll^r.

ANSWERS to the Interrogatories transmitted to the Collectors in the Secretary to Government's Letter of 29th October 1801.

1.—Are the crops of the present year expected to be productive?

In general the crops of the present year have been productive; though in the low lands they have, from the heavy and unseasonable rains, been less favourable than in former years.

2.—What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the collections for the present year?

The balances outstanding in the district of Rungpore, on account of the past year, 1207, B. S. amount to S.R^e 847. 6. 10. no part of which is recoverable, the estates of the defaulting zemindars having been disposed of in liquidation of the arrears of Government. The annual revenues on account of the districts of Rungpore and Cooch Behar amount to S.R^e 10,66,135. 4. 11. of which 5,95,776. 13. 5. 1. are collected. The balance account of the month of Aughun, corresponding with December, as exhibited in the Toujee accounts, is S.R^e 44,225. 13. 15. 7. which, upon a comparison with former years, is very favourable.

3.—What is the amount of the jumma of the land which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sale?

The amount of the jumma of the lands which have been sold on account of 1207; B. S. for realizing the balances of that year, is S.R^e 31,977. 6. 13. 3. no other lands remain to be sold in liquidation thereof. The estates have sold at a favourable rate, with an exception to a few situated

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situated in the $4\frac{1}{2}$ anna division of Carghaut, the assets of which were scarcely adequate to defray the demands of Government.

- 4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands with whom a permanent settlement has been concluded, well calculated to secure the punctual collections of the public revenue, without, at the same time, affecting the security or value of landed property?

The Regulations for collecting the revenue from the different descriptions of landholders are fully adequate to the purposes intended, and have not affected the security or value of landed property.

- 5.—Are the existing Regulations for collecting the revenue of Government from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

The existing Regulations for collecting the revenue of Government, from persons holding lands in farm of Government, are adequate to the collections.

- 6.—Are the existing Regulations for enabling the zemindars and proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

The Regulations, which have been issued for the benefit of the landholders, have answered the purposes intended; and so far from enabling the landholders to oppress the ryots, that where they are inclined to be refractory, and withhold their rents, a considerable delay unavoidably happens in the collection of the revenues, owing to the ryots instituting frivolous and vexatious complaints in the Munsiffs and Darogahs Courts, established by Regulations 22 and 40, of 1793; who are too apt, either from a spirit of intrigue, or not knowing the extent of the authority delegated to them, to take cognizance of causes which do not come within their jurisdiction; to prevent which, they ought not to be allowed to receive complaints of abusive language used by the zemindars officers, until the ryots shall have paid the demands which have been the subject of contest. The provisions laid down by Section 12, Regulation VII. A. D. 1799, discountenancing all litigious suits tending to create embarrassment and delay in the collections, cannot be enforced against the lower classes of ryots, whose chief aim is to cause delay and embezzle the crops, and who have not the means of paying the damages incurred by the landholders. Many of the ryots would rather live a life of confinement than of liberty and labour; it is therefore no punishment.

- 7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed to the Collectorship of Rungpore on the 2d of October 1795. With respect to the cultivation, it varies in some degree, agreeable to the season, but has certainly increased since the first year of the Decennial Settlement. The proportion of cultivated land is seven-eighths, and the uncultivated land one-eighth.

- 8.—Do the proprietors of estates, in general, derive a profit exceeding the 10 per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

At the time of the formation of the Decennial Settlement, many of the zemindars did not accept the malikannah, or allowance of 10 per cent. on the jumma; but in lieu thereof obtained, with the concurrence of Government, Pattebutta lands. Most of the estates yield to the proprietors considerably more than 10 per cent. profit on the jumma, and the few which are not at present capable of yielding this allowance, to the mismanagement of the proprietors or their agents it must be attributed.

- 9.—What is the present state of the embankments in your district?

The embankments required in this district are few, and those are but in an indifferent state of repair.

- 10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

Except a few tanks for religious purposes, the zemindars have not, to my knowledge, dug any; neither do I think, from the low situation of the country, that it would tend to increase the produce of their estates. The proprietors have not attended to the making of embankments, from the great expense they would incur by it. To make the embankments efficient would, in some of the estates, require more than the annual rent they at present yield; should, however, embankments be made, they would greatly improve the value of the lands.

- 11.—Have the proprietors of lands conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that

that

that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The proprietors in general have behaved with greater moderation towards their ryots; who, for the most part, are so well acquainted with the protection afforded them by the Regulations, that, were the landholders inclined, there are but few instances in which they could oppress them. Their situation is consequently rendered more comfortable than previous to the formation of the Decennial Settlement.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country, and what would be the expense attending the works?

Where the country is not subjected to inundations, the old causeways have been kept in tolerable repair; but in low situations they are in a very bad state; so much so, that in many places, there are scarcely any vestiges of a road. There is one road to Duagepore, which, from the last heavy rains, is a little out of repair; besides which, there are two or three roads leading to the different indigo factories, made also by the prisoners, under the superintendance of the gentlemen to whom the factories belong, in a very good state of repair. The roads which I would recommend to be made, as essentially requisite, are, in the first instance, one from Cooch Behar to Rungpore, by way of Mogulhaut. The computed distance between Cooch Behar, and Mogulhaut, is 26 miles, and from thence to Rungpore 24 miles; in all 50. Admitting 250 prisoners, with the assistance of 100 coolies, at the rate of rupees 128 per diem, to complete one mile; the sum required to make the road between this and Cooch Behar, would be sicca rupees 625. The second road is to the military station of Deby Dobah, distant 52 miles, 30 of which is, from the high situation of the country, very good; the remainder may be completed at the same allowance per mile, amounting to sicca rupees 275. The third road is from the town of Rungpore to Gound Gunge, distant 50 miles, which may be completed at the same rate per mile, amounting to sicca rupees 632. 8. The fourth road is to Chilmery, a place of great resort, distant 52 miles, which, during the rains, is impassable, from the old causeways having been entirely neglected, the expense of which would be sicca rupees 650. These calculations do not include bridges; instead of which I would recommend, that bridges of boats should be constructed over the large creeks and nullahs, which might, at the close of the rains, be removed, and the sides of the creeks and nullahs sloped, which would answer every purpose, and be but a trifling expense when compared with other descriptions of bridges. The roads being once formed, the landholders should be authorized to summon the attendance of the ryots, to make such repairs as may be necessary, which would be no hardship to them during the months of October and November, when they have little to do; and that either the Judge or Collector assisting, be deputed on the part of Government to report the state of the roads. The expense of labour, for making the roads above-mentioned, amounts to sicca rupees 2,262. 8. to which a trifling allowance must be made for bamboes and baskets for conveying the earth, and mats, bamboes, and twine, for temporary jails.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The inhabitants of this district are computed at four lacs. The Mahomedans exceed the Hindoos, in what proportion cannot be ascertained.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

Sugar-cane and tobacco being the most lucrative to the cultivators, are the most valuable products of the district, and have greatly increased since the prohibition of opium, which was before the most valuable.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties are becoming more productive. The receipts of last year were S.R^o 4,256. 4. and I expect will this year yield S.R^o 9,000, inclusive of the allowance granted to the Collector for the sale thereof.

16.—Are the abkaree collections increasing or decreasing?

The abkaree collections are decreasing, owing to the high rates at present assessed on them.

17.—Are there any articles in your district, on which a productive tax might be levied, without oppression to the people; name the articles, rate of tax, and the manner in which you would propose it to be levied?

I am of opinion that the re-establishment of the sayer would be productive of beneficial consequences both to Government and the country at large. The bazars and hauts are declining fast, for want of the protection which was formerly afforded while under the management of the zemindars, whose interest it was to guard the property brought into the markets; and in the event of the ryots not finding immediate sale for their articles, they were left under the care of the zemindars officers until the next market day: at present, they are often obliged to sell them at an under valuation, or return with them to their homes. I would therefore recommend, that the landholders be allowed to farm the markets of Government at the amount for which deductions were granted them in their engagements, making them responsible for any undue exaction, after a table of rates shall have been

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established. If, however, the re-establishment of the sayer on the gunges and haunts should not meet the approbation of Government, a duty of $3\frac{1}{2}$ per cent. on all exports of tobacco, sugar, sugar-candy and goor, mustard-seed, oil, and raw silk; and a duty of $2\frac{1}{2}$ per cent. on coarse cloths and cotton might be levied by officers appointed for that purpose, at the principal places resorted to by merchants of the neighbouring districts.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The grants of lands in this district are of the description of Dewutter, Bermutter, Mohutterah, Peer Paul, Khanna Baurie, and Attar Budshare. The proportion which the produce of the rent-free lands bears to the jumma of lands paying revenue to Government is one-eighth, exclusive of Cooch Behar.

19.—Which of the description of lands are in the best cultivation; the rent-free lands, or the lands which pay revenue to Government?

The charity lands in Cooch Behar are in a far more flourishing state, while those in this district are equally so with the lands paying revenue to Government.

20.—What descriptions of old rupees are current in your district?

The 19 old sun Moorshedabad sicca, the French Arcot, and the Narraing rupees (the coinage of Cooch Behar) are current in this district.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupees being the only description of rupees struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

One reason for the 19 old sun Moorshedabad and the French Arcot rupees continuing in circulation, is their never having been wholly called in; another is, the advantages derived by the shroffs on the batta, which fluctuates from 2 to 4 per cent. on the Arcots, and from 1 to $1\frac{1}{2}$ on the Moorshedabad old suns; and which are received at par in the interior parts of the district, in mercantile transactions. The amount of Arcot rupees in circulation in this district may be computed at 350,000, and the old 19 suns at about 300,000.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupees into general circulation, and of rendering it advantageous to all persons to reject any other description of rupees?

With a view to prevent any other than the 19 sun sicca rupee being in general circulation, I would recommend that the landholders be permitted to pay their revenue into the public treasury in the specie collected on their estates, making good to Government any deficiency in weight. The advantages which such a measure would secure to the ryots, must ultimately be great. At present, for want of a sufficient number of the new milled siccas, a very considerable part of the rents are collected in the above-mentioned currency; exchanged by the shroffs at the discount of the day, and the difference made good by the ryots to their landlords. These rupees are bought by the merchants, and again circulated by them in the country, to the great detriment of the ryots.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

The annual average amount of gold mohur paid into the public treasury, is 28,000, and in constant circulation, about 30,000. They pass at par, in the purchase of goods, as well as in the payment of public and private debts.

24.—Has the establishment of the currency of the gold mohur in the interior of the country operated beneficially or otherwise?

The establishment of the gold mohurs has been beneficial to the traders and merchants, but not so to the lower class of people, from their poverty, and the difficulty they meet in exchanging them for smaller coins.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of lands held exempt from the payment of revenue?

The Quinquennial Register of lands paying revenue to Government, account 1202 B. S. has been prepared, and submitted to the Board of Revenue; the account 1197 B. S. is now in readiness, and the draught account, 1207 B. S. is also prepared, but has not been transcribed, the establishment of one native clerk being inadequate to the discharge of the current business. I expect this register also will be furnished in the course of a month, together with the general Pergunnah Register directed to be prepared under Section 4; Regulation VIII. A. D. 1800. The Quinquennial Register of lands held exempt from the payment of revenue still remains incomplete; the period for the registry and receipt of grants specified in Section 19 of the above-mentioned Regulation not having expired, and the grantees availing themselves of it.

26.—What description of persons are in general the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The

The description of persons by whom lands have been purchased are, the dependents of landholders, the dependents of Europeans, servants of the judicial and criminal courts, some, but very few ryots, and a few zemindars. Many of the purchasers have attended more to the improvement of their estates than the former proprietors.

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27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

I am of opinion that very few would purchase the permanent remission of any part of the fixed revenue, and those few would not give more than three or four years purchase. The only persons who are sufficiently affluent in this district to purchase remissions, are the Rajah of Cooch Behar, and the zemindars of Bahaibund and Pattledco.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

In the event of the disposal of a portion of the jumma, as above-mentioned, I do not think it would be productive of beneficial improvement to the country, as the landholders obtaining remissions would be too apt to indulge their native indolence, become inattentive to their own interest, and by allowing the ryots to fall into arrears, incur great losses, which would, by the adoption of rigorous measures, be rendered irrecoverable, as a general desertion of the ryots would ensue.

Rungpore,
6th January 1802.(Signed) *Alex Wright,*
Collector.

(Shahabad.)

To GEORGE DOWDESWELL, Esq.

Secretary to the Government, Revenue and Judicial Department.

SIR,

IN obedience to the orders contained in Mr. Secretary Edmonstone's Letter of the 21st ultimo, I have the honour to submit Answers to the Queries therein inclosed, for the consideration of the Honourable the Vice President in Council.

I have the honour to be, Sir,
Your most obedient humble servant,Shahabad,
20 Nov. 1801.(Signed) *J. Deane,*
Collector.

1.—Are the crops of the present year expected to be productive?

The crops of the present year are expected to be very productive.

2.—What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the collections for the present year?

The balances of this district for the past year amount to S.R^a 32,519. 7. 17. The balances of the present year is S.R^a 47,318. 1. 5.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The amount of the jumma of the lands which have been sold for the balances of the present year is S.R^a 13,657, that of the lands expected to be sold on the same account is S.R^a 32,800. The lands disposed of have sold at a favourable price.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

They are well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

They are.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rent from their under farmers and from their ryots, well calculated for the purposes

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purposes intended, without, at the same time, affording to the proprietors and farmers of land, the means of oppressing their under farmers and ryots?

They probably are not.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed Collector of this district in September 1797. Its cultivation has been improved and extended, since the first year of the Decennial Settlement, very considerably. The proportion which the uncultivated land now bears to the cultivated is as one to four, exclusive of the hills which form the southern boundary.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

The proprietors of estates, in general, derive a profit on the jumma, which may, I think, be estimated at least at 40 per cent.

9.—What is the present state of the reservoirs in your district?

The reservoirs are, at present, in a state of extreme decay.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

Generally speaking, they do not.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land, in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The proprietors of land conduct themselves, from necessity, with more moderation, but not with greater attention to the principles of good faith, in their transactions with their ryots, since the settlement, than before. The situation of the ryots, or immediate cultivators, is as comfortable as can be expected.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country, and what would be the expense attending the work?

The state of the roads in this district is very good. Roads leading to the several ghauts, on the banks of the Ganges, would be highly beneficial to the country. The expense may be estimated at 1,000 rupees per mile.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

I have no accurate data whereon to estimate the number of inhabitants; but suppose the population to amount to two millions at least. The proportion of Mahomedans to Hindoos I conceive to be one-twentieth.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

The most valuable articles of produce in this district are opium, tobacco, cotton, sugar, indigo, and hemp. Their cultivation (excepting sugar) is greatly increased, owing chiefly to increased population, a long peace, and the more general employment of large capitals in trade, which were formerly vested in landed securities.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties are becoming more productive; I estimate the amount of the present year's receipts at sicca rupees 12,000.

16.—Are the abkarry collections increasing or decreasing?

The abkarry collections are increasing.

17.—Are there any articles in your district on which a productive tax might be levied without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

The most productive tax which appears to me free from the objection of oppressing the people, is a tax on horned cattle, at the rate of two annas per head per annum, to be collected by the Collector for a commission of five per cent.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The descriptions of rent-free lands are those specified in the Regulations of Government. I have not yet had leisure sufficient to ascertain what proportion their produce bears to the jumma of the lands which pay revenue to Government.

19.—Which

19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The lands which pay revenue to Government, are indisputably in the best state of cultivation.

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20.—What descriptions of old rupees are current in your district?

The old rupee generally current throughout this district, is the Benares 17 sun sicca rupee.

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20 November 1801.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck, in which the public revenue ought to be paid?

The reason why this rupee continues in circulation, is, as I am informed, that the superior intrinsic value of the 19 sun sicca, struck in the provinces, affords a considerable profit in recoining into the 17 sun sicca struck at Benares. From the Benares mint they are replaced. The public revenue is payable in gold.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupees into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

For the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee, I would recommend that the Benares mint be put a stop to, or the intrinsic value of the 19 sun sicca reduced.

23.—Do gold mohars circulate in your district, and to what extent; and do they pass at par, that is, for the value of 16 sicca rupees when tendered for the purchase of goods; in payment of private debts and public demands, it is of course received at the rate which the law requires?

Gold mohars do circulate in this district. It is not very easy to say, to what extent. They do not pass at par when tendered for the purchase of goods.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

The currency of the gold mohur has been highly beneficial.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

Copies of the Quinquennial Register of lands paying revenue to Government have been completed. Little progress has been made in the Register of the lands held exempt from the payment of revenue in this district.

26.—What descriptions of persons are, in general, purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

Zemindars residing in the district, are principally the purchasers of lands at public sales. Their system in their new purchases does not vary from that in their former possessions.

27.—Are you of opinion, that any of the proprietors of the lands in your district, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per-cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

I doubt much if any of the proprietors of land in this district, would purchase of Government the permanent remission of the fixed jumma assessed on their lands. If any such should be found, I conceive, the utmost extent of their offers would not exceed two years amount of their jumma.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

The result of such a measure, would, I conceive, be detrimental, as may be inferred from the present state of the lakhirage lands. The natural indolence of the people seems to require some powerful incitement to exertion, independent of pecuniary advantage.

Shahabad,
20th Nov. 1801.

(Signed) J. Deane,
Collr.

No. 1.—part 2.

Answers by the
COLLECTORS.Zillah Sarun,
30 December 1801.

(Zillah Sarun)

To N. B. EDMONSTONE, Esq. Secretary to Government.

SIR,

I HAVE the honour to enclose my Answers to the Governor General's Interrogatories, which I request you will lay before his Lordship.

Zillah Sarun,
30th Dec. 1801.I have the honour to be, Sir,
Your most obedient servant,
(Signed) J. R. Elphinstone,
Collr.

QUESTIONS.—1.—Are the crops of the present year expected to be productive?

ANSWERS.—The crops of the present year, I have every reason to believe, will be exceedingly productive.

2.—What is the amount of the balances outstanding in your district on account of the past year, and what is the state of the collections for the present?

The balances outstanding in this district for the last year, 1208 F. S. amount to S.R^a 5,000, but I have every hope of realizing the whole in the course of a month; the revenue of the present year is, in general, regularly paid.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year, and have the lands disposed of, sold at a favourable price or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The amount of the jumma of the only lands which have been or will be sold, is 1,517 R^a. The lands have sold very favourably.

4.—Are the existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of land, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

The Regulations, in my opinion, are perfectly well calculated to secure the collection of the public revenue, without, in the least degree, affecting the security of landed property.

5.—Are the existing Regulations for collecting the revenue of Government from persons holding lands in farm immediately from Government, calculated to secure the punctual collections of the public revenue from the farmers?

The Regulations for collecting the revenue from farmers, are, I think, very well calculated to secure the punctual collection of the revenue.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers, and from their ryots, well calculated for the purpose intended, without, at the same time, affording to the proprietors and farmers of land, the means of oppressing their under farmers and ryots?

The Regulations for enabling zemindars and farmers, &c. to realize their rents from their under farmers, &c. are, in my opinion, perfectly well calculated for the purposes intended, without affording them the means of oppressing their under farmers and ryots.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and, in what degree? What proportion do you suppose the uncultivated land in your district, now bears to the cultivated land?

I was appointed Collector of this district on the 16th March 1801. The cultivation, in my opinion, has certainly been improved and extended very much since the first year of the Decennial Settlement; I should suppose where 60 biggahs in 100 were in cultivation formerly, that 80 or more is now in that state.

8.—Do the proprietors of estates, in general, derive a profit of ten per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

I am of opinion that the proprietors, in general, derive much more than ten per cent. on the jumma, with the exception of a few in pergunnah Cusmur, whose lands have suffered by the encroachment and overflowing of the rivers.

9.—What is the present state of the reservoirs and embankments in your district?

The reservoirs are, in general, in good order; the embankments are chiefly in the pergunnahs of Goah, Muckair, Sepah, Dungssee, Nurhun, and Cusmur, and will require some repair before the setting in of the rainy season.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates by the making of embankments, digging tanks, and establishing such other works as are calculated to increase the produce of their land?

The zemindars, for the most part, look only to what advantages they can immediately derive from their estates, and it very rarely occurs that any of them endeavour to improve them for the benefit of their posterity; there are, however, some instances where the proprietors

proprietors of land have raised embankments at their own expense, and have thereby rendered their estates more productive by preserving their crops from inundation.

- 11.—Have the proprietors of lands conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land previously to the conclusion of that settlement; and is the situation and condition of the ryots or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The proprietors of lands, in my opinion, have certainly conducted themselves with more moderation to their ryots, &c. since the conclusion of the Decennial Settlement; and I am convinced that the situation and condition of the ryots and cultivators of the soil, is, in every respect, more comfortable than it formerly was.

- 12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

The roads in this district (except those in the vicinity of Cheeprah, which are annually kept repaired by the Magistrate) are in a very bad state, being scarcely any thing more than paths leading from one village to another. The merchants who trade from the eastward to Benares, Oude, and Napaul, would certainly derive great benefit if some roads were made and kept in proper order; namely, from Hadgeepore to the Dewah river, from Chupiah to the frontiers of Napaul, and from Mehesy to Durouly. The roads could be established and kept in repair with a very little trouble and at a trifling expense, without subjecting Government to any charge; as the zemindars ever have been, and still are, bound by their engagements to repair and maintain the roads in their respective zemindarries.

- 13.—What is the estimated number of inhabitants in your district; and what proportion is it supposed the Mahomedans do bear to the Hindoos.

From records in my office, the estimated number of inhabitants in this district amounts to nearly 1,204,000; of which, I suppose, not more than one-fourth are Mahomedans.

- 14.—What are the most valuable articles of production in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

The most valuable articles produced in this district, are opium, tobacco, saltpetre, barley, wheat, flax, peas, linseed, and a small quantity of cotton; the poppy has increased within these last three or four years, owing in a great measure to the activity of the agent.

- 15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties, I do not think are increasing. I expect they will produce about 9,000 R^s this year.

- 16.—Are the abkarry collections increasing, or decreasing?

The abkarry collections were, last year, 47,000 rupees. I expect them to be near 60,000 this year.

- 17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

There are no articles produced in this district, on which, in my opinion, any tax could be levied.

- 18.—What are the descriptions of rent-free lands in your district; what proportion does the produce of the rent-free lands bear to the jumina of the lands which pay revenue to Government?

There are eight descriptions of rent free lands in this district; namely, Aymah, Aikungah, Muddud Maash, Jaghier, Bishenpreet, Burmotur, Sershekun. The proportion of rent-free land is, I imagine, ten biggahs in the hundred.

- 19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent free lands, or the lands which pay revenue to Government?

The lands which pay revenue to Government are, in my opinion, in the best state of cultivation.

- 20.—What description of old rupees are current in your district?

There are six descriptions of rupees at present current in this district; 1st. folea, the 8th and 9th sun, which is almost equal to the 19 sun, this was the rupee formerly current throughout the whole of this district. 2d. The milled rupee, in which the revenue is paid. 3d. The old 19 sun. 4th. The Moorsheadabad 11th and 12th sun. 5th. sonais. And, 6th. The beccc.

- 21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19th sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid.

The 19th sun milled sicca rupees and gold mohurs are the only coins in which the revenues of Government are received; but these coins are rarely to be met with in the country;

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country; those mentioned in my Answer to the last Question being the only ones in circulation; all the new rupees and gold mohurs being exclusively in the hands of the bankers. The zemindar receives his rents from the farmers and cultivators in the old rupees above mentioned, which he forwards to his agent at Chuprah, who exchanges them at an arbitrary batta with the bankers for the new rupees, with which he pays his revenue into the treasury. The merchants, who purchase grain, &c. from the cultivators, pay for the different articles with the old rupees, which are by these means kept up in constant circulation. The bankers also, when any zemindar or other person requires loans, make their advances in old rupees, though they take particular care to specify the new ones in the bond. It is also reported, but with what degree of accuracy I cannot take upon myself to determine, that the bankers transmitted large quantities of new rupees and gold mohurs, as they received them from the mint, to Benares, where they were recoined, and from thence again to the mint at Lucnow, by which mode they obtained considerable profit. If this circumstance is really true, it will easily account for the scarcity of the new coin in the Behar province.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19th sun sicca rupee into general circulation, and rendering it advantageous to all persons to reject any other descriptions of rupees?

The only mode which at present occurs to me of reducing the quantity of old rupees now in circulation, and of introducing the new rupees as the sole coin of the country, would be for Government to receive them in the payment of the revenues, at a fair and reasonable exchange, equal to the real value of the coin to be received; and these old rupees should not again be issued from the treasury, but be forwarded to the mint to be recoined. This method would certainly require considerable time, but in the end it would tend to reduce, if not entirely to destroy, the old coinage. It would also afford great relief to the landholders, as they would not be obliged to pay so heavy a batta to the bankers, who now levy it at an arbitrary rate, according to their own pleasure. The exportation also, and destruction of the coin in making ornaments, plate, &c. should be strictly prohibited.

23.—Do gold mohurs circulate in your district; to what extent; and do they pass at par, that is, for the value of 16 rupees when tendered for the purchase of goods; in payment of private debts and public demands, it is of course received at the rate which the law requires?

Gold mohurs are not in general circulation, except in some of the large towns; but are principally monopolized by the bankers for the payment of the public revenue. They are received by individuals, in general, at the public value of 16 rupees; but the bankers levy a batta on the exchange, which however, at present, is very trifling.

24.—Has the establishment of the currency of the gold mohurs, in the interior of the country, operated beneficially or otherwise?

Gold mohurs are scarcely ever to be met with in the interior parts of the country, being principally monopolized by the bankers and other wealthy people. Were this coin in general circulation, it would certainly be beneficial.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands exempt from the payment of revenue?

The Quinquennial Register of the lands paying revenue to Government, is in a state of forwardness; that of the lands exempt from the payment of revenue, is more than half finished.

26.—What descriptions of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The persons who have, in general, purchased lands at the sales in this district, are zemindars, bankers and native officers of the army. In many instances I think the system of management of those purchasers are better calculated to improve their estates, than that of the former proprietors.

27.—Are you of opinion that any of the proprietors of land in your district, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma) and how many years purchase do you suppose the proprietors would offer for such remission?

I should doubt very much if any of the zemindars in this district, would be induced to make the purchase herein mentioned, or if indeed any of them could afford to advance the sum that would be required to purchase the remission of any part of their present jumma. The zemindars in general, endeavour to reap the greatest present advantages from the produce of their estates, without consulting the benefit of their successors; when they have accumulated a considerable sum of money they squander it in the marriage of some of their children; and a great many of them, though the settlement has for the most part been made with them on very easy terms, are, from these circumstances, obliged to borrow from their bankers to pay their instalments of revenue.

28th.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement

arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

This district is in a very high state of cultivation; and I do not conceive that any great improvement would arise from adopting this arrangement, even supposing it possible to carry it into effect.

Zillah Sarun,
30th December 1801.

(Signed) *J. R. Elphinstone,*
Collector.

No. 1.—part 2.

Answers by the
COLLECTORS.

Sylhet,
19 December 1801.

(Sylhet.)

To his Excellency the Most Noble RICHARD Marquis WELLESLEY, K. P.
Captain General and Governor General in India, &c. &c. &c. Allahabad.

MY LORD,

IN consequence of an injunction received from the Secretary to the Government in the Revenue and Judicial Departments, under date 3d instant, I have the honour to submit to your Lordship Copy of my Reply to certain Interrogatories transmitted to me, regarding the internal state of the country, which was forwarded on the 12th instant to the Honourable the Vice President in Council.

I have the honour to be,

My Lord,

Your Lordship's most obedient and humble servant,

Sylhet,
19th December 1801.

(Signed) *J. R. Elphinstone,*
Collector.

To GEORGE DOWDESWELL, Esq.

Secretary to the Government in the Revenue and Judicial Departments, Fort William.

SIR,

I HAVE the honour to acknowledge the receipt of your Letter, under date 29th of October last, transmitting a Copy of certain Interrogatories, prepared with the view of obtaining accurate and authentic information, regarding the internal state of the country; and in reply beg leave to submit the under-mentioned Answers to the several points noticed in them, agreeably to the order of the different paragraphs, accompanied with an Appendix, containing such statements and papers to which references are made in the course of this Report.

1.—Are the crops of the present year expected to be productive?

The present harvest is considered by the inhabitants, to be the most abundant which they have seen for these three years past, as will appear from the accompanying Copy of my Report upon the state of the crops to the Board of Revenue. Vide Appendix, No. 1.

2.—What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the collections for the present year?

In reply to this Interrogatory, two Statements (Nos. 1. & 3.) are herewith transmitted, drawn out to the 30th ultimo, which afford me the pleasing satisfaction to say, that the balances of the past were realized in the early part of the current year, conformably to the injunctions contained in Regulation 1st, of 1801; and that the revenues of the present year have been hitherto collected with more general punctuality and less trouble and vexation than those of any of the preceding years; for the difficulties attending the collection of one cawn in this district, are more than equal to that of one sicca rupee in any other, from the litigious disposition of the petty talookdars.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

1. The accompanying Statement, No. 4. will give the information required in the first part of this Interrogatory. With respect to the conclusion, I am sorry to intimate, that the lands which have been disposed of, sold in general at a very unfavourable price; that is to say, for little more than one year's purchase; and indeed a number of the petty talooks, when exposed for sale, did not even meet with purchasers.

2. This unfavourableness of the sales, as far as my knowledge extends, is to be ascribed chiefly to the causes explained in the accompanying Copies and Extracts of my Correspondence with the Board of Revenue, marked No. 5. in the Appendix, which are equally applicable to the lands which have proved unsaleable.

3. The greatest portions of such talooks, as are ultimately exposed for sale, being not only small but unproductive, holds out scarcely any inducement to individuals of note or property, who possess the means of improving such estates, to become purchasers, whilst the indigence of the lower classes of people precludes them from offering any favourable price for such lands; hence there is little or no competition at the public sales, except in cases where the estate is considerable or productive.

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4. The population of this district not being equal to its extent and cultivation, the ryots in general are of the description denominated Pycasht, who, from their habits of cultivating the lands of several talookdars at one time, in such quantities as their convenience or circumstances permit them, are not considered as being attached exclusively to any particular estate. The improvement, therefore, of the petty talooks, must depend in a great measure upon the encouragement which is likely to be afforded by the proprietors to such ryots, who are not actually residents on their estates, and who are bound by no specific engagements to till their lands longer than it is agreeable to themselves; hence, in cases where any disagreements ensue between the proprietors, their paithee surreeks or mofussil copartners, and the ryots, the latter, as soon as the harvest is over, and they have discharged their rents agreeably to their engagements, if they have executed any, which is seldom the case, if not, according to the Sherréh or Nerickbundee of the pergunnah after a survey or actual measurement, which is the established custom, make no hesitation in abandoning the lands of such talookdar, and retiring to those of another; in consequence of which, the estate remains uncultivated in the ensuing year, unless timely measures be taken by the proprietor to procure other ryots.

5. In short, all those estates which fall into balance annually, and are exposed for sale, are in most cases in a declining and unproductive condition, owing principally to these three causes; viz. the misconduct and bad management of the proprietors, to improper and illegal alienations of portions of their estates formerly made, and to the irreconcilable feuds and dissensions which prevail amongst the mofussil copartners, who abound in almost every talook, be it ever so small.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

1. Considering the mild system of Government which has been adopted towards the inhabitants of the British dominions in India, far different from that despotism to which they had been formerly accustomed, the existing Regulations for collecting the public revenue are as well calculated as any that could be devised, upon the same principles of jurisprudence, to answer the intended purpose, without absolutely resorting to coercive measures.

2. But I am at the same time of opinion, that if a discretionary power were vested in the Collectors to confine the persons likewise of defaulters, in such cases where the measure might appear to them more conducive to the recovery of the public dues than by an attachment alone of their lands, agreeably to the rule laid down in Regulation 14th, of 1793, now rescinded, the annual balances would be considerably reduced, and the punctual discharge of the public revenue much better secured. In making use of such power, strict attention should be paid to the rank, character, and circumstances in life of the defaulter, and a proper discrimination made between a low litigious petty talookdar, who has neither credit or reputation to lose, and a respectable zemindar, who might suffer disgrace by the act. The fear of such a punishment would be productive of much beneficial effect among all descriptions of landholders.

3. The confinement of defaulters, after all their other property has been once disposed of, and when they are, it may be said, on the brink of starving, as at present practised, has never been attended, in this district, with any consequences advantageous to the public service. I have therefore avoided as much as possible, on such occasions, to put Government to the useless expense of feeding the Sylhet talookdars in jail, where they are more disposed to remain than to quit; since, in the latter event, the means of their future livelihood must depend entirely upon their future industry and exertions.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

More so than the Regulations for collecting the revenue from landholders of the description mentioned in the preceding Interrogatory, because the property of the farmers is not only liable to be attached and ultimately sold, but their persons and those of their sureties are equally liable to be seized and confined at all times, for the due realization of the public revenue.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots.

I am of opinion that they are. Some partial oppressions may be committed by the landholders in distraining the effects and crops of their under-tenants, but in such cases the road to obtain reparation is always open to the latter.

7.—When were you appointed Collector of the district, and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

1. I was appointed Collector of this district, on the 14th of July 1797. The cultivation of it.

it, as far as I have been able to ascertain it from the reports of the Putwarries, has been much extended since the first year of the Decennial Settlement; but whilst the jungle and waste lands are cleared and brought into cultivation on one side, the arable and already cultivated lands on the other, have been in many instances neglected, owing as I have before observed, to the immense number of petty talooks into which this district is divided, and to the population not being equal to its extent and cultivation. Ryots therefore must abandon one land to cultivate another; and the advantages which such undertakings offer, and the facility with which the jungles (being mostly of cograh reed) may be cleared, operate as strong inducements with them.

2. The proportion of lands brought into cultivation since the formation of the permanent settlement may be one-third more than the quantity which was in cultivation at that period, but still there cannot be less than two-third parts of this district in an uncultivated and waste state.

8.—Do the proprietors of estates, in general, derive a profit exceeding the 10 per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

In general the proprietors do, and there are many who derive a profit of more than one hundred per cent.! There are, of course, some exceptions.

9.—What is the present state of the embankments in your district?

1. In the past year, the embankments in this district, extending from Boordasyl to Diglee, a distance of about 48 coss, were put in as excellent a state of repair as the advanced season of the year latterly permitted. The rains having set in earlier than usual, compelled me to leave some part of the bunds unfinished; and, during the last rainy season, the newly erected embankments have, in many places, settled, which will require raising, at least two feet.

2. From the active steps which have been taken, the repairs of the present season, when completed, will, I trust, put the bunds in such a condition, as not only to lessen any future charges on that account, but also to be able to resist any inundations which may hereafter occur, if they be not uncommonly violent; it being my intention to strengthen, as much as possible, the sides of the new embankments with mats and bamboos, in addition to turfing, which answered so fully in the past rainy season.

3. The numerous breaches which are annually made in the bunds, originate, in almost every instance, in the ryots cutting small drains, when the river begins to rise, in order to admit the waters for agricultural purposes, which they neglect afterwards to stop up, when no longer required. Under these circumstances, any sudden rise of the river, after the fall of heavy rains in the mountains, which is often the case, creates such an impetuous and rapid current, as to force passages through all these openings; which, when once enlarged, cannot be stopped up again or repaired, till the return of the dry season. It is impossible, considering the extent of the bunds, to prevent such acts on the part of the ryots, without entertaining a fixed establishment of overseers; and, to prevent it effectually, might be attended with much inconvenience, since the ryots are obliged to prepare their ground, at a time when a sufficient quantity of water can only be supplied from the river.

4. I feel some satisfaction in reflecting, that the abundance of the present harvest is to be attributed, in a great measure, to the state of the bunds, during the past rainy season.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works, as are calculated to increase the produce of their lands?

The zemindars of Turruff are the only landholders, to the best of my knowledge, who make it a practice of erecting embankments and digging tanks at their own expense; but, in the other parts of the district, works of such public utility, particularly the former, which are more required, are entirely neglected, owing to a want of unanimity and good faith amongst the proprietors.

In many pergunnahs, such as Etah, Shemsheernagur and Allynegur, which border on the hills where the torrents are so liable to rise suddenly, and inundate the adjacent country, the erection of embankments would be attended with much general benefit; the expense would not be considerable, if the proprietors would all agree and contribute towards it, in proportion to the extent of their respective estates: but notwithstanding that every encouragement has been afforded; notwithstanding that I deputed an aumeen two years ago to make an estimate jointly with the proprietors, of the expense which would be incurred, I found it an impracticable task to unite them in the construction of a work, which promised such mutual advantages, and in which the interest of every landholder of those three pergunnahs was equally concerned.

As more is to be apprehended from an excessive fall, than a want of rain in this district, the digging of tanks for agricultural purposes, does not become an object of so great an importance.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land, in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

Yes,

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Yes, they have; and the situation and condition of the ryots are become as comfortable, and more independent, than could have been expected, when it is considered what power the zemindars formerly possessed over them, and how cruelly they were accustomed to exercise it. In short, of all classes of people, the immediate cultivators of the soil have a'one derived the greatest benefit and advantage from the existing Revenue Regulations of Government; and as long as they discharge their rents punctually, they have nothing to fear from the oppression or avarice of the zemindar.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be beneficial to the country, and what would be the expense attending the work?

In reply to this Interrogatory, permit me to refer you to my former Report on the same subject, under date 12th of July 1800, in consequence of the orders of Government, under date 1st May 1800, communicated to me by the Board of Revenue, in their Secretary's Letter, under date 9th of May 1800.

13.—What is the estimated number of the inhabitants of your district, and what proportion is it supposed the Mahomedans bear to the Hindoos?

An Estimate of the population of this district, as well as the proportion which it is supposed the Mahomedans bear to the Hindoos, will be found in the Appendix, No. 6.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

The produce of this district, owing to the lowness of the grounds, and the swampy nature of the country, is principally paddy; but the most valuable articles among the produce of the land are cotton and sugar-cane; the former is cultivated upon the hills, and the latter on the elevated grounds in the different pergunnahs. The cultivation of cotton, however, has of late diminished, in consequence of the refractory and predatory conduct of the Rookies, a race of savage mountaineers, who inhabit the interior parts of the Tipperah and Cachar hills, and who make frequent incursions, to the great annoyance of the cultivators. As the Sylhet hills are attached to the same range, they can suddenly appear and cut off those whom they find upon them, unless the cultivators go in large bodies; and then retreat to their inaccessible haunts, where it is impossible to pursue them. The cultivation of cotton, therefore, is now chiefly confined to the hills situated more immediately within the district. In the past year, I am given to understand, that 18 persons were destroyed by them. The cultivation of sugar-cane has been of late greatly extended, owing, I believe, to the increased demand for sugar.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

1. The stamp duties are becoming more productive than they were when first established, a convincing proof of the impossibility of checking the litigious disposition of the natives.

2. The sum which it is estimated these duties will produce, in the current year, amounts, at the lowest calculation, to sicca rupees 5,295, as particularized in Statement No. 7. in the Appendix.

16.—Are the abkarry collections increasing or decreasing?

The produce from the abkarry mehal is much decreased. In fact, not a single licence for distilleries has been renewed in the current year, owing to the high rates of tax prescribed by the existing Regulations, and to the confined consumption of spirituous liquors in this district.

17.—Are there any articles in your district on which a productive tax might be levied without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

Regulations 10th and 11th, of 1801, have enumerated every article of produce, which could, with propriety be taxed; I am not at present aware of any other article, being the produce of the country, upon which a duty could be proposed to be levied. A plan, however, for forming a registry of boats of every denomination in this district, and for the proprietors to pay an annual tax in proportion to the size of the boat, having been suggested to me by an European who has been long resident at this place; and the proposition, whether viewed in a political or financial light, appearing to me deserving of some attention, I shall take the liberty of submitting briefly the outlines thereof, for the consideration of Government.

It is proposed, that a general register shall be kept of every boat, large or small, in this district, with the exception of such dingees as are employed by ryots and other immediate cultivators of the soil for agricultural purposes.

That the zemindars and talookdars of every pergunnah should be obliged, in conjunction with an officer of Government appointed for that purpose, to take an account of every boat, barowtee, dingee, &c. their different burden, the names of the owners, and the place of residence within their estates respectively.

That previous to any new boat being launched, the proprietors should enter it in the register of the pergunnah where it is building; and, in the event of its being transferred by sale, gift, &c. due notice should be given, to facilitate the collection of the tax from the new owner.

That upon every boat being registered, and every year subsequently, till the boat be destroyed,

or

or rendered unservicable by age or otherwise, a certain tax shall be paid by the owners in proportion to the bulk of the boat, according to the tonnage specified in Statement, No. 8.

That after the expiration of the period fixed for the registry of such boats in each pergunnah, should any boat be found to be not entered, (which could be easily discoverable by such boat not bearing the registry mark, viz. its burden, number, and the name of the owner, pergunnah and zillah, to which it may appertain,) the boat shall be liable to confiscation, or the proprietor be compelled to forfeit a sum equal to the amount of three years tax, unless good and sufficient reasons be assigned for such omission.

That all boats of the size and description stated in Section 20th of Regulation XXII. of 1793, shall be excluded from such registry, and when discovered, destroyed upon the spot, rigorously enforcing the several clauses contained in the above section, as they may be found applicable to the case.

The execution of the above plan, I conceive, would not be attended with any insuperable difficulties or inconveniences. An Aumeen might, at first, be deputed into every pergunnah or grand division of the district, with instructions to take an account of the boats jointly with the proprietors of the land, and to form the registry within a given period; and the tax might subsequently be collected, with a trifling additional expense, by the tehseeldars appointed for the collection of the land revenue.

Any fraud which might be attempted to be practised by evasion or misstatement, with respect to the burden of the boat, would ultimately be discovered, and should subject the owner to suffer the same penalty as if he had wilfully omitted to register his boat.

The tehseeldars, tannadars munsiffs, all commissioners, all aumeens deputed into the Mofussil on public service, should be authorized to stop all boats which may be found unregistered, or in the predicament noticed above where fraud may be intended, and report the circumstances to the Sudder; liable, however, to be prosecuted in the Dewanny Adawlut for damages, should their proceedings subsequently appear vexatious, or their statement maliciously false.

The salt chokies, and those which may be established in consequence of Regulations X. and XI. of 1801, would operate as strong checks against any evasions or fraud on the part of owners of boats, by facilitating detection.

I am not aware, at present, of any material objections to the plan in question. It does not strike me; that the internal commerce of the country would in any respect be injured or diminished by its adoption, no more than by levying a duty upon the articles which the boat may contain. It might tend probably to increase the price of freight, and consequently the price of goods, but the whole weight in this event would ultimately fall upon the consumer; besides, the annual tax proposed to be levied upon boats is so trifling, as scarcely even to affect the price of freight or of goods: pinnaces, budgerows, and pleasure boats of all descriptions, are not to be exempted from the above tax.

In a financial point of view, the present plan promises to produce a large revenue, a part of which might be very justly and beneficially appropriated towards improving the general system of police of the country, which at present, is far from being efficient or complete. It is roughly estimated at from sicca rupees 40 to 50,000. per annum, in this district alone; a sketch of the above calculation will be found in Statement No. 9. in the Appendix.

It need not be observed, how much the adoption of the above plan would serve to answer the general purposes of police; if properly enforced, it would tend more effectually to put a stop to the perpetration of all kinds of dekoittee, than the severest penal laws, by facilitating the discovery of the haunts and lurking places of the dekoits. The zemindars, who are more or less concerned in all such depredations, would be deterred from permitting boats fit for such purposes to be built or harboured within their estates; besides, this plan whilst carrying into effect, would lead to the immediate detection and destruction of all boats calculated for dekoittee, which, although most rigidly proscribed by the existing Regulations of Government, still continue to be constructed and employed. In fact, every pergunnah has now its own dekoits.

I have endeavoured to compress as much as possible the outlines of the above plan, it being intended, at present, merely as a suggestion for the consideration of those who are better qualified than myself to judge of the propriety or eligibility of such a measure; but should it be deemed worthy of any attention, I shall be happy, hereafter, to afford such further information relative to the subject, as may be in my power.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The rent-free lands in this district, are generally of the description denominated Dewutter, Birmooter, Madded Maash, Chorangee, &c. namely, held by grants *not badshahce*. It is calculated, that the produce of the rent-free lands bear a proportion of about one-fourth to the jumma of the lands which pay a revenue to Government.

19.—Which of those descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The rent-free lands are undoubtedly not only the most productive, but in the best state of cultivation, owing to such lands having been originally of the best quality, (as they were granted for religious and charitable purposes) and to the general custom of the ryots paying *in kind*, instead of *in cash*; even in such instances where they do pay the rents in cash, the rates are much lower than those established for malguzarry lands: hence

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the cultivation of rent-free lands holds out much greater advantages and encouragement to ryots, than that of malguzarry lands.

20.—What descriptions of old rupees are current in your district?

It may be said that sicca rupees, whether in gold or silver, are not the currency of this district, the revenues of which are collected in *cowries*, (with the exception of a small sum from pergunnah Turruff) and where all mercantile and other pecuniary transactions are carried on by means of those shells; within these three years, some sicca rupees have been introduced into circulation, but they are bought and sold as any other article of merchandise, and bear a high or low price, according to the demand, or state of the market.

There are a number of Arcot rupees also to be found in this district, which are so clipped and defaced, and so much reduced in weight, as to be considered in no other light than bullion. They are sold as such, and purchased by individuals with cowries, for the purposes of remittances, as there are no established houses of shroffs or bankers, who might receive cowries, and grant bills of exchange on Calcutta or Dacca. These rupees, when purchased, are sent to Dacca, and there disposed of as bullion for sicca rupees, whence they are ultimately dispatched by the shroffs and podars who purchase them, to the Calcutta mint, to be coined into 19 sun sicca rupees.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

Within these three years, since the introduction of sicca rupees into circulation, as noticed above, the number of Arcot rupees have greatly diminished; and I have reason to believe, that in two years hence they will entirely disappear, or at least, few will be found in this district. The principal cause of such rupees being imported from other places, and continuing so long in circulation, was the demand formerly for them. It was chiefly by means of Arcot rupees, which the contractor annually purchased, that he was enabled to make his remittances to Dacca, to answer the bills of exchange granted by him for the monthly balance of the treasury; but for the two past years, the contractor has made a practice of dispatching to Dacca the greatest part of the cowries received by him; which, by reducing the demand, has of course checked the importation.

I have understood that it has been found advantageous for individuals formerly to import sicca rupees into the province of Benares, and to have them recoined into Arcots; but as this information is not derived from any authentic source, it is given with diffidence. Arcot rupees are, I believe, likewise imported to Chittagong by the crews of vessels trading to the coast, and thence circulated to the eastern districts.

The old sicca rupees, viz. those not of 19 sun, denominated Bazar Chelteen sicca rupees, are scarcely seen at Sylhet; but at Dacca, where there are such considerable importations of every description of rupees, they still continue in circulation, from the advantages which the shroffs and podars there derive, by purchasing them at a great discount, and exchanging them for sicca rupees in gold or silver. Here again there is a batta between the gold and silver, according to the demand for the former. As long as the shroffs and podars, and, in short, all dealers in money, persevere in making a trade of the coinage of the country, and as long as there are other coins than the 19 sun sicca rupees, it will be in vain to attempt to confine the legal currency of the country to any one kind of specie.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

I am not prepared, at present, to answer satisfactorily to this interrogatory; but I conceive that the re-establishment of a mint at Dacca for three or four years, in order to induce individuals, who will always look to their advantage, to carry thither all Arcot and other old rupees which they may possess, or be able to procure, in order to be coined into 19 sun siccas, in preference to submitting to the impositions at present practised by shroffs and podars, as well as the strict enforcement of the existing Regulations relative to the legal currency of the country, would tend, in a short time, to produce the desired effect; as it is a notorious fact, that within these eight years the circulation of such illegal rupees, especially Arcots, with which the country formerly abounded, have been greatly diminished.

23.—Do gold mohurs circulate in your district, to what extent, and do they pass at par; that is, for the value of 16 sicca rupees when tendered for the purchase of goods; in payment of private bills and public demands, it is of course received at the rate which the law requires?

The answers given to the three preceding interrogatories are also applicable to this.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

The revenues of this district being paid in cowries, excepting those of pergunnah Turruff, and all mercantile transactions being carried on in these shells, as already observed, the circulation of gold mohurs is very much confined; but I am however of opinion, that it would have operated more beneficially in other zillahs, the revenues of which are paid in sicca rupees, if a stop could have been put to that constant drawback of batta between gold and silver, so destructive to the intrinsic value of the former.

25.—What

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The Quinquennial Register of lands paying revenue to Government, (No. 2.) commencing from 1202 B.S. as well as the register of intermediate mutations commencing from 1203, were completed and fairly transcribed some time ago; the former comprizing 26,472 estates, and the latter 1,284 separations; making altogether 27,756 independent estates.

Since the receipt of Regulation VIII. of 1800, both the Quinquennial and General pergunnah Registers have been commenced upon, and about 4,333 estates entered; in the execution of which arduous duty the record keepers and other mohirers, as far as their other avocations will permit, are constantly employed. In consequence of the uncommon number of estates, and the want of a separate establishment, the performance of the above task, as I have had occasion formerly to represent to the Board of Revenue, has become tedious, difficult, and peculiarly laborious.

Previously to the receipt of the regulations above noticed, the contents of such sunnuds as had been delivered in by holders of rent-free lands amounting to 489, in consequence of publications formerly issued for that purpose, had been entered in the Quinquennial Register of lands exempt from the payment of revenue, enjoined to be kept by Regulation XIX. of 1793.

In order that accurate information might be obtained respecting the particular situations of the rent-free lands, and the names and places of abode of the present proprietors, which indeed were very necessary preliminary measures, I thought it advisable to instruct the putwarries of the different pergunnahs to make proper enquires in the Mofussil, and to furnish me with the requisite accounts; as such information is obtained, I continue to issue the prescribed publications for a period of one year, for the production and registry of the sunnuds of the proprietors. Hitherto, no more sunnuds than those mentioned above have been delivered in; but I have every reason to expect that those individuals, in whose names the publications have been or may be issued, will produce their sunnuds and documents long before the expiration of the given period, and as they are delivered in, their contents shall be duly entered in the registers of rent-free lands, directed to be prepared by Regulation VIII. of 1800.

26.—What descriptions of persons are, in general, the purchasers of lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The lands sold at public auction are purchased promiscuously, by the chowdries of the pergunnahs in which the talooks are situated; by podars and merchants; and by other persons following some particular occupation, who have not entirely to depend for subsistence upon the produce of the estate purchased. The system of management pursued by them, appears certainly better calculated for the improvement of these estates, than the system of management of the former proprietors, who paid little or no attention to the improvement of their estates, and were generally in the habits of anticipating and appropriating the rents to their private uses: to their mismanagement and neglect of cultivation, must be chiefly ascribed the decline and ultimate sale of their talooks; many of which, by falling into more provident hands, have since become productive and desirable estates.

I could enumerate several instances of estates which, on account of their ruined state, sold three years ago for little more than one year's purchase, and for which the price of five years purchase has been since offered and refused, on account of the improvement which they have undergone.

27.—Are you of opinion that any of the proprietors of lands in your district, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

Considering the smallness of the jumma and the apparent poverty of the generality of the talookdars of this zillah, I apprehend that the purchase of a permanent remission of any part of the fixed assessment of their estates, would be confined entirely to a few of the principal zemindars.

On examining the Quinquennial Register and Register of intermediate mutations, I find that the number of estates which pay annually a revenue of cawns 2,000 and upwards, amount to 63, a list of which is transmitted. Vide Statement No. 10. in the Appendix.

I have not yet called upon any of the proprietors of the said estates, to ascertain whether they would be willing to purchase any remission of their fixed assessment, and how many years purchase they would offer; wishing to wait the receipt of further instructions from Government, after they shall have been furnished with the opinions of the different Collectors upon the subject.

From the enquiries which I have made of persons who are not landholders, relative to this proposition, I have grounds to believe, that none of the landholders of this district will be induced to offer more than ten years purchase, to be paid *at once* for any remission, not so much from want of inclination, as from want of the necessary means.

No. 1.—part 2.
Answers by the
COLLECTORS.
Sylhet,
19 December 1801.

No. 1.—part 2.

Answers by the
COLLECTORS,Sylhet,
29 December 1801.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

In the event of the above arrangement being carried into effect upon any very extensive scale, many advantages would be likely to result both to Government and to the landholders; to the former by the realization of a considerable sum of ready money, which might be profitably appropriated to the liquidation of the public debt, and by diminishing the numerous sales of lands which unavoidably at present prevail, so prejudicial to that idea of security which is the foundation of all improvement in landed property; and to the latter, by enabling them, for obvious reasons, to discharge their revenues in future with more punctuality and ease, and affording them at the same time, greater confidence and encouragement towards exerting themselves in improving and extending the cultivation of their estates; since the fixed assessment being reduced, their lands will be less liable to be sold for a balance; and whatever increase of profit might be derived from their future labours, will be enjoyed exclusively by themselves, to whom and their posterity such hereditary estates will, by the above measure, be more firmly secured.

Having brought this Report to a conclusion, as speedily as my other avocations at this busy time of the year would allow, I have only to solicit the wonted indulgence of Government, should any part of my sentiments, remarks or propositions, contained therein appear erroneous, unsatisfactory or objectionable, since they are submitted with due deference, and to the best of my knowledge and judgment.

Sylhet,
the 12 December 1801.

I have the honour to be,

Sir,

Your most obedient, humble servant,

(Signed)

John Ahmuty,
Collector.

(Copies.)

APPENDIX.

(No. 1.)

(No. 1.)

Copy of a LETTER from the Collector of Sylhet to the Board of Revenue, dated 14th November 1801.

To THOMAS GRAHAM, Esq. Acting President,
and Members of the Board of Revenue, Fort William.

GENTLEMEN,

1. IN continuation of the Reports required by your Board, on the state of the crops, I beg leave to acquaint you, that the present harvest is reckoned by the inhabitants as the most abundant which they have seen for these three years past.

2. On the 4th instant we experienced some drizzling rain, which threatened some injury to the crops, and created some alarm, but hitherto I have not heard of any ill consequences having ensued.

3. Paddy is now selling at the rate of S^r R^s 15 and 16 per $\frac{1}{2}$ maunds, and Rice in proportion.

I am, &c. &c.

(Signed) John Ahmuty, Coll^r.

(No. 2.)

BALANCE outstanding on the 30th November 1801, for the past Year 1207, B. S.

ZILLA II.	Balance due from the 30th November 1801.			EXPLANATIONS.
	Due from Defaulters.	Due from Khâs Mehals.	TOTAL BALANCE.	
Parcool - - -	439 0 0 0	798 8 2 0	1,237 8 2 0	The balance stated to be due from defaulters, with a small exception, is irrecoverable, being as well deficiencies from the proceeds of sales of lands, as arrears of talooks, which proved unsaleable; such defaulters possessing no other property which could be sold for the recovery of these balances. The balance due from Khâs Mehals is also irrecoverable.
Lattoo - - - -	413 12 17 2	2,117 5 14 3	2,531 2 12 1	
Kingahjeah - -	519 0 0 0	247 2 15 0	766 2 15 0	
Russulgunge - -	596 6 0 0	2,885 5 17 1	3,481 11 17 1	
Nubbeegunge - -	5 0 0 0	- - -	5 0 0 0	
Sunkerpossah - -	- - -	1,249 0 0 0	1,249 0 0 0	
Taujpoor - - -	169 0 0 0	971 4 0 0	1,140 4 0 0	
Raujnagur - - -	1,106 10 14 1	986 3 15 0	2,092 14 9 1	
Noahcollee - -	18 0 0 0	- - -	18 0 0 0	
Bongong - - -	848 0 0 0	209 6 19 2	1,057 6 19 2	
Cawns	4,114 13 11 3	9,464 5 3 2	13,579 2 15 1	
S.R ^e	783 12 10 0	1,802 11 13 0	2,586 8 3 0	

(E. E.)

Sylhet,
the 30th November 1801.

(Signed)

John Ahmuty,
Collector.

(No. 3.)

(No. 3.)

JUMMA WASSIL BAWKEE of the Collectorship of Sylhet, for the current year, 1208, B. S. as it stood on the 30th November 1801.

ZILLA II.	Jumma of 1203, B. S.	Collected, to the 30th Nov. 1801.	BALANCE.	EXPLANATIONS.
Parcol - - - -	1,43,496 8 0 0	72,003 0 0 0	71,493 8 0 0	
Lattoo - - - -	1,80,378 4 16 0	1,12,106 0 0 0	68,272 4 16 0	
Kingahjeah - -	1,06,843 9 12 0	65,700 0 0 0	41,143 9 12 0	
Russulgunge - -	1,62,361 0 0 1	80,305 0 0 0	82,005 0 0 0	
Nubbeegunge - -	1,18,921 0 0 0	90,070 0 0 0	28,851 0 0 0	
Sunkerpossah - -	1,04,483 0 0 0	80,001 0 0 0	24,482 0 0 0	
Taujpoor - - -	1,33,012 0 0 0	71,254 0 0 0	61,758 0 0 0	
Raujnagur - - -	1,22,875 9 12 0	86,906 0 0 0	35,969 9 12 0	
Noahcollee - -	1,15,006 0 0 0	84,001 0 0 0	31,005 0 0 0	
Abedabad - - -	37,256 0 0 0	28,292 13 5 0	8,963 2 15 0	
Bongong - - -	29,212 0 0 0	21,627 0 0 0	7,585 0 0 0	
Cawns	12,53,855 0 0 0	7,92,266 13 5 0	4,61,588 2 15 0	
S.R ^e	2,38,929 8 7 3	1,50,907 11 9 2	87,921 12 18 1	
Lushkerpoor - -	53,846 12 0 0	39,201 0 0 0	14,646 12 0 0	
S.R ^e	2,92,676 4 7 3	1,90,108 11 9 2	1,02,567 8 18 1	

(E. E.)

Sylhet,
the 30th November 1801.

(Signed)

John Ahmuty,
Collr.

No. 1.—part 2

(No. 4.)

Answers by the
COLLECTORS.STATEMENT, shewing the Jumma of the Lands which have been, or are expected to be sold,
in the District of Sylhet, for realizing the Balances of 1207, B. S.Sylhet,
19 December 1801,
Appendix.

GRAND DIVISIONS.	Jumma of Lands already sold.	Jumma of Lands expected to be sold.	TOTAL JUMMA.
Parcool - - - -	2,082 4 0 0	- - -	2,082 4 0 0
Latoo - - - -	928 0 0 0	14 0 0 0	942 0 0 0
Kingahjeah - - - -	3,709 0 0 0	- - -	3,709 0 0 0
Russulgunge - - - -	2,154 8 14 0	- - -	2,154 8 12 0
Sunkerpossah - - - -	231 0 0 0	- - -	231 0 0 0
Taujpoor - - - -	789 0 0 0	26 0 0 0	815 0 0 0
Rauynagur - - - -	2,557 0 0 0	- - -	2,557 0 0 0
Noahcollee - - - -	31 0 0 0	- - -	31 0 0 0
Bohgong - - - -	62 0 0 0	- - -	62 0 0 0
Çawns	12,543 12 12 0	40 0 0 0	12,583 12 12 0
S.R ^s	2,389 4 13 3	7 9 18 0	2,396 14 11 3
Lushkerpoor - - - -	28 1 0 0	- - -	28 1 0 0
S.R ^s	2,417 5 13 3	7 9 18 0	2,424 15 11 3

(E. E.)

Sylhet,
the 30th November 1801.(Signed) John Ahmuty,
Collr.

(No. 5)

No. 5.

EXTRACT of a Letter from the Collector of Sylhet to the Board of Revenue, dated
8th September 1801.

Par. 3. I regret much that the lands in this district should have lately in so many instances proved unsalable: the general causes of which, as far as they have been ascertained, are as follow, but how far they are applicable to each talook specified in the sale accounts lately transmitted, I am unable at present to inform your Board. A further and more particular Report shall be duly submitted as soon as I have made the necessary enquiries on the subject.

1st. Except within the past two years, the landholders of this district, as I have had occasion formerly to represent to your Board, were constantly in the habit of disposing of portions of their estates by private sale upon a disproportionate assessment, adjusted by themselves, without making any reference or notification to the Collectors office in the manner enjoined by the Regulations of Government; and as it was the interest of every purchaser to render the jumma payable on his portion as small as possible, a handsome consideration made to the proprietor generally effected his purpose. In consequence of such improper alienations, the proprietor of the entire estate being unable to discharge his revenue, the estate was ultimately exposed for sale in liquidation of the arrears due to Government; hence no individuals appear inclined to buy estates in such predicaments, as to the expense attending their subsequent applications to the Court for the purpose of dispossessing the private purchasers alluded to above, without taking into account, the vexation and delay unavoidable on such occasions, has in many cases, exceeded the purchase money, and in some instances they have not been able to receive the full and entire possession of their mehals to this period.

2dly. It has sometimes occurred, that the lands of a talook have been fraudulently taken possession of by a neighbouring talookdar or Chowdry, which has of course tended to create a balance. The proprietor, under these circumstances, sooner than that his lands should be sold, has continued to discharge his arrears at the end of the year, for two or three years successively, till at last his estate is exposed for sale, and for the above reasons proves unsalable; for such is the aversion of the landholders of this district, and such their reluctance to institute suits in the Dewanny Adawlut, on account of the great expense and delays inseparable from the proceedings of a Court of Justice, that they would submit rather to be deprived of the greatest portion of their estates by their stronger neighbours, than apply regularly for redress, and patiently wait the result; whilst in the Foujdarry Court, where the field for controversy and litigation is more extensive and better suited to their genius, and the

the expense and delays of justice less; they are not altogether forgetful of their private animosities, or backward in preferring their complaints.

Par. 4. There have been some instances of an estate in the above predicament being sold, but as soon as the purchaser had discovered that he could not well obtain possession of all the lands attached to his estate without resorting to the Court, he has immediately made a transfer of it to a second person, and the latter to a third, who has been at length compelled to apply to the Court for redress.

5. In stating the above circumstances, it is not my intention to intimate that every talook which has proved unsaleable is in one of the predicaments explained above. Many of the estates have been reduced to a waste and unprofitable condition, by the improvident conduct of the proprietors; who, by first anticipating and appropriating the rents to their private uses, and subsequently proceeding to some coercive exactions in order to remedy the default, have often compelled the ryots to abscond, and if pykausht, which is generally the case, to cease to cultivate their lands. Hence, when an estate of the above description meets with a purchaser, he seldom expects to find any ryots upon it; he must then advance tucavee, &c. This serves to explain, why some estates are sold for such trifling sums, and why, when held khâs, some scarcely produce any revenue.

6. In some estates, the lands have been and must unavoidably be, from the immense number of separate talooks, in some measure over-assessed, through the collusion of the putwarries at the time of Hustobood; and for the reasons assigned above, the proprietors will not make any regular application, or adopt any legal measures to procure, in such cases, the necessary abatement of jumma.

7. Lastly, with regard to the petty talooks, the jumma of which do not exceed C¹⁰ per annum, the greatest part of which have proved unsaleable, it is necessary to explain, that these estates, in general, are no more than bheets or elevated spots (by nature or art) upon which barrees or habitations have been erected by individuals following some mechanical profession, who go out to service, and are not constant residents of the place; such as artificers, bearers, dandees, mangees, &c. These bheets, some of which have a trifling quantity of land attached to them, were assessed and formed into separate talooks at the time of the Decennial Settlement. As long as these talookdars, or, as they are termed, khoshlahshan, continue on the spot, the revenues are punctually paid; but when they emigrate to follow their different occupations and are dispersed, their talooks fall into arrears, which cannot be well recovered by attachment, since there are no rents to be collected, and which, when exposed for sale, few or no individuals appear inclined to purchase, since every person almost has his own barree or home, and may not find it convenient to alter his place of abode without necessity or some particular view. In the mean time the family of the talookdar, if he has any, retire, leaving an empty bheet, with sometimes an empty hut upon it, the proceeds of which, if separately sold, would scarcely pay for the deputation of a peon.

EXTRACT of a Letter from the Collector of Sylhet to the Board of Revenue,
dated the 8th October 1801.

Par. 1. Agreeably to the promise contained in the 3d and 8th paragraphs of my Address, under date 8th ultimo, I now beg leave to transmit two Statements of Estates which have proved unsaleable in the past and current years, at present held under khâs management, in order to be advertised for sale, and, in the event of there being no bidders, to be bought in on the part of Government, previously to letting them in farm, or disposing of them in any other manner to individuals. I have also added, in the column of remarks, a summary of the causes which have rendered each talook unsaleable, as far as the same could be ascertained from the putwarries, who are well acquainted with the state of every estate in the district.

2. From Brendabun, who purchased the nine estates situated in pergunnah Plas, at a reduced jumma, I thought proper to demand a particular explanation in writing (which, with a translate, is herein inclosed) as he has frequently solicited me to recommend his case to the favourable notice of your Board; and, as far as the circumstances set forth by him have come to my knowledge, his statement appears perfectly correct. The lands of his talooks lying contiguous to the foot of the mountains, are constantly liable to the destructive visits of the wild-beasts with which the surrounding jungles and hills abound, such as elephants, buffaloes, tygers and hogs, which deter ryots from making any permanent settlement, and subject the proprietor annually to a considerable expense in the advance of tucavee, &c. I am given further to understand that, in the past year, no less than 100 families of ryots deserted. The quantity of land attached to the mehal, if it could be entirely brought into cultivation, is more than adequate to yield in a double proportion the assessed jumma. Under these circumstances Brendabun conceives himself justified in requesting that the balance due from him on account of 1207 B. S. amounting to cawns 848, may be relinquished by Government, the more especially as he has already paid to the tehsildars a sum far exceeding the gross collections from his mehal.

3. In my address above alluded to, I find that I had omitted to state one principal cause of the ruin of many petty estates in this district; viz. the irrecoverable disputes of the mofussil copartners. A talook which probably pays a jumma of cawns 100 per annum, and often less, is registered in my books in the name of a single proprietor, whilst, in the mofussil, there are no less, perhaps, than five pathee shurrecks or copartners, by right of consanguinity or otherwise, who are all in the actual possession of their respective russions, or portions of lands. They usually collect the rents from the ryots of their own lands, and

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 Answers by the
 COLLECTORS.
 Sylhet,
 30 December 1801.
 Appendix.

pay their revenue in the established proportion to the ostensible proprietor aforesaid, who discharges the same to, and receives a receipt in the name of the talook, as publicly registered from the tehsildar. It often occurs that these copartners quarrel among themselves, when some of them are alternately dispossessed by each other; the payment of their respective quota is immediately suspended, and, if the arrears be not recovered in time by attachment, the estate is brought to a sale, if not reduced at last to ruin; for no ryots feel inclined to settle upon or cultivate the lands of a talook which is so warmly disputed by the occupants. The first act on such occasions on the part of the person who has signed the settlement is, to seize the ryots of his copartners, and to demand the rent, on the ground of the estate being registered in his name; the former, having given no engagements to him, think proper to decline, and at last abscond*. In such cases, I think it my duty immediately to instruct the tehsildars to attach the lands; by which measure, although the dues of Government are generally realized, the evil is not remedied, nor is the estate benefited.

(No. 6.)

No. 6.

ESTIMATE of the Population of the Sylhet District, ascertained by a Hustabood.

No. of Houses.	Men.	Women.	Children.	TOTAL.
1,03,637.	1,83,245.	1,64,381.	1,40,319.	4,98,945.

POPULATION of the Cusbah or Town of Sylhet alone.

31,220.	28,717.	25,127.	21,538.	75,382.
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Sylhet,
30th Nov. 1801.

E. E.

(Signed)

J. A. Collector.

N. B. The proportion which it is supposed the Mahomedans bear to the Hindoos, in the above population is two to three; viz. two-fifths, which, as far as I can judge, exceed the proportion generally in other zillahs.

(No. 7.)

No. 7.

STATEMENT exhibiting the amount of the Duties which the Stamps will produce in 1208, B. S.

	Value of Stamps sold between the 1st May and 30th Nov. 1801, European Style.	Estimated Value of Stamps expected to be sold between 1st Dec. 1801 and 30th April 1802, European Style.	TOTAL.
Stamp Papers of the Revenue and Judicial Departments	3,545. 0. 0. 0.	1,750. 0. 0. 0.	5,295. 0. 0. 0.
S.R.	3,545. 0. 0. 0.	1,750. 0. 0. 0.	5,295. 0. 0. 0.

Sylhet,
30th Nov. 1801.

(E. E.)

(Signed)

J. A. Collector.

* When estates in this predicament are attached, some of the copartners, or their ryots, frequently prefer vexatious complaints, as in a recent instance, in the Foujdarry Adawlut, and cause the tehsildar or kooruckdar to be summoned, to the great detriment of the public service, and their individual annoyance.

No. 8.

No. 1.—part 2.

LIST OF TONNAGE.

Answers by the COLLECTORS:

Sylhet,
19 December, 1801,
Appendix.

	Maunds.	Maunds.		S. Rupees.	
Dingee Boat from	-	5 to 10	Burden to pay	0 8 0	per Year
D°	-	10 to 15	D°	0 9 0	D°
D°	-	15 to 20	D°	0 10 0	D°
D°	-	20 to 30	D°	0 12 0	D°
D°	-	30 to 40	D°	0 14 0	D°
D°	-	40 to 50	D°	1 0 0	D°
D°	-	50 to 75	D°	1 8 0	D°
D°	-	75 to 100	D°	2 0 0	D°
D°	-	100 to 125	D°	2 4 0	D°
D°	-	125 to 150	D°	2 8 0	D°
D°	-	150 to 175	D°	2 12 0	D°
D°	-	175 to 200	D°	3 0 0	D°
D°	-	200 to 250	D°	3 4 0	D°
D°	-	250 to 300	D°	3 8 0	D°
D°	-	300 to 350	D°	3 12 0	D°
D°	-	350 to 400	D°	4 0 0	D°
D°	-	400 to 450	D°	4 4 0	D°
D°	-	450 to 500	D°	4 8 0	D°
D°	-	500 to 600	D°	4 12 0	D°
D°	-	600 to 700	D°	5 0 0	D°
D°	-	700 to 800	D°	5 4 0	D°
D°	-	800 to 900	D°	5 8 0	D°
D°	-	900 to 1000	D°	5 12 0	D°

N. B. All Boats above maunds 1,000, to pay rupees 1 per $\frac{1}{2}$ maunds, which would increase the tax, and fall on the rich merchants.

(E. E.)

(Signed)

Jno Ahmuty,
Colr.

Sylhet,
30th Nov. 1801.

No. 9.

CALCULATION of the Number of BOATS supposed to belong to the District of Sylhet, and the probable Amount of the Annual Tax.

	Maunds to Maunds	Number of Boats.	Average Price each Boat to pay yearly.	TOTAL Amount per Year.	Revenue per Year.
Say Boats from	3,000 to 1,000	150	a' 8 S.R° p' Boat p' year	1,200 0 0	S.R°.
-- D°	1,000 to 500	350	a' 6 R° -- D°	2,100 0 0	
-- D°	500 to 400	500	a' 5½ R° -- D°	2,750 0 0	
-- D°	400 to 300	500	a' 5 R° -- D°	2,500 0 0	
		-1,500			8,550 0 0
-- D°	300 to 200	1,000	a' 4½ p. -- D°	4,500 0 0	
-- D°	200 to 100	2,000	a' 3½ p. -- D°	7,500 0 0	
		3,000			12,000 0 0
					20,550 0 0
-- D°	100 to 50	4,000	a' 3 p. -- D°	12,000 0 0	
-- D°	50 to 20	5,000	a' 2 p. -- D°	10,000 0 0	
-- D°	20 to 10	6,000	a' 1 p. -- D°	6,000 0 0	
		15,000			28,000 0 0
					48,550 0 0
-- D°	10 to 5	8,000	a' 1 p. -- D°	8,000 0 0	
		23,000			8,000 0 0
					56,550 0 0

Boats of this size from ten maunds to five maunds may be exempted.

(E. E.)

(Signed)

J. A.
Colr.

Sylhet,
30 Nov. 1801.

(No. 10.)

A LIST of the LANDHOLDERS in the District who pay an Annual Jumma of Cawns 2,000, and upwards.

ZILLAH.	PERGUNNAH.	N ^o of Talooks.	TALOOKS.	Annual Jumma.	Sicca Rupees.
Parcool - - -	Bengah - - - Kismut Chytungur	2	Allee Mahomed - - -	2,236 0 0	425 14 9 3
		1	Gour-hurry Sing - - -	2,551 8 0	486 0 0 0
Latoo - - -	Bhursons - - - Behaderpore - - - Cossearcool - - - Dowuddee - - - Barroparah - - - Kismut - - -	1	Khauhdand - - -	2,738 0 0	521 8 7 2
		1	Allahdand - - -	2,001 0 0	381 2 5 3
		197	Allahdand - - -	2,152 0 0	409 14 9 2
		1	Mooracchund - - -	5,298 0 0	1,009 2 5 3
		1	Mopraeechund - - -	3,733 0 0	711 0 15 2
		1	Gourhurry Sing - - -	4,578 4 16	872 0 18 1
Hingahjuah - - -	Lunglah - - -	1	Coorban Allee Chowdarry, purchased by Shamram & Cartishram - - -	2,473 0 0	471 0 15 2
		2	Goldam Mended Chowderry	3,504 0 0	667 6 17 1
		3	Golam Nubhee Chowderry	2,166 0 0	412 9 3 1
		4	Golam Hussein Chowderry	2,016 0 0	384 0 0 0
		8	Mahomed Eusuf Chowdry -	2,201 0 0	419 3 16 1
		16	Mahomed Mulfut - - -	2,206 0 0	420 3 1 0
Russul Gunge - - -	Bunsicoorah - - -	1	Radhagobind - - -	11,277 0 0	2,148 0 0 0
Russul Gunge - - -	Selberrish - - - Coureeah - - - Kismut Bunnichung	2	Woamachcaunt on the part at Radahgouind - - -	2,201 0 0	419 3 16 1
		352	Seerychund Gucoul - - -	2,610 0 0	497 2 5 3
		1	Adum Rezah - - -	3,206 0 0	610 10 13 3
		2	Coorbaun Rezah - - -	3,028 0 0	576 12 3 3
		3	Allum Rezah - - -	3,028 0 0	576 12 3 3
4	Assuder Rezah - - -	2,136 0 0	406 13 14 1		
Nubbee Gunge - - -	Betungul - - - Zyenshye - - - Sullookah - - -	3	Doollubram - - -	2,121 0 0	404 0 0 0
		4	Goobind Raujkishen - - -	4,125 0 0	785 11 8 2
		1	Soobungsh Bhooput - - -	4,072 0 0	775 9 18 1
		3	Ramgopaul - - -	6,406 0 0	1,220 3 1 0
Nubbee Gunge - - -	Kismut Bunnichung	1	Adrum Rezah - - -	6,259 0 0	1,192 3 1 0
		2	Coorbaun Rezah - - -	5,899 0 0	1,123 9 18 0
		3	Allum Rezah - - -	5,890 0 0	1,121 14 9 2
		4	Assud D ^o - - -	4,176 0 0	795 6 17 1
		6	Assud D ^o - - -	2,239 0 0	426 7 12 2
Junkerpassah - - -	Bejorah - - - Luskey - - - Kitchy - - - Cossimnagar - - -	2	Ramjoy Chowdry - - -	10,491 0 0	1,998 4 11 2
		4	Allah Unnoop - - -	2,411 0 0	459 3 16 1
		1	Joy Gobind - - -	2,719 0 0	517 14 9 3
		1	Ictol Nazeer - - -	3,954 0 0	753 2 5 3
		2	Mahomed Eaaseen - - -	3,178 0 0	605 5 6 3
Tarypoor - - -	Kismut - - -	1	Goomburry Sing - - -	4,653 0 0	886 4 11 3
Raynagar - - -	Etah - - - Shumshernagar - - - Alleenagar - - - Bannoo Gatch - - -	17	Anundram, &c. - - -	2,833 0 0	539 9 18 0
		1	Abul Fuzzul purchased by Mugul Baig, &c. - - -	2,609 0 0	496 15 1 0
		2	Abul Zuffer - - -	2,535 0 0	482 13 14 1
		36	Abul Hekeem Neij - - -	4,222 0 0	804 3 1 0
			Purchased by Lunnahsing -	2,528 0 0	481 8 7 3
		18	Raujbullubroy purchased by Golaubram, &c. - - -	4,986 0 0	949 11 8 2
		1	Gourchurry Sing - - -	7,936 0 0	1,511 9 18 1
Noah Collee - - -	Chowalis - - - Baleesiah - - -	13	Golaum Allee Kissa Pyrun Bibee and Tazilah Kha- num - - - 3,536	2,187 0 0	416 9 3 0
		1	Hissa Golaum Maho- med - - - 3,536		
			Hissa Golaum Russul 3,536		
			Hissa Loll Bibee - 1,767		
				15,911 0 0	3,030 10 13 3
		Carried forward -	1,81,679 12 16	34,605 10 16 0	

A List of the Landholders in the District—continued.

ZILLAH.	PERGUNNAH.	N° of Talooks.	TALOOKS.	Annual Jumna.	Sicca Rupees.
			Brought forward -	1,81,679 12 16	34,605 10 16 0
Noah Collee -	Sant Gong -	1	Golaum Alee Hissa - Pirun Bibee, &c. - 1,591 Hissa Golaum Russul 1,591 Hissa Golaum Mahomed - 1,591 Hissa Golaum Mustofa 1,591 Hissa Loll Bibee - 794	7,158 0 0 11,947 0 0	1,363 6 17 1 2,275 9 18 0
Abadabad -	Kismut Chytunnagur	1	Gomhurry Sing -		
	Kismut Bunniachun	1	Adum Rezah -	7,834 0 0	1,492 3 1 1
		2	Courbaun Rezah -	7,399 0 0	1,409 5 6 3
		3	Allan Rezah -	7,399 0 0	1,409 5 6 3
		4	Assuder Rezah -	5,220 0 0	994 4 11 2
		5	Mahomed Nazeer Aunfer -	2,398 0 0	465 12 3 3
		6	Assuder Rezah -	3,599 0 0	685 8 7 2
Lushkerpore -	Turruff -	1	Syhed Mahomed Nazeer; viz. Hissa Syed Mahomed Natar Hissa Syed Mahomed Bantier -	- - - - - -	2,521 7 0 0 2,966 9 0 0
		2	Syhed Ahmud Allee; viz. Hissa Syed Ahmud Rezah - Hissa Syed Muddun d° - D° - Kaeem - d° - D° - Hameed d° - D° - Cullum d° - D° - Hossen d° -	- - - - - - - - - - - - - - - - - -	1,416 9 0 0 2,617 2 0 0 2,005 1 0 0 665 15 0 0 685 3 0 0 831 15 0 0
		4	Fammisser Shen -	- - -	956 2 0 0
		6	Gungahgouind -	- - -	542 15 0 0
		7	Hubeeb Ullah -	- - -	607 5 0 0
		202	Shah Rezoan Uddeen -	- - -	677 1 0 0
		203	Shah Zebub Abdee -	- - -	542 14 0 0
Lushkerpore -	Turruff -	581	Furkaun Ullah -	- - -	536 12 0 0
		1,081	Rampers and purchased by Shamram -	- - -	1,099 14 0 0
		3	Syed Budder Uddeen Hosun Hissa Syed Babool Hussun and Goulsulhosun	- - -	687 6 0 0
	Noor Ullahossunnagur -	1	Nurnarain Ghose -	- - -	1,031 0 0 0
			Cawns & S. Rupees -	2,34,633 12 16	65,083 4 8 3

Sylhet, }
30th Novr 1801.

(E. E.)

(Signed) J. Ahmuty,
Collector.

No. 1.—part 2.

(Zillah Tipperah.)

Answer by the
COLLECTORS.Zillah Tipperah,
20 April 1802.To His Excellency The Most Noble RICHARD Marquis WELLESLEY, K.P.
Governor General.

MY LORD,

ENCLOSED, I have the honour to lay before your Excellency the several Replies to the Interrogatories, transmitted to me by the Secretary to the Government in the Judicial and Revenue Departments.

Zillah Tipperah,
20th April 1802.

I have the honour to be,

My Lord,

Your Excellency's most obedient humble servant,

(Signed) *John Ryley,*
Collector.

QUERIES.—1.—Are the crops of the present year expected to be productive?

ANSWER.—The crops in this district of the present year are expected to be productive.

2.—What is the amount of the balances in your district on account of the past year, and what is the state of the collections for the present year?

The net balance of this district on account of the past year, amounts to S.R^s 4,604. 10. On account of the present year, the sum of S.R^s 10,06,049. 9. 9. 1. has been collected, and the remainder in course of payment.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of, sold at a favourable price or otherwise; and if the latter, what is the cause of the unfavourableness of the sale?

The amount of the sudder jumma of the lands that have been sold for the realization of the revenue of the past year, is S.R^s 7,120. 11. 19. 3. and the jumma of those expected to be sold, is S.R^s 557. 10. 14. 3. The lands have sold rather at favourable prices than otherwise.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

The 7th Regulation of 1799 and the 1st of 1801, are well calculated to secure the punctual payment of the revenue, without affecting the security or value of landed property.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

I am of opinion that the existing Regulations for collecting the revenue from farmers holding lands immediately of Government, are well calculated to secure the punctual payment of the public revenue; due attention being of course paid to the responsibility of the farmers security.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

I think the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and ryots, well calculated for the purposes intended; and, in this part of the country where the talookdars are so numerous, and in a great measure independent of the zemindars, do not afford the latter the means of oppressing either their farmers or their ryots.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree. What proportion does the uncultivated land in your district bear to the cultivated land?

I was appointed to officiate as Collector of this district on the 30th October 1800, and was confirmed in the appointment on the 14th March following. I am of opinion that the cultivation of this district has been extended and improved (at least if I can venture to form a judgment from general information) since the first year of the Decennial Settlement, in the proportion of one to four; and I estimate the uncultivated land to bear a proportion of about one-eighth to the cultivated land.

8.—Do the proprietors of estates, in general, derive a profit exceeding the 10 per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

I am of opinion that the proprietors of estates, in general, derive a profit exceeding 10 per cent. on their jumma.

9.—What

9.—What is the state of the embankments in your district?

The embankments are in general in an indifferent state of repair; but previous to the ensuing rains, the labourers now at work upon them will, I expect, have made them so secure as to do away any apprehensions on this account.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

I am not of opinion, that the proprietors of lands in this district attend in the least to the improvement of their estates in the manner mentioned in the Query annexed; the zemindars themselves, generally, not being in the habits of extending their views to a more distant period than the harvest of the ensuing year.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The proprietors of land have certainly conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the conclusion of the permanent settlement; and the situation of the ryots (in this part of the country) is, I am of opinion, in every respect, as comfortable as can be expected.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

The roads in this district are generally in an indifferent state of repair, particularly one from this station through the center of the district to Noacolly, the residence of the salt agent of Bhulwah and Chittagong. This road being kept in repair would prove highly beneficial to the district, by the communication that would in consequence become more general, and which would be greatly facilitated, particularly at the periodical season of the rains, by a canal being cut from Commillah to Bangmana, a distance of not more than four coss, and through which the road above alluded to passes: the proposed canal would open a communication with the Dekoytey and little Fenny rivers; the former of which, running nearly through the center of the zillah, empties itself into the Megna, a little above Luckipore. The road from this station to Chittagong, and which is necessarily the route of the troops on their march from Dacca to that place, is very materially injured, and in some places rendered almost impassable, by cuts made across it by the ryots for the purpose of cultivation. If brick bridges were constructed over these cuts, the road would remain passable, and the ryots might either open or shut up the arch of the bridges, as occasion might require: it would be necessary to construct about sixty bridges of the above description, from this station to the river Fenny, which is the boundary of this district and Chittagong: upon an estimate, the aggregate expense of the bridges would amount to about S.R^a 24,000.

Should his Excellency the Most Noble the Governor General in Council deem it expedient to employ the convicts in the above works, the completion of them might be effected at a very trifling expense; little more than the erection of straw sheds for the security of the convicts during the night.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The number of inhabitants of this district is estimated at 750,000, and the Mahomedans bear a proportion to the Hindoos as four to three.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

Cotton, rice, beetle-nut, salt. The cultivation of the former has, of late years, considerably increased in this district, as also the manufacture of the latter article. The cause of the increase in the cultivation of the former is to be attributed to the encouragement given by the European settlers in this district to the manufacture of cloths, and the cause of the increase in the latter article is to be attributed to Government having taken into their own hands the exclusive management of the salt lands.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties are becoming more productive, and I expect they will produce in this district, in the present year, the sum of sicca rupees 9,000.

16.—Are the abkarry collections increasing or decreasing?

The abkarry collections are considerably increasing.

17.—Are there any articles in your district on which a productive tax might be levied without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

I am not aware of there being any articles in this district, on which a productive tax could be levied, without oppression to the people.

No 1.—part 2.

Answers by the
COLLECTORS.

Zillah Tipperah,
20 April 1802.

No. 1.—part 2.

Answers by the
COLLECTORS.Zillah Tipperah,
20 April 1802

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The following are the descriptions of rent-free lands in this district: Birmotre, Daovuttre, Bishenpentre, Chakeran, Nankar, Buty, Ootsungou, and Osary. I estimate the produce of the rent-free lands in this district to bear a proportion of one-sixth to the jumma of lands paying revenue to Government.

19.—Which of these descriptions of lands are in general in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The lands which pay revenue to Government are in the best state of cultivation: this, I do not conceive, is to be ascribed so much to the inferior quality of the rent-free lands as to the indolence of the natives, who, roused from their inactivity by the demands of Government, find it absolutely necessary, in order to enable them to liquidate the demands upon them, to cultivate those lands which, if exempt from the payment of revenue, would be waste.

20.—What description of old rupees are current in your district?

Arcot rupees are the only description of old rupees current in this district.

21.—What is the reason these rupees continue in circulation, and how are they replaced, as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, and that being the only rupee in which the public revenue ought to be paid?

I attribute the continuance of these rupees in circulation in a great measure to the inhabitants of the interior parts of the country, from the inconsiderable extent of their concerns, not considering it worth their while to effect an exchange into the sicca currency; although, if the rupee offered by them in payment for purchases be light of weight, they are obliged to admit a deduction in the quantity of the article required; which, I am informed, is a more prevalent custom than paying a batta upon the rupee. I do not find that the rupees which are much worn are ever replaced, the quantity of the article purchased being regulated by the quality of the rupee offered in payment.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

As, notwithstanding the repeated orders of Government, and Regulations passed, extending the periods for the legal currency of the Arcot rupee, yet still that coin is very general in this district; and as it is so much the object of Government and the public at large, that the impositions practised by the shroffs should be counteracted; I beg leave to propose, that a period of twelve months be allowed (to be published at the different Courts of Adawlut and Cutcheries of the Collectors) for the continuance of treasure in the Arcot specie in the hands of the different bankers; that after the expiration of that period a certain proportion, say an eighth or sixteenth of the whole amount that may be found in their houses, should be confiscated, and paid into the treasury of the nearest Collector, as a fine to Government; and that the remainder be conveyed by the Magistrate of the city or zillah in which such money may be found to the nearest public treasury, and the Collector required, in such instances, in lieu thereof, to deliver immediately, in the sicca specie, the value of such illegal coin, to the person in whose house it may be found, or some person duly authorized by him to receive it.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

The circulation of the gold mohur in this district is pretty general. Of the sum of S.R. 10,25,158. 7. 16. the amount of the collections of the past year, the sum of S.R. 2,08,000. was received in the gold mohur specie, which passes at par throughout this district.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially, or otherwise?

I am of opinion that it has operated beneficially.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of lands held exempt from the payment of revenue, for the Bengal year 1207, as well as of the Pergunnah Register, I hope shortly to be enabled to report the completion of.

26.—What descriptions of persons are in general the purchasers of the land disposed of by public sale in your district; and is the management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The officers of the Zillah Court and the vakcels of the Court are as frequently the purchasers

chasers of estates, sold by public sale in this district, as the zemindars; and if a judgment can be formed from a very few estates of such purchasers having been again sold for arrears of revenue, I am induced to draw the conclusion, that the system of management adopted by such purchasers has been better calculated for the improvement of those estates than that of the former proprietor.

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma) and how many years purchase do you suppose the proprietors would offer for such remission?

I am not of opinion that any of the proprietors of lands in this district would purchase of Government a remission of any part of the assessment fixed upon their estates.

28.—What is your opinion, as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding Question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

I am not of opinion, that the disposal of a proportion of the jumma assessed upon the zemindars at the period of the Decennial Settlement, in the manner proposed in the preceding Question, would operate towards the general improvement of the country.

Zillah Tipperah,
20th April 1802.

(Signed) *John Ryley,*
Collector.

No. 1.—part 2.
Answers by the
COLLECTORS.
Zillah Tipperah,
20 April 1802.

(Zillah Tirhoot.)

To N. B. EDMONSTONE, Esq.

Secretary to his Excellency the Most Noble the Governor General.

SIR,

IN compliance with the orders communicated to me in Mr. Secretary Dowdeswell's Letter of the 3d December last, accompanying, I have the pleasure to transmit a Copy of my Answers to the papers of Questions forwarded with your Letter of the 21st October last, which I request you will have the goodness to lay before his Excellency the Most Noble the Governor General, for his consideration.

I am, &c.

Zillah Tirhoot,
12th February 1802.

(Signed) *G. P. Ricketts,*
Acting Collector.

1.—Are the crops of the present year expected to be productive?

Owing to the overflowing of the rivers Gunduck and Ganges, and likewise the breaking down of the bunds, the landholders in pergunnahs Hajepore, Ruddy, and Imadpore have experienced considerable loss in their buddooc crops; but, from the favourable appearance of the crops at present, there is every reason to suppose that the rubby harvest will be very productive, which will make up for the damages they sustained at the commencement of the present year. The lands in the other parts of this district are in the highest state of cultivation.

2.—What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the collections for the present year?

The outstanding balances on account of the past year amount to sicca rupees 74,880. 4. 17. and the sum collected for the present year amounts to sicca rupees 2,33,950. 12. 2.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands which have been sold, on account of balances due for the past year, amount to sicca rupees 9,064. 0. 17. 2. and the amount of further lands, which are expected to be sold, is sicca rupees 11,604. 3. In some instances, the lands disposed of have sold at a very high price; and where the sales have proved unfavourable, it has been owing to the neglect of the landholders, who have suffered their estates to go to ruin, by which their value has decreased, and the produce has not been adequate to discharge the revenue assessed upon them; but the purchasers are in hopes, by assiduity and good management, to improve the lands, and render them more productive.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

The existing regulations, in my opinion, are well calculated to secure the punctual collection of the public revenue from the zemindars and other proprietors of land, with whom a permanent settlement has been concluded, without injury to the security or value of landed property.

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5.—Are

No. 1.—part 2.

Answers by the
COLLECTORS.

Zillah Tirhoot,
12 February 1802.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, well calculated to secure the punctual collections of the public revenue from the farmers?
The Regulations likewise are well calculated to secure the punctual payment of the revenue demandable from persons holding farms immediately of Government.

6.—Are the existing Regulations for enabling zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

The Regulations are well adapted for the purposes intended in the first part of this Question; they do not afford the proprietors and farmers of land the means of oppressing their under farmers and ryots.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed Collector of this district on the 3d April 1800, and from the different enquiries I have made, and from my own observations, the cultivation has considerably increased since the first year of the Decennial Settlement. With regard to the proportion the cultivated land bears to the uncultivated, I cannot exactly state the quantity; but, from the information I have gained on this subject, I am led to suppose the former bears a proportion of three bogahs to two.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumna, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

The proprietors of estates in some parts of this district derive a profit far exceeding the 10 per cent. left them on the conclusion of the permanent settlement; and in others, again, they do not realize, I understand, a profit exceeding the 10 per cent.

9.—What is the present state of the reservoirs in your district?

The greatest part of this district is plentifully supplied with water from the various small rivers which run through it; and where the inhabitants do not derive this advantage, there are reservoirs or tanks from whence they are supplied, and which are in a good state of repair.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

The landholders, for the most part, no doubt, exert themselves in increasing the produce of their lands and improving their estates. With regard to digging tanks, there is scarcely any necessity, from the circumstances mentioned in the preceding paragraph. The making of embankments has been very little attended to by them; from this inattention their losses chiefly originate.

11.—Have the proprietors of lands conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land, in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The proprietors of land are so much restricted by the Regulations, that, since the formation of the permanent settlement, they have conducted themselves with more moderation and attention in their transactions with their under farmers and ryots, than they did prior to the above settlement; and I believe their situation to be as comfortable as can be expected.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

The roads in this district are in a very bad state; the repairing of which, and the making of some new ones, would be highly beneficial to the country. One, in particular, viz. the road from Muzzufferpore to the city of Fatna, would be of great benefit, as it would induce a greater number of merchants to come and purchase the produce of this district, and enable them to transport their merchandize with facility. The making of this road would not cost less than S.R. 16,000, owing to several pukka bridges which it would be necessary to build.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

It is out of my power to state precisely the number of inhabitants there are in this district; but, from enquiry, I understand there are about 2,000,000. The Hindoos bear a proportion to the Mahomedans as four to one.

14.—What

14.—What are the most valuable articles of production in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

The most valuable productions in this district are, tobacco, pawn, turmeric, ginger, opium, saltpetre, indigo and sugar-cane; the cultivation of them has been much increased of late years, owing to the great consumption and ready sale of these articles,

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The sale of the stamp papers is becoming more productive; and I should imagine they would produce this year a sum of above 14,000 R^s.

16.—Are the abkarry collections increasing or decreasing?

When I took charge of this collectorship, the abkarry mahal yielded a revenue of S.R^s 16,126. 11. which I have increased to R^s 26,578. 9.; and I have every reason to suppose that it will become more productive.

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

I know of no article on which a tax could be levied, which would not be oppressive to the inhabitants.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

I have the honour of transmitting, on a separate sheet, a list of the various descriptions of rent-free lands in this district. With respect to the proportion their produce bears to the jumma of the lands that pay revenue to Government, the latter is to the former as four to one.

19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The rent-free lands, and those lands which pay revenue to Government, are equally well cultivated, and without any sensible difference.

20.—What descriptions of old rupees are current in your district?

The rupees that are current in this district, are the phoolcya rupee, and the 19 sun sicca rupee.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, that being the rupee in which the public revenue ought to be paid?

The 19 sun sicca is the only rupee which is received in the treasury for the payment of revenue; and the reason why the phoolcya rupee remains in circulation, is, on account of its being used by the under farmers and ryots, for discharging their kists to their principals. This money is changed in the bazar by them for the 19 sun sicca (on their giving batta) which is paid into the treasury.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

The only method of preventing the circulation of these rupees, and introducing entirely the 19 sun sicca, and making it advantageous to people to reject all other rupees, would be, to authorize the Collectors to receive them in payment for revenue as equal to the 19 sun sicca, and remitting them immediately to Calcutta, to be recoined. By adopting this plan, in the course of a few years they would totally disappear.

23.—Do gold mohurs circulate in your district, and to what extent; And do they pass at par; that is, for the value of 16 sicca rupees when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

The gold mohur is in general circulation throughout this district; and the average sum received in gold into this treasury, for these last three years, amounts to sicca rupees 27,55,528. When gold mohurs are tendered for the payment of the revenue, they are received at par; that is, for 16 sicca rupees; but when for the purchase of goods, if they are in the least worn, a certain batta is demanded.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

From every information I have received, I find that the currency of the gold mohur, in the interior part of the country, has operated beneficially.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

I have nearly completed the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of rent-free lands, in the Persian language; and I am now translating the registers into English.

No. 1.—part 2.

Answers by the
COLLECTORS.

Zillah Tirhoot,
12 February 1801.

No. 1.—part 2.

Answers by the
COLLECTORS.Zillah Tirhoot,
12 February 1802.

26.—What description of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers better regulated for the permanent improvement of their estates, than the system of management of the former proprietors?

The purchasers at the sales are people of respectability, and chiefly proprietors of land. Their system of management, for the permanent improvement of their estates, is similar to that of the former proprietors.

27.—Are you of opinion that any of the proprietors of lands in your district, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

I have spoken to several of the proprietors of lands, with respect to purchasing of Government the permanent remission of part of the fixed jumma assessed upon their estates; but they do not seem inclined to meet the wishes of Government, which renders a reply to the latter part of this question unnecessary.

28.—What is your opinion, as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement to be carried into effect, to the greatest practicable extent) would produce on the general improvement of the country?

In the event of the disposal of a proportion of the jumma, and supposing the same to be carried to the utmost extent, I am not aware that it would tend much to the improvement of the country.

(Signed) G. P. Ricketts,
Acting Collector.

LIST of various MINHYE LANDS, in Zillah Tirhoot.

Altumgah, Jageer, Aymah, Soorigepreet, Bishenpreet, Bermooter, Aynamaut, Kawrij Jumma, Fukeeranah, Sungooter, Doorgahpreet, Khyraut, Naunkar, Shewpreet, Sirshaker, Madadmaush, Koosh Beert, Janookeepreet, Hunoomaunpreet, Ozoodapreet, Neyage, Jugernautpreet, Mafee, Naaz Takeeah, Bukseesh, Beert, Nannok Bairy and Sunguth Bairy, Seerraud Dawn, Samaun Dawn, Gungapreet, Modud Khurch Fakeeraun, Naauz Allah, Taubeh Mutt, Naauz Dergah, Naauz Mukdoom.

(Signed) G. P. Ricketts,
Acting Collector.

—No. 2.—

COPY of a **LETTER** from *Mr. J. D. Patterson*, Judge of *Dacca Jellepore*, in *Bengal*, to the President and Members of the Police Committee; dated 30th August 1799.

EXTRACT Letter from *Mr. J. D. Paterson*, Judge of *Dacca Jellepore*, to the President, &c. Members of the Police Committee; dated 30th August 1799.

Paragraph 2.

TO give the Board a true account of the Police of this District, it is necessary, in the first place, to make them acquainted with the manners and morals of the people, especially the lower sort.

3. As a picture of human degradation and depravity can only give pain to a reflecting mind, I shall be as brief as possible, consistently with the necessity of furnishing the required information.

4. Their minds are totally uncultivated; of the duties of morality they have no idea; they possess, in a great degree, that low cunning which so generally accompanies depravity of heart; they are indolent, and grossly sensual; they are cruel and cowardly, insolent and abject; they have superstition without a sense of religion: and, in short, they have all the vices of savage life without any of its virtues. If we look a step higher, we find the same total want of principles, with more refined cunning; no attachment but what centers in self: for the ties of relationship seem, in general, only to render inveteracy more inveterate.

5. I do not mean to say, that these people are in that state of ignorance as not to know the difference of good and bad conduct, and that they ought to practise one and avoid the other; but it is the total want of that moral instruction which impresses the young mind with a dread and shame of doing evil, and which encourages them to acts of propriety; that fear of the superintendance of a Deity, which every religion professes to have for its object, and which ought to influence their conduct through life. In all ages there have been abandoned profligate characters, who have committed depredations on the public, and their numbers have been greater or less according to the wisdom or weakness of the Government.

6. Under the Hindoo dominion, the ranks and professions of men were classed into 36 castes; and the individual of each, was obliged to learn and follow the profession of his ancestors; by this establishment, each individual of a caste had the means of support in his own profession. These castes were under the direction of their pundits; and the Panchaut, or General Assembly of the caste, used to examine the conduct of the members of their society, and the consequence of their censure was, sometimes a total exclusion of the guilty individual from the community.

7. No Brahmin was supported by the public who was unlearned, or who did not contribute his assistance in forming the minds of the lower classes, and teach them morality, and the duties enjoined by laws; under such an establishment for the instruction of the lower classes, it was not difficult to form an efficient police.

8. But the cruel reverse, which the invasion of the unprincipled and bigotted Mussulmauns introduced, may account for the wide torrent of corruption that has overflowed this country.

9. They considered the conquered Hindoos as infidels, and treated them with unrelenting persecution and cruelty; they thought, or affected to think, that every injury and insult upon them, were acts pleasing to God and their prophet. Their destructive bigotry attacked the books and learning of the Hindoos; and the Brahmins, persecuted with incessant atrocities, ceased to exercise their functions. The rising generation were left to themselves, and fell into all the excesses which the example and conduct of their conquerors had pointed out to them. The spirit of despotism completed the corruption of morals; and, in process of time, the human mind in this country was completely revolutionized. In this manner, for some centuries, under the Patan government, they continued, from want of the ancient discipline, to fall from degradation to degradation, the scorn and contempt of their despoilers. Many of the lower ranks became converts to the Mahomedan faith, without conviction of its being more rational than what they professed before, because it sheltered them from the persecuting bigotry they had suffered under, but the mind experienced no rise; the stern despotism

No. 2.

Letter from
Mr. J. D. Paterson;
30 August 1799.

despotism of their rulers still kept it down; and their ignorance of the language in which their new tenets were locked up, confined the practice of religion to the mere exterior forms of devotion. The Mussulmaun conquerors finding it, however, impossible to root out the religion of the country entirely, were at last under the necessity of abating their zeal, and suffering it to remain. Unprotected, however, and unsupported by the authority of the Government, the Brahmins themselves, sinking under centuries of oppression, were too much involved in the general wreck to think of renewing the ancient discipline; their learning fell into neglect; and, in course of time, the Brahmins came to want that instruction themselves which it was their duty to afford to others. Mixing in all the selfish squabbles of common life, they gradually lost, by their own example, in the eyes of the Hindoos, that respect, which was so necessary to give force and energy to instruction.

10. Under the Mogul government, the Persian delegates of the Emperor, being Sheahs, seemed to pay little attention to the minutiae of the Sunnee laws. Their procedure was summary; their punishments cruel and capricious: they thought terror alone sufficient to suppress and prevent crimes, but they neglected the discipline, which might render such procedures unnecessary.

11. The Persian rulers and their retainers, were Sheahs and strangers in the land; the subjects were either Hindoos or Sunnies; the first, in their ideas, infidels, and the latter, incorrigible heretics. To enforce instruction in tenets so hostile to their own faith, must have been, in their opinion, blasphemy and profanation.

No. 3.—(The 15th and 35th INTERROGATORIES, proposed by the Governor General in Council of Bengal to the Judges of Circuit and the Zillah Judges)—having been printed under Order of 30th April, is not here inserted.

— No. 4. —

EXTRACT containing Paragraph 4. of Report from Mr. E. Colebrooke, Second Judge of the COURT OF CIRCUIT for the Division of Patna, on the completion of the Gaol Delivery of the extra Sessions of that Division; dated Patna, 21st April 1804, to the *Nizamut Adawlut*.

EXTRACT BENGAL JUDICIAL CONSULTATIONS;
10th May 1804.

EXTRACT from the Report of Mr. Edward Colebrooke, Second Judge of the Patna Court of Circuit, on the completion of the Jail Delivery of the extra Sessions of that Division addressed to the *Nizamut Adawlut*; dated Patna, 21st April 1804.

Paragraph 4.

ANOTHER not less heinous offence attaching to these affrays, is perjury, to which recourse is invariably had both for the prosecution and defence of such charges. To such a pitch of shameless audacity has this crime long since reached in this province, that a total distrust of human testimony, on every occasion, is the consequence. No rank, no caste, is exempt from the contagion; a zemindary dewan, a brahmin, who had circumstantially sworn to the nature and number, and to the authors of the wounds on two of his cutcherry amla, alleged to have been murdered in an attempt to dispossess him from the cutcherry, scarcely blushed when the two men were produced alive and unhurt in Court; and merely pleaded in excuse, that had he not sworn as directed, he should have lost his employ.

—No. 5.—

— No. 5. —

EXTRACT of Judicial LETTER from the Court of Directors of the East India Company, to the Governor General in Council of *Bengal*, dated the 25th of April 1806; Paragraph 24.

EXTRACT JUDICIAL LETTER TO BENGAL;

Dated the 25th April, 1806.

Para. 24.—THE nefarious and dangerous crime of perjury, we are much concerned to find, continues to prevail in all the divisions, and even increases to such a pitch as to baffle and perplex the judicial proceedings of the Courts; so that the Judge receives all oral testimony with distrust, and is frequently obliged to investigate the character of the witness more closely than that of the criminal. A most flagrant instance of this nature is stated by the Judge of the Patna Court of Circuit, in his Report on the completion of the extra Sessions of that Division, in February 1804; where, on a trial for murder, after a brahmin had deliberately, in the most solemn form, sworn to and described the number and nature of the wounds inflicted on two persons, whom he had also sworn to have been murdered, these two persons were produced in Court alive and unhurt. The little obligation attached by the natives to an oath, seems to proceed, in a great degree, from the nature of their superstition and the degraded characters of their deities, as well as the almost entire want of moral instruction among them; and this points to the necessity of other remedies, as well as the most rigorous punishment of a crime so hurtful to society as perjury.

— No. 6. —

EXTRACT of a LETTER from the Court of Directors of the East India Company, to the Government of *Fort St. George*; dated the 25th January 1805; Paragraph 16.

EXTRACT PUBLIC LETTER TO FORT ST. GEORGE;

Dated 23d January 1805.

Para. 16.—THE Society for promoting Christian Knowledge, who support the Protestant mission on the Coromandel Coast, have communicated to us an Extract of Advices from their Missionaries, in which it is stated, that the native converts to Christianity in the district of Tinnevely, had been exposed to very severe persecution from their heathen neighbours, and from some of the native officers employed in the collections. This account we do not understand to have been transmitted in the nature of a complaint to be prosecuted here, but to be made part of the details which are usually given by the Missionaries; still less was it intended to reflect on the European servants of the Company; because it adds, that on a representation of the grievances of the native Christians to the Collector, he interposed his authority to stop the injustice and malevolence exercised towards them. Mr. Lushington, now in England, who was then Collector, and appears to have maintained just sentiments against persecution, on the score of any religion existing under the Company's Government; though he ascribes the animosity towards those who became Christians partly to other causes, also asserts, that he issued positive injunctions not to disturb them on account of the faith they embraced; but the Society, alarmed lest similar instances of persecution should hereafter occur, have expressed a hope, that we will give orders which may prevent every thing of this kind, and protect the persons and the labours of their Missionaries in the discharge of the important duties with which they are entrusted.

No. 6.

Extract of Letter
from the Court of
Directors to the
Government of
Fort St. George;
23 January 1805.

Satisfied that there has been no intention in our Government to act otherwise, we think it requisite only to state, that as we have never countenanced any species or degree of religious intolerance in the countries subject to our authority; and Mahomedans, Parsees, Hindoos, in all their varying sects, have been permitted to follow their separate persuasions without molestation; so it can be no question, that all who profess the Christian faith, whether of European, Armenian, or Indian race, should enjoy the like privilege and protection; therefore officers of every rank, Europeans and natives, employed in the administration of our affairs, should conform themselves to these general principles, from which any deviation, past or future, must excite our disapprobation; and whilst those officers are careful to secure the obedience and the revenue due to Government, they should be the defenders of every subject against injurious treatment on a religious account; and with regard also to the Missionaries, so long as they conduct themselves in a prudent and upright manner, as they appear hitherto to have done, we cannot doubt that their persons will be duly respected.

— No. 7. —

EXTRACT of a LETTER from Lieutenant Colonel *Wilks*, Acting Resident of *Mysore*, to the Chief Secretary of the Government of *Fort St. George*, dated 4th of March 1807, on the subject of the HINDOO RELIGION.

EXTRACT, FORT ST. GEORGE, PUBLIC CONSULTATIONS;
13th March 1807.

EXTRACT from Letter of Lieut. Col. *Wilks*, acting Resident at *Mysore*, to the Chief Secretary to the Government of *Fort St. George*, dated *Mysore*, 4th March 1807.

THE religion of the Hindoos is usually represented as unchanged and unchangeable. Perhaps the religious history of Europe is scarcely less pregnant with revolutions, and unhappily (contrary to another erroneous opinion) no country on earth furnishes the records of such sanguinary persecutions as those which have been achieved by the brahmins of India.

— No. 8. —

EXTRACTS, or so much of the CORRESPONDENCE of the Governor General in Council of *Bengal*, with the Court of Directors of the East India Company, as relates to the Abolition of the Practice of SACRIFICING CHILDREN at *Saugor* and other places.

EXTRACT BENGAL JUDICIAL CONSULTATIONS;
the 18th February 1802.

(Criminal.)

Calcutta Magistrates,

To the Honourable G. H. BARLOW, Esq. Vice President in Council.

(No. 2.)

HONOURABLE SIR,

WE think it our duty to submit to your consideration the enclosed Copy of a Deposition, delivered at the Police by Mr. C. Sterling.

2. The

2. The deponent, in substance, states, that being at Sagor, on the day of the full moon, in the month of November last, he was a witness to several human sacrifices offered, as he represents, to the sharks; and that the victims consisted of old men, old women, and children.

3. Other depositions have been taken, some on oath, and some without an oath, to the same effect.

4. Having made the circumstances above-mentioned an object of our particular attention, it appears that the sacrifices are, as stated in the depositions, of two descriptions; of aged persons, of both sexes, which are voluntary, and of children, which, of course, are involuntary; and that the periods fixed for the performance of them, are at the full moon in November, and in January.

5. The custom of sacrificing children is confined to the people of the eastern districts. The practice arises from vows made by their parents, who, when apprehensive of not having issue, had promised, in the event of their having five children, to devote the fifth, in its infancy, to the Ganges.

6. It might be supposed, that superstition could not be carried further: the following, however, is an incident in which the dictates of bigotry appear to be still more strongly opposed to the sentiments and feelings of nature. Apprehensions being entertained, lest these sacrifices might, at a future period, be prevented by the police, a boy of about twelve years of age, who, we have reason to believe, was not the fifth child, and who, consequently, according to the strict letter of the vow, was not liable to be sacrificed, was thrown into the Ganges. The boy having saved himself by swimming, a Go-ayn endeavoured to extend to him his protection; but, singular and unnatural as it may appear, he was again seized, and committed to destruction by his own parents*.

7. We have before stated, that the above sacrifices take place at Sagor, which island is held to be peculiarly sacred, from its being considered as the termination of the Ganges, and as the junction of that river with the sea. The spot where these rites are administered, is described in Major Rennel's map, under the title of 'The Place of Sacrifice.'

8. Sagor is not the only place where rites of the above nature are performed. The same practice prevails at Illahabad, at Baumsbarid in the zillah of Hooghly, and at Chogdah in the zillah of Nuddeah. We have reason to believe, however, that at those places it is become, for the most part, a mere ceremony; and that the children, though thrown into the Ganges, in conformity to the vow of their parents, are, generally, if not uniformly, rescued from destruction.

9. It does not appear that sacrifices of this nature are sanctioned by any tenet of the Hindoo code. What, however, has the force of a religious dogma, is the vow itself, and usage; which, in the opinion of the Hindoos, is equally binding as a written law.

10. The practice appears to be little countenanced by the religious orders, or by the great body of the people; who, on the contrary, think it a pious and meritorious act to rescue a child from destruction, and afterwards to adopt and maintain it at their own expense.

11. Not having been in possession of any information regarding the sacrifices in the month of November last, the sacrifices took place at that period without any interference on the part of the Police; when the number of victims destroyed amounted to no less than thirty-nine. In the past month, however, we sent a party to prevent a repetition of these barbarous rites; and are happy that the duty was effectually performed, without any disturbance or opposition whatever.

12. In considering the means best adapted for preventing a practice so repugnant to nature and humanity, we observe, that it would be consistent with precedents already established, to propose a regulation for the prevention of such sacrifices in future; but as we have no reason to suppose that the practice was authorized under the Mogul Government, as it was never sanctioned under the British Government, and as the parties concerned are liable to be tried and punished according to the established laws, we presume it would be sufficient to issue a proclamation, notifying, that any persons who may be parties to such sacrifices, will be tried and punished for the offence, according to the general laws and regulations of the country.

13. The foregoing remarks and suggestion are applicable only to the involuntary sacrifices of children. With respect to the self-devotion of the aged and infirm, in the Ganges, the practice prevails so generally, and is considered by the Hindoos, under certain circumstances, so instrumental to their happiness, in a future state of existence, that we doubt whether any rules which could be adopted would prevent a practice rooted in the most remote antiquity, and sanctioned by express tenets in their sacred books.

14. We take this opportunity of recommending, that the island of Sagor be declared subject to the jurisdiction of the Magistrates of the 24 Pergunnahs; it appearing to us, that

* The above circumstance serves to shew how erroneous the account was which was published regarding these sacrifices, in the India Gazette of the 21st December 1801.

No. 8.

Extracts of Correspondence relating to the Sacrificing Children.

that although the distance from Calcutta is considerable, yet that the communication can be more easily maintained by means of the river, from Calcutta than from Midnapore; to which zillah it is at present considered to appertain. On the same grounds it may possibly appear to you expedient, that the civil jurisdiction of the island should be annexed to the zillah of Hooghly.

15. We beg leave to add, that a dispute having arisen among the Gosayns, regarding the partition of the amount collected from the pilgrims, the money was deposited with the police officers; and as the same differences still exist, we are at a loss in what manner to dispose of it. We shall, therefore, refer the parties to the Adawlut to establish their claim, or shall make such other appropriation of the money, as you may be pleased to direct. These contributions are levied from the pilgrims and shopkeepers resorting to Sagor for the performance of the above and other religious ceremonies, by the Gosayns, who derive their title thereto from a sage named Capila, who is supposed to have lived two thousand years before Christ.

We have the honour to be,
&c. &c.

Police Office, Calcutta,
17th Feb. 1802.

(Signed) *G. Dowdeswell,
C. F. Martyn,
W. C. Blaquiere,
A. Macklew,
Ed^d Thoroton.*

(No. 3.)

THE Information and Deposition of Charles Starling, a mate in the pilot service, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the Town of Calcutta, at Fort William in Bengal, the nineteenth day of December 1801; who, on his oath, saith, That on the day of the full moon in November last, this deponent, and Edmund Bartlett, branch pilot, went from the Philip Dundas schooner on shore to the Pagoda Creek on Saugore island, where the people, as this deponent is informed, go annually to worship. That after this deponent and the said Edmund Bartlett got on shore, they walked up to the huts of the natives, and after being on shore for an hour, they saw the entrails, as they supposed to be, of a human body, floating on the water; and at the same time they also saw about three thousand natives on the beach, as near as this deponent can guess. This deponent further saith, That a fakeer, who was standing close to this deponent and the said Edmund Bartlett, this deponent asked him, the said fakeer, the reason why a number of the natives were ordered to be put into the water; he answered, that the head fakeer had ordered them to go to the water, to be devoured by the sharks, for the prosperity of their respective families. He, the said fakeer, also informed this deponent, that if a woman had four children, she ought to put one of them into the water, to be devoured by the sharks, with the hope that the three other children should live. This deponent further saith, That while this deponent was on the beach, and during the time that he was in the boat going to the shore, this deponent saw altogether eleven men, women, and lads, destroyed by the sharks. This deponent further saith, That while they, this deponent, and the said Edmund Bartlett, were in the boat, they heard that a boy was to be put into the water, to be destroyed by the sharks: they waited there with an intention to save the boy, but he was not put into the water while the boat was there; and this deponent is informed and believes, that as soon as they returned to the schooner, the boy was also put into the water, and was destroyed by the sharks.

(Signed) *Chas. Sterling.*

Sworn the day and year first above
written, before me,

(Signed) *C. F. Martyn.*

Resolved, That the following Letter be written to the Nizamut Adawlut.

(No. 4.)

To T. H. COLBROOKE and J. H. HARRINGTON, Esq.
Puisne Judges of the Nizamut Adawlut.

GENTLEMEN,

THE Vice-President in Council has the honour to transmit to you a Copy of a Letter, and of its Enclosure, from the Calcutta Magistrates, reporting a practice which prevails at the island of Sagor, of offering human sacrifices to the Ganges.

2. The Vice-President in Council, deeming it necessary that the most effectual measures should be taken for preventing the observance of this inhuman and criminal rite in future, requests that you will take the subject into your consideration, and that you will transmit to him the draft of a regulation for preventing the sacrifice of children at Sagor, or at any other place where the same practice may prevail.

We have the honour to be, &c.

Fort William,
18 Feb. 1802.

Ordered, That the Magistrate of Midnapore be directed to report, whether he is aware of any objection to the island of Sagor being separated from his jurisdiction, and annexed to the 24 pergunnahs.

Ordered,

Ordered, That the Calcutta Magistrates be informed, That the necessary measures will be adopted for preventing the inhuman and criminal practice of sacrificing children at Sagor in future; and that they will hereafter be furnished with orders, upon their suggestions regarding the jurisdiction of that island.

No. 3:

Extracts of Correspondence relating to the Sacrificing Children.

EXTRACT BENGAL JUDICIAL CONSULTATIONS,

20th August, 1802.

(No. 18.)

(Criminal; Nizamut Adawlut.)

To His Excellency the Most Noble RICHARD Marquis WELLESLEY, K. P.
Governor General, &c. &c. &c.—Fort William.

My Lord,

IN compliance with the desire expressed by the Honourable the Vice President in Council, in his Letter of the 18th February last, we have prepared, and have now the honour to transmit, the draft of a Regulation for preventing the Sacrifice of Children at Saugor and other places.

We have the honour to be, with respect, &c.

Fort William,
the 20th May 1802.

(Signed) *H. Colebrooke,*
J. Harrington.

A. D. 1802. REGULATION VI.

A REGULATION for preventing the Sacrifice of Children at Saugor and other places. Passed by the Governor General in Council, on the 20th August 1802; corresponding with the 5th Bhadoon 1209 Bengal era; the 7th Bhadoon 1209 Fussily; the 5th Bhadoon 1209 Willaity; the 8th Bhadoon 1859 Sumbut; and the 20th Rubbee us Saanee 1217 Higreec.

IT has been represented to the Governor General in Council, that a criminal and inhuman practice of sacrificing children, by exposing them to be drowned, or to be devoured by sharks, prevails at the island of Saugor, and at Bansbaryah, Chaugdab, and other places on the Ganges. At Saugor, especially, such sacrifices have been made at fixed periods, namely, the day of full moon in November and in January; at which time, also, grown persons have devoted themselves to a similar death. Children, thrown into the sea at Saugor, have not been generally rescued, as is stated to be the custom at other places; but the sacrifice has, on the contrary, been completely effected, with circumstances of peculiar atrocity in some instances. This practice, which is represented to arise from superstitious vows, is not sanctioned by the Hindoo law, nor countenanced by the religious orders, or by the people at large; nor was it at any time authorized by the Hindoo or Mahomedan governments of India. The persons concerned in the perpetration of such crimes, are therefore clearly liable to punishment; and the plea of custom would be inadmissible in excuse of the offence. But, for the more effectual prevention of so inhuman a practice, the Governor General in Council has enacted the following Regulation to be in force, from the promulgation of it, in the provinces of Bengal, Behar, Orissa, and Benares.

II. If any person or persons shall wilfully, and with the intention of taking away life, throw or cause to be thrown, into the Sea, or into the river Ganges, or into any other river, or water, any infant, or person not arrived at the age of maturity, with or without his or her consent, in consequence whereof such person so thrown into water shall be drowned, or shall be destroyed by sharks or by aligators, or shall otherwise perish; the person or persons so offending, shall be held guilty of wilful murder, and, on conviction, shall be liable to the punishment of death; and all persons aiding or abetting the commission of such act, shall be deemed accomplices in the murder, and shall be subject to punishment accordingly. The trials of prisoners convicted as principals or accomplices of the crimes specified in this section, shall be referred to the Court of Nizamut Adawlut; which is to pass sentence thereupon, according to Section 75. Regulation IX. 1793, whatever may be the futwah of the law officers of that court; or report to the Governor General in Council the case of any prisoner who may appear to that court to be a proper object of mercy; in conformity with Section 79. Regulation IX. 1793.

III. If a child, or any person not arrived at maturity, be thrown into water, as stated in the preceding section, and be rescued from destruction, or by any means escape from it, the persons who shall have been active in exposing him or her to danger of life, and all aiders and abettors of such act, shall be held guilty of a high misdemeanor, and, on conviction, shall be liable to such punishment as the Courts of Circuit, under the futwah of their law officers, may judge adequate to the nature and circumstances of the case.

[temporary imprisonment, to be adjudged by Courts of Circuit.

IV. The Magistrates of districts, wherein the sacrificing of children may have been hitherto practised, are required to be vigilant to prevent the continuance of the practice; and shall cause the provisions of this Regulation to be from time to time proclaimed at the places, and in the season, where and when such sacrifices have hitherto been effected.

The offence of destroying persons not arrived at maturity, by throwing them into water, declared murder, and punishable with death. Trials of principals and accomplices in the offence to be referred to the Nizamut Adawlut. That court how to pass sentence. To report to Government prisoners esteemed deserving of mercy.

In cases where the persons thrown into the water shall escape death, the offence deemed a high misdemeanor, and punishable by Courts of Circuit.

Magistrates to be vigilant against the practice, and to proclaim the provisions of this Regulation.

EXTRACT JUDICIAL LETTER FROM BENGAL;

dated 30th September 1802.

Para. 43.—HIS Excellency in Council has the honour to forward to your Honourable Court, ten printed copies of the under-mentioned Regulations, passed during the course of the present year.

REGULATION VI. 1802.

A REGULATION for preventing the Sacrifice of Children at Saugor and other places.

EXTRACT JUDICIAL LETTER TO BENGAL;

dated September 14th 1803,

Letter from dated 30th September 1802. } 28. WE are not aware of there
43. Forwarding printed copies of Regulations. } being any objection to the several
Judicial Regulations described in this
paragraph; but feeling a general interest in the cause of humanity, and a particular one in whatever respects the natives of India who are subject to the British Government; we deem it incumbent upon us to express our entire approbation of the 6th Regulation of 1802, which has for its object the prevention of the criminal and inhuman practice, which prevails at the Island of Saugor and other places, of sacrificing children at certain periods, by exposing them to be drowned, or to be devoured by sharks. We rely upon the most vigilant attention on the part of the officers of the Police for carrying the Regulation into complete effect.

— No. 9. —

EXTRACTS of the CORRESPONDENCE of the Governor General, and of the Governor in Council of *Bombay*, with the Court of Directors of the East India Company, so far as relates to the Abolition of the Practice of INFANTICIDE in the Districts of *Juanpore*, *Guzerat*, and *Kutch*.

BENGAL REGULATION XXI. 1795.

EXTRACT REGULATION for preventing Brahmins, in the province of *Benares* establishing *Koorhs*, wounding or killing their Female Relations or Children, or setting *Dhurnah*; and for preventing the Tribe of *Raujekoomars* in that province killing their Female Children.—Passed by the Governor General in Council, on the 28th August 1795.

Preamble.—THE reverence paid by the Hindoos to Brahmins, and the reputed inviolability of their persons, and the loss of or prejudice to caste, that ensues from proving the cause of their death, have in some places in the province of *Benares*, and more especially in the *pergunnahs* of *Kuntit* and *Budhoe*, being converted by some of the more unlearned part of them, into the means of setting the laws at defiance, from the dread and apprehensions of the persons of the Hindoo religion, to whose lot it must frequently fall to be employed in enforcing against such Brahmins any process or demands on the part of Government. The devices occasionally put in practice, under such circumstances, by these Brahmins, are, lacerating their own bodies, either more or less slightly, with knives or razors; threatening to swallow, or, sometimes actually swallowing poison, or some powder which they declare to be such; or constructing a circular inclosure called a *Koorh*, in which they raise a pile of wood or of other combustibles, and betaking themselves to fasting, real or pretended, place within the area of the *koorh* an old woman, with a view to sacrifice her, by setting fire to the *koorh*, on the approach of any person to serve them with any process, or to exercise coercion over them on the part of Government or its delegates. These Brahmins likewise, in the event of their not obtaining relief within a given time, for any loss or disappointment that they may have justly or unjustly experienced, also occasionally bring

bring out their women or children, and causing them to sit down in the view of the Peon who is coming towards them on the part of Government or its delegates, they brandish their swords, and threaten to behead or otherwise slay these females or children on the nearer approach of the Peon; and there are instances, in which from resentment at being subjected to arrest or coercion, or other molestation, they have actually not only inflicted wounds on their own bodies, but put to death with their swords, the females of their families or their own female infants, or some aged female procured for the occasion. Nor are the women always unwilling victims; on the contrary, from the prejudices in which they are brought up, it is supposed, that in general they consider it incumbent on them to acquiesce cheerfully in this species of self-devotement, either from motives of mistaken honour or of resentment and revenge, believing that after death they shall become the tormentors of those who are the occasion of their being sacrificed. On similar principles, these Brahmins, to realize any claim or expectation, such as the recovery of a debt, or for the purpose of extorting some charitable donation, frequently proceed either with some offensive weapon or with poison, to the door of another inhabitant of the same town or village, and take post there in the manner called Dhurna; and it is understood, according to the received opinions on this subject, that they are to remain fasting in that place until their object be attained, and that it is equally incumbent on the party who is the occasion of such Brahmins thus setting, to abstain from nourishment until the latter be satisfied. Until this is effected, ingress and egress to and from his house are also more or less prevented; as, according to the received opinions, neither the one nor the other can be attempted, but at the risk of the Brahmins wounding himself with the weapon, or swallowing the powder or poison with which he may have come provided. These Brahmins, however, are frequently obliged to desist, and are removed from setting dhurna by the officers of the Courts of Justice, without any ill consequences resulting; it having been found by experience, that they seldom or ever attempt to commit suicide or to wound themselves or others, after they are taken into the custody of Government. The rules and measures adopted for putting a stop to these abuses, and for preventing the revival of the still more savage custom, which until within these few years had been generally prevalent amongst the tribe of Raujekoomars, inhabiting the borders of the province near Juanpoor, of destroying their infant female children, by suffering them to perish for want of sustenance, are hereby enacted, with modifications, into a Regulation.

Extracts of Correspondence relating to the abolition of Infanticide in Juanpoor, Guzerat, and Kutch.

Section XIII.—In the month of December 1789, the tribe of Raujekoomars having bound themselves to discontinue the practice of causing their female infants to be starved to death; it is now accordingly ordained, That from the establishment and opening of the City and Zillah Courts, and of the Court of Circuit in Benares, if any Raujekoomar shall designedly prove the cause of the death of his female child, by prohibiting its receiving nourishment, as set forth in the preamble to this Regulation, or in any other manner, the Magistrate, on receiving information thereof upon oath, or such other information or proof as he shall deem sufficient to render the charge highly probable, shall cause such Raujekoomar to be apprehended in the manner prescribed, and make the enquiry ordered in Section 5. Regulation IX. 1793; when, if it shall appear to the Magistrate that the crime has been actually committed, and that there are grounds for suspecting the prisoner to have been concerned in the perpetration of it, the Magistrate shall cause him to be committed to prison, to be tried before the Court of Circuit, and shall at the same time take all the other precautions required in the Section and Regulation last quoted, relative to securing the attendance of the original complainant or informant, and of the witnesses; and the prisoner shall be tried accordingly, in the manner directed in Regulation IX. 1793, and Regulation XVI. 1795, with respect to other cases of murder.

EXTRACT BOMBAY POLITICAL CONSULTATIONS;

20th May 1806.

EXTRACT of Letter from the Governor in Council of Bombay, to the Governor General in Council; dated 15th May 1806.

Para. 52.—ANOTHER object, which the expedition might have in view, would be, an attempt to reform the manners of several of these chieftains, who, in common with the Jerajah tribe in the contiguous country of Cutch, put their female children generally to death as soon as they are born. Of this fact we have received too many concurrent testimonies, to admit of hesitation in the belief of its prevalence; and the accompaniment marked in the margin will be found to contain such official proceedings as we have hitherto held, respecting a discovery so deplorable and humiliating to the human race.

(No. 10.)

EXTRACT of Letter from Major Walker, Resident at Baroda, to the Governor in Council of Bombay; dated 27th May 1805.

Para. 5.—IT may not be superfluous to observe, for the information of the Honourable the Governor in Council, that both these families came originally from Boojce, but have been established, from a remote period, in Kattywar; the Imaum is a title or surname assumed

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Extracts of Correspondence relating to the abolition of Infanticide in Jaunpore, Guzerat, and Kutch.

assumed only by the elder branch; and that both are distinguished by the no less extraordinary than barbarous practice of putting their female children to death in their infancy.

With respect to the usage above adverted to, of female Infanticide, it is known to be equally practised among all the Jarajahs, or those who are of the same caste with the family of the present Rajahs of Cutch, besides being probably diffused more or less amongst several other classes on the borders of that country; into all which Major Walker is to be desired to cause full enquiry to be made, with a view to ascertain whether these people might not, by persuasion, be restrained from a practice so abhorrent of all principle and natural feeling; particularly in as far as the same may be found any where to exist within the Guicawars or the Paishwas, or our own part of Guzerat, in which a beginning might be made, by inducing the parties to sign to such an agreement as our President took in 1789, from a like race of Infanticides called Ranjee Koomars, in a remote district of the division of Benares then under his charge: of which some account, and a copy of the said deed or writing, will be found in a deputation from Lord Teignmouth, in one of the volumes of the Asiatic Researches, of which the Resident is to be furnished with a manuscript copy, desiring him thereon to communicate with Sunderjee Sheojee, of Mandavee in Cutch, now on his way to Baroda, and endeavour to gain his assent to becoming our agent for effecting the abrogation, in that quarter, of so detestable and atrocious a custom.

EXTRACT from the Proceedings of the Honourable the Governor in Council of Bombay, in the Political Department; under date the 1st of November 1805.

[READ the following Letter from the Resident at Baroda; with two Enclosures.]

To F. WARDEN, Esq. Secretary to Government, Bombay.

SIR,

1. I HAVE the honour to enclose, for the information of the Honourable the Governor in Council, a translation of a Letter, received from Sunderjee Saujee of Cutch; communicating some particulars relative to the practice of female Infanticide among the tribe of Jarajahs, and some information on the state of affairs among the chieftains bordering on the gulph of Cutch.

2. The Honourable the Governor in Council will observe with regret, that so large a number of innocent children annually suffer, from the prevalence of the barbarous custom of female Infanticide, among the caste of Jarajahs; but the custom seems limited to that tribe who inhabit Cutch and Kattywar, as I have not been able to trace its existence among any other people of Guzerat.

3. I have the honour to enclose a copy of a Letter, written to Sunderjee on the subject of this custom; but I fear the humane attempt of the Honourable the Governor in Council will not be successful, to any great extent, in restraining the superstitious and religious prejudices of a tribe, which are so far removed from the authority of the British Government, and so little acquainted with the principles of improved society.

I have the honour, &c.

Baroda,
1st September 1805.

(Signed) A. Walker,
Resident.

TRANSLATION of a Letter from Sunderjee Saujee of Cutch, to Major Walker; dated the 17th Jemodurlawa, or 13th August; received in Baroda the 13th.

YOUR favoured Letter, relative to ascertaining the sentiments and designs of the Chieftain of Dherole, as the views of the Company are directed towards him; as also relative to the establishment of the fact of the caste of Jarajahs drowning their daughters in milk on their birth, and why they do not permit them to live; and concerning your health; arrived in due time: its contents were understood.

After visiting Dherole, and ascertaining the circumstances above mentioned, according to your desire, I will write the same in detail, and dispatch them for your information; for I am obedient to your orders, and will not deviate.

The drowning of the daughters of the Jarajahs proceeds from this cause. In this country there is no one who can marry into the tribe of Jarajahs; wherefore they drown their daughters; and there may be annually five or 600 births among the Jarajahs, in as much as the Chieftains of Moorbee, Holder, Gendul, Wagen, Cutch, and Kutchacot, are all *Jarajahs*, and are all related; and among relatives it is not customary for Hindoos to marry: except relatives, there are none of their own tribe.—Such is the custom of the Jarajahs.

From Major WALKER to SUNDERJEE.

I HAVE been favoured with your Letter of the 17th of Jumaduilawell; communicating your intentions of proceeding to the Dherole country, whenever the season for purchasing horses arrives, and detailing some customs of the caste of Jarajahs.

I have to request, that on this interesting subject you will, in your next Letter, be more particular, and detail every circumstance relative to the inhuman custom, which is practised by the Jarajahs, in putting their female children to death in their infancy.

The

The prevalence of such a barbarous custom must be a subject of regret to all the friends of humanity, and the more so to the British Government, whose views being ever directed to promote the happiness of their own subjects and neighbours, cannot learn without horror, that five or six innocent children are annually put to death; who, if suffered to live, would contribute so much to increase the population, and the consequent prosperity of the country in which they abide.

This custom is the more extraordinary and reprehensible, as it is expressly forbidden by the Hindoo laws, and in the *Brimha Bywant Pooran* is called a great crime. In the *Pooran* it being written, that killing even a foetus is as criminal as killing a brahmin, and condemns the perpetrators to suffer in the hell called *Nerk*, for as many years as there are hairs on the child's body.

It would therefore be a very acceptable service to humanity, highly gratifying to Mr. Duncan and the British Government, and honourable to yourself, if you could exert your influence to put a stop to such a barbarous custom.

When the Honourable Mr. Duncan was in charge of the province of Benares, he put a stop to the custom, which was then practised by a caste called *Raujee Koomars*, by getting the caste to sign an agreement, by which any one, who committed this crime, should be expelled from the tribe, and neither eat, drink, or sleep, with the members of it; besides suffering the punishment denounced in the *Pooran*. If such an agreement could be executed in Cutch, it would probably be effectual.

To Mahomed Seth you may return an answer of civility, but give him no assurances. I am anxious to hear from you about the business between *Mohide Mahomed Ali* and *Hunsraj Sa.*

(Signed) *A. Walker.*

Resident.

Baroda,
1st Sept. 1806.

REPORT from the SUPERINTENDENT of POLICE.

DAMAJEE CUTCHERAI, a respectable merchant of Cutch, informs me it is very true that the *Jarejah* tribe, in the district of Cutch, do very generally put their female infant children to death the instant they are born; the *Rajah* of Cutch follows this practice in his family, as also the *Rajah* of *Jamnuggur*, the *Rajah* of *Moorbee*, and the others in general; some, however, amongst this tribe, from a sense of the wickedness of the crime, and being good moral men, preserve their female children, but these are few in number. Their reason, as he has heard, for this abominable practice is, that the fathers do not wish their daughters to obey their husbands, being of a bold, domineering, proud spirit. On being asked, where the men of this tribe get wives, he informs me, from the other *Rajapoot* tribes. On being asked, how their infants are destroyed, he says, he has heard, that when a woman is in labour, a large pot of milk is brought and placed in the room, and if an unfortunate female is produced, the nurse immediately puts it into the pot of milk, and drowns it. That he has frequently asked the poorer class of this tribe, how they put their female children to death, and they have always answered, by making them drink milk; alluding to their being thrown into the pot of milk. The midwives are the only persons accessory to this horrid deed, and this is their language. He has never known any *Jarejah* families in Bombay. They have little or no trade, seldom go abroad, and live principally by the produce of their lands, and as soldiers. *Dhunbhoy*, an old nurse from the district of Cutch, informs me, that she never was employed as a nurse in any of the *Jarejah* families in that district, but her grandmother was, and she has heard her often declare, that whenever a female child was born, the unfortunate infant was put into a *cudjeree* pot of milk, with its head undermost, along with the afterbirth, and thus immediately destroyed; on the contrary, when a son was born, great rejoicings were made, by feasting their friends, &c. She declares, she knows no cause how this extraordinary custom arose, but has heard, that being a tribe of the *Rajapoot* caste, they do not wish that their females should obey any one independent of this, no one likes to take a female of this tribe into their family, as it is reckoned very unlucky to have any thing to do with them, and in general it is but too often verified.

This is the result of my enquiries.

(Signed) *S. Halliday.*

RELATION by *SUNDERJEE SHEEJEE*, of the part of *Mundavce* in the country of Cutch.

IT is notoriously known to be the established practice among those of the *Jarejah* tribe, in the country of Cutch, and adjoining districts of *Kattywar* (in the peninsula of Guzerat) not to bring up their daughters, but to put them to death at their births. The legend that I have heard, as accounting for this strange practice, is as follows:

In former times, it so happened, that to one of the head men of these *Jarejahs* several female children were born; and as, among the *Hindoos*, it is incumbent to provide husbands for their daughters, whilst these latter are yet in their nonage, the *Jarejah* chieftain above-named, applied accordingly to his family brahmin to pursue the necessary measures for getting the said *Jarejah's* female children contracted in marriage, with the sons of his equals in the tribe, and of like valour and power, as he possessed.

The brahmin, after making every enquiry, and going about to every place in quest of

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suitable matches for these children, returned without effecting his object; reporting thereon to the chieftain in question, that although he had exerted all his endeavours to find proper alliances for his female children, still he (this brahmin) had not traced any one who was of competent qualifications to be his son-in-law; wherefore (added the brahmin) since to retain these your female offspring in the family house, after their arriving at the age of womanhood, is contrary to the rules of religion, I will take them with me, and burn them in the fire, on condition that it be stipulated on your part, to destroy at their birth all issue of the same sex, that shall hereafter be born in your family; laying hereon, as I now do, my solemn malediction, both here and hereafter, on you and yours, if you fail to perform the same, in such manner, that if you shall preserve any of your future daughters, they shall pass their lives in penury and want; nor shall good attend the father or the mother of such children.

It is further reported, that after thus speaking, that brahmin took away those innocent girls, and consumed them in the flames; and that, in conformity to the stipulation and denunciation aforesaid, the people of the Jarejah tribe, dwelling in the country of Cutch, and in the pergunnahs of Hallar and other places within the contiguous peninsula of Guzerat, have, to the present day, continued to adhere to the practice in question; whereby, whenever a daughter is born to them, they do forthwith put these helpless babes, without compassion or pity, to death, *placenta supernares os que incumbente*, without allowing of their surviving for the shortest space.—Examination thereon of Sunderjee.

2. It has been understood, that Adeeba, the daughter of Ralahajee, a former Rajah of Cutch, was married to one of the Guicowar Rajahs; whence it is to be concluded, that the practice of the Jarejahs killing their daughters is not without exception.

Answer. That is true; and Adeeba is still surviving at Booje, the capital of Cutch; yet there are, nevertheless, but few exceptions, such as in this instance, to the general rule, because, from the effect of the malediction pronounced, no good ensues from their preservation; in so much that if any daughters of this tribe get married into other houses, the gain in such houses becomes less plentiful; nor do such women produce sons, but are the occasion of feuds arising in the families into which they are thus transplanted. Throughout all the country of Cutch there may be six or eight houses wherein the Jarejah masters of families bring up their daughters, or otherwise the practice is general; and besides what happens within the limits of that country, the Jarejah chieftains of Mooroe (written also Moorbe) Goondul and Jamnagurs, in the peninsula of Guzerat, do also kill their female infants.

There is an instance of Neesagee, the Kakerwalla chieftain of Cutch, having given his daughter in wedlock to Gholaum Shek, one of the former Mahomedan rulers of Sciardee, of the Kollera tribe, an event that must have happened forty years ago. But, at this period, this Kakerwalla family do not bring up their female infants: those who occasionally do so, are induced to it by the consideration of thereby acquiring the merit of having sons born to them; as, for instance, when a man has a succession of female children produced in his family, he will, at the suggestion of any one, be induced to believe, that by sparing and bringing them up, sons will also be acquired to him; whence, chiefly, Jarejah daughters are sometimes met with; of which there is, within my recollection, another instance in the case of the Rose Chieftain of Cutch, by name Vizragee, who has married a daughter of his to the son of Attabye, the Rajah of Bhownaghurs. That lady may now be about 20 or 22 years of age; but I have not heard that she has yet had any male issue, but that, on the contrary, her husband and she do not agree.

EXTRACT POLITICAL LETTER TO BOMBAY;

Dated 30th August 1809.

Para. 6.—WE cannot quit this subject of the Kattywar expedition, without expressing our entire approbation of your having instructed Major Walker to prevail upon the several chieftains in that district to renounce the horrid practice of destroying their female infants. We have the consolation to observe, that in consequence of Major Walker's interference, several of these chieftains have, by the execution of a most solemn deed, renounced this shocking custom in future.

EXTRACT BOMBAY POLITICAL CONSULTATIONS;

6th January 1810.

[Read the following Letter from the Resident at Baroda, with Enclosures.]

HONOURABLE SIR,

1. DURING the recent expedition into Kattywar, I was not unmindful of enquiring into the success of the humane arrangements introduced under the influence of the Honourable Company's Government for the abolishment of Female Infanticide among the Jahrajah Rajpoots, and I am happy to report, that this reform has completely taken root.

2. I have

2. I have the honour to enclose a list of those Jahrajahs who have preserved their female children, which fell under my own direct observance. On my halt at Dherole, I had all those in the immediate neighbourhood, who were capable of attending, brought to my tent, and many were too young to be brought to any distance. It was extremely gratifying on this occasion to observe the triumph of nature, feeling, and parental affection, over prejudice and a horrid superstition; and that those, who but a short period before would, as many of them had done, have doomed their infants to destruction without compunction, should now glory in their preservation, and doat on them with fondness.

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3. The whole of the instances submitted in the accompanying list, have occurred since the execution of the engagements renouncing the practice of Infanticide; among these the Honourable the Governor in Council will observe the name of the Rajah of Moorhee, Kooer Dadajee, of Rajcote, and Kooer Wuctagee, of Dherole, and of several other men of rank and influence, whose example must have a most beneficial effect.

4. The list of lives which have been saved to the community by the humane interference of the Company's Government, might be very considerably increased by extending the enquiry into the Jahrajah villages, but this will be sufficient to shew that the preservation of female children has now become general. There is no reason to doubt of the final abolishment of this inhuman practice, when once the natural emotions of parental affection have resumed their sway: it may be reasonably expected that this cruel and barbarous prejudice will be condemned by those who formerly most strongly supported it.

5. As every anecdote relative to Infanticide is deserving of notice, it may be worthy of remark, that in Cutch there is a village inhabited by Jahrajahs, who have for many generations abstained from the universal custom of the caste, and preserved their female offspring.

6. This reformation has been produced in their manners by the influence of religion, and the presence of a temple of Vishnee in their neighbourhood. It is unnecessary to notice that the tenets of this sect inculcate a regard to animal life, and which have, in this case, extended their influence to the support of humanity.

7. I respectfully beg leave to submit to the consideration of the Honourable the Governor General in Council, a memorandum of disbursement made in presents to those Jahrajahs who had preserved their daughters, and who visited me at Dherole. The fund whence this disbursement is to be defrayed, is from the nuzzeranah exacted from the chieftain of Gondul, and which the Honourable the Governor in Council is already apprized included an amercement for the destruction of the female infant of that chieftain's son.

8. This arrangement is in conformity to the instruction of the Honourable the Governor in Council, and I respectfully trust it will be honoured with their approval and sanction.

I have, &c.

Baroda,
25th December 1809.

(Signed) *A. Walker,*
Res't.

TRANSLATION of Memorandum, specifying those Jahrajahs who have preserved their Female Children.

Talooka Dherole.

- | | |
|------------------------------------|---|
| 1. Kooer Wuctagee. | 18. Jarahjah Ajobjee of Anondpoor. |
| 2. Dadah Abegee. | 19. D° - Hallafu of Ajamchera. |
| 3. Dadah Jetagee of Dherole Byaad. | 20. D - Dosahjee of Bajorka. |
| 4. Jarahjah Jetahgee of Jywah. | 21. D - Khaandajee of Babarah. |
| 5. D° - Poonzajee of Lealah. | 22. D - Dhooljee of Tulone. |
| 6. D° - Muckindjee of Sunsora. | 23. D° - Jatajee of Dagarah. |
| 7. D° - Mailajee of D°. | 24. D° - Moolojee of Sunasooza. |
| 8. D° - Mootogee of Roofee Anna. | 25. D° - Jogajee of Dunga. |
| 9. D° - Holajee of Dangur. | 26. Huldore Marejee. |
| 10. D° - Maroojee of Waogoodur. | 27. Jahrajah Imtajee. |
| 11. D° - Bangee of Gooletaan. | 28. D° - Jehajee of Rajcote. |
| 12. D° - Puchanjee of Lealla. | 29. Kooer Dudajee of Rajcote Byaad. |
| 13. D° - Desogee of D°. | 30. Jahrajah Jehajee, the Rajah of Noowee.
a daughter just born. |
| 14. D° - Jaymuljee of Razpoora. | 31. Jalerajeh Jessagee of Jallia. |
| 15. D° - Jugoojee of Maigpoor. | 32. Kooer Dosajee of Kotaana Moorvee. |
| 16. D° - Byjee of Veperdee. | |
| 17. D° - Bharajee D° - D°. | |

(Signed) *A. Walker,*
Res't.

Extracts of Correspondence relating to the abolition of Infanticide in Jaunpore, Guzerat, and Kutch.

LIST of Enams and Presents to the daughters of the Jahrajahs;
Talooka Dherole and Byaad.

Jarajah Wuctagee - - - - -	Rupees 300
D ^o - Bowagee's brother's daughter - - - - -	250
- - - Dada Walojee - - - - -	150
- - - D ^o - Jettajee - - - - -	150
Jarajah Mailajee - - - - -	150
D ^o - Pourzajee - - - - -	200
D ^o - Jettajee - - - - -	200
	1,400
	Res ^t .

(Signed) *A. Walker,*
Res^t.

Minute, 6th Jan.—We have read with interest and sympathy the preceding Report of the successful progress in the abolition of Female Infanticide, and we entirely approve of the measures which Colonel Walker has adopted, with a view to the advancement of that salutary and desirable object.

The acting Resident at Baroda to be also advised of these sentiments, for his future guidance in respect to the measures to be hereafter adopted, with reference to the future depression and ultimate extinction of this horrid practice among the Jarajah tribe in Kattywar.

EXTRACT PUBLIC LETTER TO BOMBAY;

Dated 26th October 1810.

Para. 5.—YOUR instructions to Lieutenant Colonel Walker, to endeavour to prevail upon the several chieftains of Kattywar to renounce the horrid practice of Female Infanticide, have already had our entire approbation, as expressed in the 6th para. of our Political Letter to you, of the 30th August 1809; and it is with the deepest interest that we have perused Lieutenant Colonel Walker's Report, of the 25th December 1809, referred to in the 40th para. of your Political Letter, of the 31st January 1810; wherein we find, that the arrangements adopted by Lieutenant Colonel Walker, for the prevention of this barbarous custom, have been attended with success, and that the reform in the habits of the people, among whom the practice obtained had completely taken root, and that natural affection and parental feelings had so far begun to take place of prejudice and superstition, as to leave no doubt of the abolition of this inhuman practice being finally effected; and we cheerfully acknowledge Lieutenant Colonel Walker's merits, in having so successfully exercised himself in the general interests of humanity.

EXTRACT POLITICAL LETTER FROM BOMBAY;

Dated 31st January 1810.

Para. 40.—YOUR Honourable Court will peruse with interest and sympathy Colonel Walker's Report (dated 25th December) of the successful progress that has been already made in the abolition of the practice of Female Infanticide among the Jahrajah tribe in Kattywar; and we entirely approve of the measures which he has adopted, with a view to the further prosecution of this salutary and desirable object.

— No. 10. —

Copy of a REPORT made by the Reverend Dr. Kerr, Senior Chaplain of *Fort St. George*, to the Right Hon. Lord *William Bentinck*, dated *Madras*, 5^d. November 1806; together with the Proceedings had thereupon.

EXTRACT FORT ST. GEORGE PUBLIC CONSULTATIONS;

the 27th June 1806.

The Right Honourable the President records the following MINUTE.

WE have a general knowledge that various sects of the church of Christ have been long established, and in great numbers, upon the western coast of the Peninsula. The first introduction

introduction of Christianity into India, is one of the most interesting objects of historical research, and comes peculiarly within the description of information which the Court of Directors required in their dispatch, under date the

The actual state of these sects is, perhaps, our more immediate care. In the universal toleration of all religions allowed by the British Government, as to use a more proud expression, in the universal protection and support which has been given to all religions, we seem called upon, in the strongest manner, to take under our particular charge the whole Catholic Church of Christ. When we consider the broadly marked and essential distinction of the Mahomedan and Hindoo religions from Christianity; and when we consider the comparatively trifling divisions between the various sects of our own church, our first wish must be to see the followers of Mahomed and of Bramah embrace Christianity: their adherence to this or that church, is a point, in my opinion, of secondary consideration. The precepts of our own religion, not less than the real interests of that religion, and, as a Christian, I must also add, the real interests of the great population, require that all Christian sects shall live in charity one with the other; that they should abstain from those impious persecutions which, in the Western world, have so much injured the cause of religion, and which, more than any other cause, perhaps, established the success of Mahometanism: in short, that they should mutually support and befriend each other.

The residence of Dr. Kerr, in the Mysore, would seem to present a favourable opportunity of obtaining the requisite information; I would, therefore, beg leave to propose, that this gentleman should be requested to proceed, when the state of his health and the season may permit, to the other coast; and report to Government all such information, as he may be able to collect, of the first introduction of Christianity into India; of the arrival of the different sects who have been or may be in existence; of their general history; and of the persecutions to which they may have been exposed; of their success in making proselytes; of their church establishments, and of the sources from which they are maintained; and all other circumstances connected with this subject.

Fort St. George,
27th June 1806.

Approved; and Ordered accordingly.

(Diary 28th.)

To the Reverend Dr. KERR, Senior Chaplain of Fort St. George.

REVEREND SIR,

THE Right Honourable the Governor in Council, being desirous of availing himself of your vicinity to the Malabar Coast, to obtain every possible information in regard to the establishment, &c. of the Christian religion in that part of the peninsula; I am directed, by his Lordship in Council, to desire, that so soon as the state of your health and the season will permit, you will proceed to the provinces on that coast; and that you will forward to me, for the information of Government, such accounts as you may be able to collect, of the first introduction of Christianity into India; of the arrival of the different sects who have been or may be in existence; of their general history, and of the persecutions to which they may have been exposed; of their success in making proselytes; of their church establishments; and of the source from which they are maintained; with all other circumstances connected with this important subject.

I have the honour to be, &c.

Fort St. George,
28th June 1806.

(Signed) G. G. Keble,
Sec^y to Government.

EXTRACT, FORT ST. GEORGE, PUBLIC CONSULTATIONS;

7th November 1806.

To the Right Honourable Lord W. C. BENTINCK, Governor in Council, &c. &c. &c.

My LORD,

WHEN at Mysore, I was honoured by the receipt of Mr. Secretary Keble's letter, dated the 28th of June last, and finding my general health much improving, I resolved to proceed to the Malabar Coast, in search of the information required by your Lordship in Council, regarding the Christians inhabiting that part of the peninsula; an investigation which I have found as interesting, as it is important, whether it regards humanity at large, or as it is connected in a political view, with the British interests in this country.

To examine the extensive field pointed out for my enquiries minutely, would require much more of my time, than could be well spared from my other public avocations; and as I learned, that the Rev. Dr. Buchanan was nominated by the Government of Bengal to travel over the same ground for purposes somewhat similar, I did not think it incumbent on me to take up more than a general view of the subject, and I directed my attention accordingly, not so much to details, as to matters of comprehensive import.

The first object to which the orders of Government refer, is, to an account of the introduction of Christianity into this country.

There can be no doubt whatever, that the St. Thome Christians settled on the Malabar

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Coast at a very early period of the Christian Church, from whence they at one time spread, in various directions, as far even as Mileapore and St. Thomas's Mount; but to derive *authentic* information as to the time of their arrival, is at present no easy task.

From the confusion arising from the imperfection of Hindoo chronology, from the desire which these Christians have to derive their origin from the earliest possible times (which may perhaps have introduced false traditions amongst them) and as all their authentic records are reported to have been destroyed during the persecutions of the Church of Rome; from all these circumstances, whether we refer to the Hindoo accounts, to the St. Thome Christians themselves, or to their persecutors the Roman Catholics, we are not likely to arrive at any certain conclusion as to the *exact* time of their establishment in Malabar. Some circumstances, however, may be collected from *undoubted authority*, by which it may be inferred, that they have been for nearly fifteen centuries established in India; for we find in ecclesiastical history, that at the first Council of Nice in the year 325, a bishop from India was amongst the number composing that memorable synod; and in the creeds and doctrines of the Christians of Malabar, internal evidence exists of their being a primitive church. For the supremacy of the Pope is denied, and the doctrine of transubstantiation never has been held by them; and they regarded and still regard the worship of images as idolatrous, and the doctrine of purgatory to be fabulous. Moreover, they never admitted as sacraments, extreme unction, marriage, or confirmation; all which facts may be substantiated on reference to the acts of the synod established by Don Alexis De Moneses archbishop of Goa at Diamper, in the year 1599.

The history of this Council will be found most ably detailed in a work printed in French, and entitled, *The History of Christianity in India*, published at the Hague in the year 1724, by La Croze, the celebrated librarian to the king of Prussia.

The object of this work was to deduce from authentic materials, the rise, progress, and establishment of Christianity in the East, and to hold up to disgrace and to merited indignation, the bigoted and unworthy conduct of the Roman Catholic church, in the persecution set on foot by her emissaries, under her avowed sanction, against the primitive Christians, who were found settled on the coast of Malabar; and La Croze has discharged his duty to the public, in a most faithful, interesting, and able manner.

When the Portuguese first arrived in this country, in the beginning of the 16th century, they found a Christian church, using the Syrio-Chaldaic language, established in the neighbourhood of Cranganore; and though it was published to the world many centuries before that period, that such a church existed, yet we find their ignorance expressed in the wonder which it excited. These Christians met the Portuguese as natural friends and allies, and rejoiced at their coming; but the Portuguese were much disappointed at finding the St. Thome Christians firmly fixed in the tenets of a primitive church, and soon adopted plans for drawing away from their pure faith this innocent, ingenuous, and respectable people. However, after using for nearly a century, all the customary arts and abominable persecutions of the Church of Rome to no purpose, Don Alexis de Moneses, the archbishop of Goa, appeared amongst them, and by his commanding influence, his zeal, and his learning, and on the authority of what he called the Council of Diamper, forced the Syrian metropolitan, his priests and people, into the Roman pale. The archbishop, however, had not long quitted the scene of this triumph of bigotry, ere the people sighed for their old religion, and cherished it in private; but on the 22d of May 1653, they held a congress at Alrigattee, and great numbers, headed by their metropolitan, revolted publicly from the Romish communion; nor has all the interest of the Roman Pontiff and the Kings of Portugal been able to draw them away again from their old faith.

Leaving the history of this interesting people, which is affectingly delineated in La Croze's book, I shall, in this Report, confine myself more particularly to the existing state of Christianity in Malabar; and in order that your Lordship may have the subject clearly before you, I shall consider each sect of Christians by itself, under the head of—1st, St. Thome, or Jacobite Christians; 2dly, The Syrian Catholics, who have been forced from the Jacobite church into the Romish pale; and 3dly, The Latin Church.

St. THOME, or JACOBITE CHRISTIANS.

THESE people, who still retain their ancient creed and usages, consider themselves as the descendants of the flock established by St. Thomas, who is generally esteemed the apostle of the East. Their ancestors appear to have emigrated from Syria, and the Syrio-Chaldaic is the language in which their church service is still performed. They admit no images within their churches but a figure of the Virgin Mary, with the child Jesus in her arms, which is considered merely as an ornament, and not a subject for idolatrous worship. They are generally denominated by the country people Nazaranee Mapillis. Nazaranies is obviously derived from Nazareth, but the origin of the word Mapillah is variously accounted for; by some, it is ingeniously supposed to refer to the Virgin and Child, the only image admitted within their churches; as *Ma* implies mother in various languages, derived from the Sangscrit, and *pillah*, child: others again construe the term, to indicate the rank originally conferred on these Christians by the sovereign of Malabar; Poolah signifies a class in a state synonymous with our secretaries; *Ma*, or *Maha*, signifies great or superior. The term Mapillah is indiscriminately applied to Jews and Mussulmen, as to these Christians; distinguishing each by the prefix of Jew, Syrian or Nazaranee, or Mussulman.

It is certain, that grants of honours and emoluments were formerly possessed by these Christians, given to them by a king of Malabar named Premaul, engraven on copper; five
of

of which engravings are still in existence, a fac simile of which, I have seen in the possession of the Resident of Travancore.

It has been long believed that these Christians held the tenets of the Nestorian heresy, and that they were obliged to leave their own country in consequence of persecution; however, it appears that the creed which they now follow, denies that heresy, and seems to coincide in several points with the creed of St. Athanasius, but without its damnatory clauses.

Baron Von Wredé has written a memoir on the subject of these Christians, which appeared in the 7th volume of the Asiatic Researches, and which has the merit of calling our attention to these people; though it is no better than a tame transcript of information, which may be fully and satisfactorily obtained in La Croze's book, from whence every material part of that memoir is obviously taken; indeed wherever the Baron departs from his author, he becomes less interesting, or misleads his reader. That the Christians of Malabar were early taught the tenets of Nestorius, is proved by La Croze, on the direct authority of Casmas, an Egyptian merchant (himself a Nestorian) who published his voyage to India in the year 547. It seems, however, not improbable that Christianity had been planted on these shores long before the time of Nestorius; and I am inclined to regard the tradition of its having spread hither in the age of the apostles, as very far from fabulous*.

With respect to their religious tenets, writers may and will disagree. Upon such subjects human reason avails nothing. The disputes which on these points appear to have agitated the world, are, in general, no better than the perverse offspring of verbal differences.

The following is a faithful Version of the present Creed of these people, being a written communication from the Metropolitan to the Resident at Travancore.

" In the name of the Father, Son, and Holy Ghost, we the Christians, believers in the Religion of Jesus Christ, subject to the jurisdiction of Mar Ignatius, patriarch of Antioch, being loyal Jacobites, † hold the following creed:"

" We believe in the Father, Son, and Holy Ghost, three persons in one God, neither confounding the persons nor dividing the substance, one in three and three in one."

The Father, Generator; the Son generated, and the Holy Ghost proceeding.

" None is before or after other; in majesty, honour, might and power coequal; Unity in Trinity and Trinity in Unity."

" We do not believe, with Arius and Eunomius, that there are three different and separate substances."

" We do not believe, as Sabellius believes, by confusion of substance."

" We do not believe, as Macedonius said, that the Holy Ghost is less than the Father and Son."

" We do not believe, as Mawney and ‡ Marcellianus said, that the body of Christ was sent down from Heaven."

" We do not believe, as Julianus § said, that Christ was only man."

" We do not hold, as Nestorius, the doctrine of two natures and two substances in the Messiah; we do not believe, as the Chalcedonians said, that there are two natures in the Messiah. But we believe, by the doctrine of the Trinity, that the Son is coequal with the Father, without beginning or end; that in the appointed time, through the disposition of the Father and Holy Ghost, without disjoining from the right side of the Father, he appeared on earth for the salvation of mankind; that he was born of the Virgin Mary, through the means of the Holy Ghost, and was incarnate God and Man; so that in the union of the divine and human nature, there was one nature and one substance."

" So we believe."

The service in their churches is performed very nearly after the manner of the Church of England, and when the metropolitan was told, that it was hoped that one day an union might take place between the two churches, he seemed pleased at the suggestion.

* Eusebius informs us, that there were Christians in India as early as the year 189; who had the Gospel of St. Matthew in Hebrew, which they declared was received from St. Bartholomew.

† Mosheim. Vol. IV. Section 11. Page 257. The Eastern Christians who renounce the communion of the Greek Church, and differ from it both in doctrine and worship, may be comprehended under two distinct classes. To the former belong the *Monophysites* or *Jacobites*, so called from Jacob Albardai; who declare it as their opinion, that in the Saviour of the world, there is only *one nature*; while the latter comprehends the followers of Nestorius, frequently called *Chaklaans* from the country where they principally reside, and who suppose that there are two distinct *persons or natures* in the Son of God. The *Monophysites* are subdivided into two sects or parties, the one African and the other Asiatic. At the heads of the Asiatic is the patriarch of Antioch, who resides for the most part in the monastery of St. Ananias, which is situated near the city of Meridden, and sometimes at Merdin, his episcopal seat, as also at Amida, Aleppo, and other Syrian Cities. The government of this prelate is too extensive, and the churches over which he presides, too numerous to admit of his performing himself all the duties of his high office; and therefore a part of the administration of the pontificate is given to a kind of colleague, who is called the *Mapheian* or *Primate* of the East, and whose doctrine and discipline are said to be adopted by the Eastern Church beyond the Tigris. This primate used formerly to reside at Tauris, a city on the frontiers of Armenia; but his present habitation is the monastery of St. Matthew, which is in the neighbourhood of Mousul, a city of Mesopotamia. It is further observable, that all the patriarchs of the Jacobites, assume the denomination of Ignatius.

‡ These I suppose might be Manes and Marcellian.

§ Perhaps Julian, Bishop of Halicarnassus.

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The present metropolitan, Mar Dionysius, is now old and infirm; but a very respectable character, and of the most venerable and prepossessing appearance. A person has been sent from Mousul, a city of Mesopotamia, to succeed to his station, in the event of his decease; but this stranger, ignorant of the language of the country, with the character of being violent in his temper, and not averse, as it is supposed, to the views of the Romish Church, it is to be hoped will be prevented from ever taking charge of this precious remnant of a pure and valuable people.

The metropolitan has several archdeacons and deacons under him, who act as vicars general. They have fifty-five churches; and the number of their people, as given in to the Resident, is estimated at 23,000.

The residence of their metropolitan is at Canderratter, twelve or fourteen miles inland from Cochin. In some of their churches divine service is performed in the Syrian and Latin ritual, alternately, by the priests of the Christians of St. Thome, who have adhered to their ancient rites; and those who have united to the Church of Rome*. When the latter have celebrated mass, they carry away their images from the church, before the others enter.

The character of these people is marked by a striking superiority over the Heathens in every moral excellence, and they are remarkable for their veracity and plain dealing. They are extremely attentive to the religious duties, and abide by the decision of their priests and metropolitan in all cases, whether in spiritual, or, as I heard, in temporal affairs. They are respected very highly by the Nairs, who do not consider themselves defiled by associating with them, though it is well known that the Nairs are the most particular of all the Hindoos in this respect; and the Rajahs of Travancore and Cochin admit them to rank next to Nairs. Their numbers, it is conjectured, are under-rated in the statement given to the Resident, as it is generally supposed that they may be estimated at 70 or 80 thousand. They are not persecuted; but they are not permitted to make converts by the governments under which they reside; and it is supposed, that many respectable Hindoos would be happy to join their sect, were it not for this circumstance; but at present they suffer, as far as I can learn, no other hardship.

If good men from Sysia could be obtained, not as parish priests, but to superintend and regulate their concerns, I conceive it would be a great blessing to these good people.

The direct protection of the British Government has been already extended to them, but as they do not reside within British territories, I am somewhat doubtful how far it may be of use to them.

To unite them to the Church of England, would, in my opinion, be a most noble work; and it is most devoutly to be wished for, that those who have been driven into the Roman pale, might be recalled to their ancient church; a measure which it would not, I imagine, be difficult to accomplish, as the country governments would, it is supposed, second any efforts to that purpose.

Their occupations are various, as those of other Christians; but they are chiefly cultivators and artizans, and some of them possess a comfortable if not a splendid independence. Their clergy marry in the same manner as Protestants. Their residence is entirely inland.

SYRIAN ROMAN CATHOLICS.

THESE people as stated above, were constrained to join the Latin Church, after a long struggle for the power of maintaining their purity and independence, and still appear a people perfectly distinct from the Latin Church; being allowed to chant and perform all the services of the Church of Rome in the Syrio-Chaldaic language, by a dispensation from the Pope. They live under the authority of the metropolitan of Cranganore, and the bishop of Verapoli, and dress differently from other priests. They wear a white surplice, while the priests of the Latin communion wear black gowns, like the capuchin friars of Madras. The Roman Catholic Syrians, it is thought, are much more numerous than the members of the original church. Their clergy are spread through the ancient Churches, and by retaining their language, and acting under the direction of the Church of Rome, they leave no means unessayed to draw over their primitive brethren to the Latin communion. It appears to me, that they are allowed to use their original language, and to frequent the original church, entirely with this view; and, as far as I can learn, their numbers are gaining ground. There are said to be 86 parishes of Roman Catholic Syrians subject to the dioceses of Cranganore and Verapoli. Their priests, to the number of 400, are styled Catanars, which is a Syrian appellation. Their congregations are reported at 90,000, of old and young included, agreeably to the last returns transmitted to Rome. There is an inferior order of priests, who are called Chiamas, in number about 120. The Hindoos have, as far as I can learn, a much greater respect for the Christians of the original church, than for the converts of the Latin communion; which may be accounted for, by their not associating with the lower orders of people. Attached to each church is a convent, where the catanars reside in community, there being three, four, or five to each church. The service is performed weekly in rotation. There is a seminary at the college of Verapoli, for the education of the Syrio-Roman Catholics, and also one for the Latin Church. The Syrio-Roman Catholics are chiefly engaged, as already mentioned, in drawing their *ancient brethren*

* This shews a spirit of toleration and Christian liberality, very different from the bigotry of the Romish Church.

brethren within the Romish pale; but it appears that some of them had been employed formerly, in extending the general object of conversion over the Peninsula. I saw one of their churches at a village near Pillimbaddy, about 30 miles on the Madras side of Trichinopoly, and I heard of several others. They had at this village adopted the use of a sammy cooch, like that of the heathens, with the Crucifix and the Virgin Mary in it, instead of the Hindoo sammy. Their church was much out of repair; and the ignorance of the few Christians remaining in charge of it, sticking the letters I. N. R. I. over the figure of our Saviour on the cross, being absolutely inverted, nor did the priest, who visits them, ever notice the circumstance. They read prayers in Malabar, according to the ritual of the Church of Rome. The church appears to have been once respectable; but it is now fallen into decay.

Reverend Dr. Kerr's Report, dated Madras, 3d November 1806; with Proceedings thereupon.

LATIN ROMAN CATHOLICS.

Within the provinces of Travancore and Cochin there are one archbishop and two bishops; the archbishop of Cranganore, and bishops of Cochin and Verapoli.

The two former have sees, the latter is titular. The archbishop of Cranganore and the bishop of Cochin are nominated by the Queen of Portugal, after the following manner. Three names are sent (when either of these sees become vacant) by the sovereign of Portugal, to the Pope, and the Roman Pontiff is bound to select the name that stands first, and to issue his brevet or patent accordingly.

They are subject in all spiritual concerns to the primate of Goa, who has also the power, during a vacancy, of sending from Goa a locum tenens, who is styled Padre Governador. Both sees are at this moment filled by such.

The titular bishop, who resides at the college of Verapoli, is appointed directly by the Pope, and is subject to no jurisdiction, but that of his Holiness or the Propaganda at Rome. This mission, being more susceptible of controul and regulation than the others, had been countenanced by the Honourable Company, as the following copy of a Proclamation, issued by the Government of Bombay, will shew.

PROCLAMATION.

" The Honourable the Court of Directors of the Honourable English East India Company having been pleased to order, that the ecclesiastical jurisdiction of the Roman Catholic churches under this Government shall be withdrawn from the archbishop of Goa, and restored to the Carmelite bishops of the apostolic mission; the President in Council has accordingly Resolved, That the said restitution shall take place on the 1st of the ensuing month; from which time he hereby enjoins all the Catholic inhabitants in Bombay, as well as at the several factories and settlements subordinate thereto, to pay due obedience in spiritual matters to the said bishops, on pain of incurring the severe displeasure of Government.

" Bombay Castle,
" 2d August 1791."

" By order of the Honourable the Governor in Council.

(Signed)

" William Page,
" Secretary."

The priests attached to the college of Verapoli are all Carmelites, united to the apostolic mission at Bombay, but not subject to it. The jurisdiction of each bishop is not marked by distinct bounds; the parishes and churches being so intermingled, that it is difficult to form a right notion of their extent. The bishop of Cochin, however, may be said to have a controul over all the Romish churches situated on the sea coast, immediately (with few exceptions) from Cochin to Ramnad, and thence round the whole island of Ceylon. The churches are numerous, but as they are in general poor, and are obliged to be supplied with priests from Goa, it would appear, that one vicar holds upon an average five or six churches. The number of Christians composing these churches must be great, as all and every of the fishermen are Roman Catholics. The bishop of Cochin resides usually at Quilon. There are very few European clergy, not above seven or eight, under the three jurisdictions, and none of them men of education; and it cannot be expected that the native priests, who have been educated at Goa, or at the seminary of Verapoli, should know much beyond their missals and rituals. The Latin communicants in the diocese of Verapoli, are estimated at 35,000. The catechuman suffers no persecution on account of his religion, when once converted; but the country governments are excessively jealous upon this point, and do their utmost to discountenance any conversion.

The converts are from various castes, viz. Chegas or Teers, Muckivas and Pullers; and there can be no doubt but that many of the higher castes would be baptized, if they did not dread the displeasure of their governments.

It is well known, that the Roman religion was introduced by the Portuguese, at the commencement of the 16th century; the number converted in each year, upon an average, reach to nearly 300. The number, of course, naturally diminishes. The morality of the converts is very loose, and they are generally inferior, in this respect, to the heathens of the country.

GENERAL OBSERVATIONS.

Reflecting on the whole subject, several suggestions present themselves to my mind; and I think I shall not be considered as deviating from the line of my profession, or the intention of your Lordship, in calling for my Report, by offering some opinions to Government,

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which, in a moral and political view, seem of the highest importance. It appears from the foregoing statement, that pure Christianity is far, very far from being a religion for which the highest caste of Hindoos have any disrespect, and that it is the abuse of the Christian name, under the form of the Romish religion, to which they are averse. We have, my Lord, been sadly defective in what we owed to God and man, since we have had a footing in this country, as well by departing most shamefully from our Christian profession ourselves, as in withholding those sources of moral perfection from the natives, which true Christianity alone can establish; and at the same time we have allowed the Romanists to steal into our territories, to occupy the ground we have neglected to cultivate, and to bring an odium on our pure and honourable name, as Christians. The evil would be less, were it not well known, that many of the Romish priests and their people, who have thus been allowed to grow numerous under our authority, are supposed to be far from well affected to the Government under which they reside. Indeed, in many instances, the Romish clergy are the natural subjects of nations at enmity with ourselves, at the same time that they are eminently qualified by their influence in their profession to do us the greatest mischief, by spreading disaffection throughout every part of this extended country. The Roman Catholic religion, my Lord, I believe, I may say, without offence to truth or charity, has almost always been made a political engine in the hands of its Governments; and we must be blinded indeed, by our own confidence, if we do not calculate on its being so used in this great and rich country, where it has established a footing amongst an ignorant people, especially when it is so well understood that our Eastern possessions have been a subject of the greatest jealousy to all the rival nations of Europe. In my humble opinion, my Lord, the error has been, in not having long ago established free-schools throughout every part of this country, by which the children of the natives might have learned our language, and got acquainted with our morality. Such an establishment, would ere this, have made the people at large fully acquainted with the divine spring from whence alone British virtue must be acknowledged to flow; this would have made them better acquainted with the principles by which we are governed; they would have learned to respect our laws, to honour our feelings, and to follow our maxims; whereas they appear to me, generally speaking, at this moment, as ignorant of their masters, as on their first landing on these shores. I speak not of interfering with their religious prejudices, or endeavouring to convert the natives by any extraordinary effort on the part of the British Government. Conversion, in my opinion, must be the consequence which would naturally flow from our attention to their moral instruction, and their more intimate acquaintance with the English character.

I do not mention this as an experiment, the result of which might be considered problematical; the experiment has been already made, and the consequences have proved commensurate with the highest expectation which reasonable men could entertain. The Danish mission, united with the Society for propagating the Gospel, have sent some good men into this country, with the laudable view of spreading true Christianity throughout our Eastern possessions; and the names of Swartz, Gericke, and others, will ever be remembered by numbers of our Asiatic subjects, of every caste and description, with veneration and affection; and there are happily still living some amongst us of the same character.

It is true that the object they had more particularly in view has in some measure failed; and few good converts, it is generally imagined, have been made; but let it be remembered also, that they have laboured under every possible disadvantage: they have scarcely enjoyed a mere toleration under our Government, and received no kind of assistance whatever; that they were few in number, and perhaps I may say, without injustice, that they erred (as the best might err) in the means which they adopted. But that they have done much good by the purity of their lives, and by their zeal in spreading instructions, this, I imagine, will admit of no denial; and I doubt not that I may say, without danger of contradiction, that few and poor as these men have been, without authority or power to support them, a greater and more extended portion of heart-felt respect for the European character has been diffused by their means throughout this country, than by all the other Europeans put together. We have, in my humble opinion, my Lord, kept ourselves too far from the natives; we have despised their ignorance, without attempting to remove it; and we have considered their timidity (the natural result of their being trampled upon by one race of conquerors after another) also as an object for our contempt, at the same time that we have viewed the cunning of their character (which is ever the natural resource of ignorance and weakness) as the completion of all that is vile and deceitful. Thus have we continued a system of neglect towards the interests of our native subjects, in points the most essential to their very happiness, throughout the whole of our Governments in this country. Fain, my Lord, would I see a change in this particular; and I seize the opportunity which the present moment affords, to press the justice and policy of the measure on the attention of your Lordship's Government.

Madras,
Nov. 4, 1806.

I have the honour to remain, &c. &c.

(Signed)

J. H. Kerr,
Sr Chaplain.

EXTRACT PUBLIC LETTER FROM FORT ST. GEORGE;

Dated 21st October 1806.

Para. 369.—LORD William Bentinck having recorded a further Minute, explanatory of his reasons for wishing that the Rev. Dr. Kerr, who was at that time in the Mysore country for the recovery of his health, should proceed to the Malabar Coast, for the purpose of obtaining every practicable information, in regard to the first introduction of Christianity into India; the arrival of the different sects, who have been or may be in existence; their general history; the persecutions to which they may have been exposed; their success in making proselytes; their church establishments, and the source from which they are maintained; with all other circumstances connected with this important subject:— We have the honour of forwarding to your Honourable Court, a copy of his Lordship's Minute, and of informing you, that Dr. Kerr is at present employed on the above duty, and that we expect, in a short time, to receive some interesting information from that gentleman, on the points referred for his investigation.

No. 10.
Reverend Dr. Kerr's Report, dated Madras, 3d November 1806; with Proceedings thereupon.

EXTRACT PUBLIC LETTER FROM FORT ST. GEORGE;

Dated 6th March 1807.

Para. 125.—IN our last general dispatch from this Department, we informed you, that the Rev. Dr. Kerr had been instructed to proceed to the Malabar Coast, for the purpose of enquiring into the state of Christianity on that coast, its first introduction into India, and other points connected with that important subject; and we have now the honour of referring your Honourable Court to our proceedings noted in the margin, for the Report which was received in consequence from Dr. Kerr.

Para. 125.
Pub. Gen'l Letter to England, 21 Oct.
Par. 369.
In Cons. 7th Nov.

EXTRACT PUBLIC LETTER TO FORT ST. GEORGE;

Dated 11th Jan. 1809.

Letter from
21st Oct. 1806.

Para. 369. Stating, that Dr. Kerr had been directed to proceed to Malabar, for the purpose of obtaining every practicable information on the past and present state of Christianity in India.

Para. 84.—THE researches which, as we are informed, the Rev. Dr. Kerr was employed to make, related to objects that very properly and naturally claimed your attention, both from their general importance, and as being particularly interesting to our Government. It is hence rather surprising, that accurate information concerning them should not have been sought earlier, especially as our Letter to Bengal, of the 25th May 1798 (copy of which was forwarded to you in June 1800) directly pointed to similar enquiries.

85. On these grounds, the sentiments delivered by Lord W. Bentinck on this occasion, in his Minute of the 27th June 1806, and the consequent directions given to Dr. Kerr, have our general approbation.

86. The Report of that gentleman, stating the result of the investigation on which he was thus sent, has been brought under our notice by the 125th paragraph of your subsequent Letter, of the 6th March 1807. It appears to contain many curious interesting facts, particularly respecting the native Christians of Malabar; and the account is, in general, so clear and intelligent, as to do credit to the zeal and ability of Dr. Kerr. In thus acknowledging the general merit of Dr. Kerr's Report, and the value of the information contained in it, we must not be understood as meaning to concur in every opinion and suggestion to be found in that paper.

It is particularly important at this time, to the tranquillity of our Eastern dominions, that our subjects, of every religious denomination, as well those who are of a different Christian persuasion from our own (and who, from the circumstances adverted to by Dr. Kerr, may be considered as having some connexion with a foreign European power) as Hindoos or Mahomedans, should be persuaded that the British Government has no intention of molesting them in the exercise of their religious worship or opinions, while they shall conduct themselves with fidelity to the State, and shall do nothing to disturb the peace and good order of Society.

Copy of a LETTER from the Rev. Dr. *Claudius Buchanan*, of 25th May 1813; to the Court of Directors of The *East India Company*;—relative to Mr. *Buller's* Statements, concerning the Idol JAGGERNAUT.

To the Court of DIRECTORS of The Honourable *East India Company*.

Honourable Sirs,

I WAS yesterday favoured with a Copy of a Letter, addressed by Mr. Charles Buller to your Honourable Court, dated the 19th instant; which has been ordered to be laid on the Table of the House of Commons, relating to the Worship of the Idol Jaggernaut; and I now beg leave to submit some remarks on that document. The reference which the writer makes to me by name, and to my publications on this subject, will apologize for my doing myself the honour of addressing your honourable Court.

Par. 1.—Mr. Buller fully confirms, in essential points, the general statements made by me, concerning the part which the Bengal Government has taken in the superintendence of Jaggernaut, and in deriving revenue from the worship of the idol; but he defends the policy. With that I have nothing to do. He admits also, that self-immolation under the wheels of the car is practised, but thinks the instances are rare. I am of opinion that they are rare also; rare, I mean, when compared with the number of females immolated on the funeral pile. He heard of one immolation while he was at Jaggernaut; and I have stated that I saw two.

2.—The only part of his letter that I need to notice is, that which relates to the indecency of the exhibition at Jaggernaut. “On that point,” he says, “my attention was directed to a publication by the Rev. Dr. Claudius Buchanan, who speaks of a priest having pronounced certain obscene stanzas in the ears of the people, and of certain indecent gestures exhibited by a boy and a priest on the car.” On this passage Mr. Buller observes, “I do not mean to doubt the fact.” “With respect to the indecent gestures said to have been exhibited on the car, all I can say is, that if such things are done, I never saw them.” In the foregoing quotations I state what I saw in 1806, and Mr. Buller states what he did not see in 1809.

3.—On my witnessing the atrocities at Jaggernaut in 1806, I wrote letters from the spot to a member of the Supreme Government, and to the senior chaplain in Bengal, containing portions of my journal, as now given to the public; and expressing a hope, that the Bengal Government would use its influence in suppressing the sanguinary and indecent exhibitions. These letters were afterwards fairly copied and put into the hands of many. Men's minds were shocked by the recital, and Government was blamed. It is possible that Mr. Buller may not have heard of these letters, although they were certainly in the hands of his intimate friends; and in that case no blame is imputable to him, for not having alluded to them. Previously to this, one of the members of the Supreme Government (Mr. Udny) had protested against any interference at all with the idol Jaggernaut; and the Marquis Wellesley had declined giving his sanction to the law for the superintendence and controul of the Temple. The question now was, whether, under existing circumstances, the enormity of these scenes might not be, in some degree, qualified. What instructions Government might have given to the superintendant of the Temple on this head, I do not know, as I soon after left the country. If they gave none, this is directly contrary to the evidence of Mr. Graham (himself a member of the Supreme Government) before the Committee of the House of Commons. If the Government did issue some instructions on the subject, then that fact alone may account for the difference of the scenes which were exhibited to me in 1806, and to Mr. Buller in 1809.

4.—I shall now however, assume, for the sake of argument, that the Bengal Government did not send instructions to the Superintendent of Juggernaut, to endeavour to qualify the enormity of the public exhibitions, and shall proceed to review the opposing statements of Mr. Buller and myself, even under that supposition. I shall simply state, in the first place, that what I saw in 1806, was seen, in part at least, by others; I appeal to Henry Hunter, Esquire, Superintendent of the Temple in 1806, and to Captain Paton and Lieutenant Woodcock, military officers in the Company's service, then on duty at Juggernaut, whether they have not, at any time, witnessed the priest, who for the time directed the car of the idol, standing with his long wand in his hand, behind the wooden horses, projecting this wand significantly, and with most unseemly action, using at the same time other indecent gestures, and accompanying these gestures with songs and extempore speeches, addressed to a multitude composed of both sexes*.

5.—Mr. Buller wonders how I should know that the speeches of the Priest were indecent, as he thinks it probable, I did not understand the vernacular tongue of the province of Orissa. In reply to this, I have to observe, that I had two translations of the language; one from the indecent gestures of the Priest, whose attitudes too plainly interpreted his words; and another from my servants around me, who could translate every word he uttered.

6.—The writer has argued in two different places of his letter, as if I said, "my ears were shocked by hearing the songs;" I have used no such words, nor any thing like them. My words are these, "I felt a consciousness of doing wrong in *witnessing* this disgusting exhibition; and was somewhat appalled by the magnitude and horror of the *spectacle*."

7.—The writer marvels in the next place, that I should have heard any thing distinctly, on account of the noise of the people "clapping their hands, talking, shouting and merry-making;" in a crowd of about one hundred thousand, "particularly," when owing "to the distance of the platform on which the Priest stands, one could not, by any endeavours, get within ten yards of him." Mr. Buller would leave it to be inferred here, that I was not within "ten yards of the Priest;" whereas I state in the printed account, that "I went on in the procession *close* by the tower;" and, in the letters circulated at Calcutta, it was stated, that I was so close to the tower as, "to receive a garland of flowers from the hand of the Priest." The fact was, I could touch the car with my hand during almost the whole time.

8.—Mr. Buller observes again, that the "noise of the people was incessant, and without intermission, so that he could not hear any thing that was said;" doubtless, he could not hear what was said by the Priest, if he stood at a distance. It is proper to explain here, that on these occasions, Europeans in India usually look on at a distance, on account of the press of the people. At Juggernaut, in 1806, the English gentlemen usually sat in the cutchery, or public office, to see the procession pass. I sat there for a while on different days, but I could hear or see nothing distinctly, except at the moment of passing, and I joined the procession. Mr. Buller mentions, that some ladies were with him; it is therefore probable, that Mr. Buller sat all the while with the ladies in the cutchery, and that they did not follow the idol for two or three hours, to see what was transacting among the people at their celebration of the famed Rutt Iattra.

9.—Mr. Buller thinks, that the noise of the people about the car, is "incessant, without intermission;" but if he had joined the car, he would have found that this is not the case. When the Priest pronounces his stanzas, which he does generally while the car stands still, there is a solemn silence among the people who are near it, and they listen with keen attention; at the conclusion they respond with a sensual yell of approbation, and then urge the car along. Many such yells, I am sure Mr. Buller must have heard, although he might not have known what it was that produced them. To suppose that the Priest should, on any public occasion, address the people, and not be listened to, is hardly consistent. Mr. Buller's acknowledged ignorance of this notorious circumstance; viz. that there is a frequent intermission of the noise of the people about the car, and a gaping attention to devour the words of the Priest, entirely convinces me, that he must be wholly ignorant of many important particulars of the various scenes at Juggernaut.

I do

* I might refer also to Captain Comyn (or Cummin), a visitor, and to other gentlemen who might have visited Juggernaut about that period, some of whom may possibly be now in England.

10.—I do not impute it as a fault to Mr. Buller, that he has come away so imperfectly informed respecting the scenes of Juggernaut, nor do I much wonder at it. In the eight years during which, I believe, we resided together in Calcutta, I never met with Mr. Buller once, that I can remember, in the district of the natives, attending a Sahamuron*, or witnessing their processions or religious rites. I never heard that he had any taste for investigating the existing customs of the people, or any solicitude to understand the character of their superstition; whether for the purpose of extending Christianity or of palliating idolatry. And I dare say, he will candidly confess, that while he held his high station at Juggernaut, he never dreamed of putting his person to inconvenience or danger, by prosecuting researches of this kind; and that, instead of visiting frequently, with such intent, the noisome precincts of the polluted town and Temple, he preferred the salubrious gales at his residence on the pleasant shores of the neighbouring sea. I do not, I say, impute it as a fault to Mr. Buller, that he has not a taste for such enquiries; but, I wonder exceedingly, that, under such circumstances, he should, in an official letter to your Honourable Court, intended to be laid on the Table of the House of Commons, have urged (at least with gravity) two objections so frivolous as the following; First, that possibly, I did not understand the dialect of Orissa; and second, that probably if I did understand it, I was at too great a distance from the speaker, to hear what was said; on these two inuendos, rests the whole argument of Mr. Buller on the point in question, addressed to your Honourable Court.

11.—Mr. Buller observes, that nothing improper in the exhibition could have been apprehended when he was at Juggernaut, otherwise the gentlemen would not have asked the ladies to witness the procession. This is specious, but it amounts to little when the circumstances are explained. Mr. Hunter, in 1806 (long before Mr. Buller's arrival at Juggernaut) would doubtless discountenance any indecency as much as he could, and would request the officiating priest to suppress it, at least in the presence of Europeans. I certainly had some conversation with Mr. Hunter on the subject. There was no lady at Juggernaut when I was there. On occasion of the the first lady coming to the place, we may believe that some endeavour would be made, by the interference of the Company's officers, to prevent any thing improper from being practised, while the idol passed the cutchery. If the director of the car was aware that any particular practice would give offence to the superintendent of the Temple, (whose local influence we may suppose is very great), he would without doubt, in deference to his rank and authority, suppress it in his presence, or while passing the cutchery. But this decides nothing as to the character of the Hindoo festival of the Rutt Jatra. Had Mr. Buller accompanied the car in a private character for a few days, he would have returned to England with very different impressions of the orgies of Juggernaut †.

12.—It will now be proper to advert to the stanzas of the officiating priest, while directing the car. Mr. Buller admits that "the songs in question, if he may rely "on the information he received, are denominated Cubbee." He was rightly informed. They are licentious songs, recounting the amours of their gods, and are replete with obscenity. Mr. Buller apologises for the use of the Cubbee, in these words;—"But whoever knows any thing of the Hindoos, must be aware that their "veneration for antiquity will not allow them to depart from any thing which has "once formed a part of their ceremonies." This is truly said. If left to themselves, without instruction or regard, the Hindoo people will never depart from their ancient superstitions, however sanguinary or obscene.

13.—As to Mr. Buller's attempt to justify the recital of the Cubbee in the public festivals of the Hindoos, by intimating that it is "a species of song not very unlike "that which is admitted into our own sacred writings," I will not suffer myself to make any comment upon it, in a letter addressed to your Honourable Court. Mr. Buller adds, "Our's" (i.e. our Cubbee) "I imagine are not at present read in "any parts of our service."

14.—The observations and arguments of Mr. Buller, in his letter, go to countenance an opinion, that there is no obscenity in the Hindoo worship; that its ancient character has suddenly disappeared; or, at least, if it exist in the derivative streams, that

* Burning of women.

† I use the old orthography in writing this word. English organs cannot pronounce *Jag, h, nat, h*,

that it is not to be found at the fountain head. He says, that he not only never saw, but that he never heard of any such thing. Mr. Buller knows well, that if he did not chuse to make inquiry, the natives would never let him hear any thing to their disadvantage. But I must beg leave most respectfully to assure your Honourable Court, that Mr. Buller is entirely mistaken in his estimate of the character of the Hindoo worship. The two characteristics of the worship of Brahma are impurity and blood: the emblems of the former vice are engraved in durable sculpture every where on the walls of the Temple. Why are they thus engraved? Because they constitute the very essence of Brahminical superstition. No labour of language, no qualification of expression, can ever do away this most notorious fact. I would add, that there is not a single authentic historian of the Hindoo manners and religion, from Tavernier down to this time, who has ventured to dissemble it.

15.—Having said thus much on subjects which Mr. Buller controverts, I think it fit now to notice a subject which he does not controvert; namely, the horrible effects of the concourse of Pilgrims at Juggernaut. Mr. Buller considers, “that the Pilgrims come from all parts of Hindostan, from upwards of 1600 miles distance; and that a large proportion of these consist of the old and infirm, who come for the express purpose of laying their bones within the precincts of the city.” He further argues, that even if there were ten immolations at a single festival, it would not be surprising, considering the extent of the population; “for I suppose” he adds, “the whole of the Hindoo population, as far as Cabul, to be not much short of two hundred millions.”

16.—Mr. Buller would maintain the proposition, “that the imposition of the tax diminishes the number of Pilgrims.” But the events of this last year render this proposition very questionable. I would observe, in the meantime, that Mr. Buller would place the policy of the tax on a new ground, namely, “the diminution of the number of Pilgrims, and the consequent prevention of famine and death.” Unfortunately for this argument, it is a well known fact, that while the Temple was under the native dominion; when the tax, on admission, was higher than it is now; and when a discipline was preserved among the people, which we would not think it right to exert, the concourse of Pilgrims was yet immense; in peaceable times incredibly great, and the consequent evils in the necessary proportion. Mr. Buller describes the state of Juggernaut about 1805, in the following words; “During the time that access was allowed to the Temple without the tax, the throng of people at the place was so great, and such a considerable number of the poorer classes took that opportunity of visiting the Temple, that I was informed that several persons perished from actual want of subsistence. The scenes in the road were, I am told, truly shocking*. But since the tax has been continued, the numbers of the Pilgrims, particularly of the lower classes, have considerably diminished.” “I should regret to see the tax abolished, as the abolition of it would render it difficult to restrain and regulate the numerous bodies of Pilgrims who resort to the place; and it would, in all probability, be the cause of the revival of those horrid scenes of distress which were before experienced, when the tax was discontinued, and of which the traces are still to be met with in the numerous human bones on the road.”

17.—Your Honourable Court will be concerned to hear that the accounts lately received, represent the state of Juggernaut as being more shocking than ever. The “revival of those horrid scenes,” which Mr. Buller only anticipated from the abolition of the tax, has taken place during its continuance. In the periodical accounts recently published, which have been transmitted by the Baptist Mission in India, there is a communication from the Correspondents of the Society in Orissa, Messrs. Peter, Smith, and Green. Mr. Peter had been stationed for some time as Missionary at Balasore, from whence he proceeded to preach at Buddruck, Gajpoora, and Cuttack, in his way towards Juggernaut. He states, that the anxiety of the Pilgrims to hear him explain the Christian Faith, (for he is a native born, of dark complexion, and speaks the language like themselves,) was unaccountably great; that their avidity to receive Copies of the Holy Scriptures was extreme; and that it was altogether beyond his ability to supply the demand; he adds that the English Colonel and his Officers have been present on those occasions. Messrs. Smith and Green write from Cuttack, that the worship of the idol Juggernaut had been more numerously attended than

* These scenes took place just previously to Dr. Buchanan's visit to Juggernaut, which was in 1806.

than usual. "You would have been astonished," say they, "to see the vast number of Pilgrims crossing the river at Cuttack. As far as the eye could reach, we could not see the end of the ranks: it put us in mind of an army going to battle."—"You can easily conceive what a multitude of men, women, and children, must have been assembled at the Temple, for one hundred and fifty, or thereabouts, to have been killed in the crowd. They trod one upon another in approaching the Temple gate. Ten Sepoys per company from all the battalions, from Barrackpore to this station, had permission to visit the Temple. A famine was produced in the country, and great numbers of the Pilgrims died of hunger and thirst. We talked to some of them, but it was of no use; they said, whether we survive or not, we will see the Temple of Jaggernaut before our death. Numbers killed themselves by falling under the wheels of the idol's car. They laid themselves flat on their backs, for the very purpose of being crushed to death by it*." The number of the Pilgrims here said to have been killed in the crowd, may perhaps be over-stated, as the writers probably received the report of the natives. But if two-thirds of the number were deducted, the horrible circumstances of the case remain the same.

18.—I shall add the testimony of Dr. Carey, on the subject of the consumption of human lives at Jaggernaut at this time. I need not add that Dr. Carey is a man of unquestionable integrity; that he has been long held in estimation by the most respectable characters in Bengal, and possesses very superior opportunities of knowing what is passing in India generally. In a letter lately received, he thus expresses himself: "Idolatory destroys more than the sword, yet in a way which is scarcely perceived. The numbers who die in their long pilgrimages, either through want or fatigue, or from dysenteries and fevers, caught by lying out and want of accommodation, is incredible. I only mention one idol, the famous Jaggernaut, in Orissa, to which twelve or thirteen pilgrimages are made every year. It is calculated that the number who go thither is, on some occasions, 600,000 persons, and scarcely ever less than 100,000. I suppose, at the lowest calculation, that, in the year, 1,200,000 persons attend. Now if only one in ten died, the mortality caused by this one idol would be 120,000 in a year; but some are of opinion, that not many more than one in ten survive, and return home again. Besides these, I calculate that 10,000 women annually burn with the bodies of their deceased husbands, and the multitudes destroyed in other methods would swell the catalogue to an extent almost exceeding credibility†."

With regard to the number of women who burn themselves annually in India, there are two circumstances which render it probable, that it is at least as great as Dr. Carey computes it. The first is, that Mr. Buller, who was long Secretary to the Board of Revenue in India, has calculated that the population, extending as far as Cabul, is not much short of "two hundred millions." The other circumstance is, that a Report has arrived, printed in Bengal, at the press of the Missionaries, (and your Honourable Court knows the attention of your Bengal Government to every thing that is printed there,) stating that "seventy females had burned themselves in the months of May and June last, between Cossimbazar (about 200 miles above Calcutta) and the mouth of the Hooghly River, leaving 184 orphans." The name and age of every woman are given, and also the places where the burning took place, and where the orphans live. These unhappy witnesses can satisfy those persons who may doubt the truth of the printed account.

19.—There is a disposition prevalent at present to disparage the testimony of the Christian Missionaries. It is supposed by their adversaries that, if they can in any way impeach the credit of a promoter of Christianity, they gain somewhat in the present question. But the cause of Christianity will prevail: it will be found that the profession of Christianity, and a desire to promote it, are generally accompanied by the love of truth. The respectability of the Christian Missionary will increase in this nation, while the character and testimony of the supporters of Brahma will sink and be diminished. It is true, an ardent zeal for the diffusion of the blessings of religion will, in some cases, particularly in the view of impious scenes, excite indignation, and may produce too high a colouring in statement, (which is exceedingly reprehensible,) and narrators may make mistakes in description. But still, the substance

* Period. Accounts of Baptist Mission, N° XXIII.

† Period. Accounts of Baptist Mission, N° XXIII.

substance of the fact (which they think it necessary to communicate to their country, in defence of the honour of Christianity) will remain. In like manner a writer, animated by a zeal of a contrary character, may be able, by the power of high embellishment, by noticing indifferent circumstances and entirely suppressing others, to represent the idol Jaggernaut as being merely one of "the gay and elegant deities of Greece and Rome;" but the substance of the fact, as stated by others, will remain the same: it will still continue true that Jaggernaut is a fountain of vice and misery to millions of mankind; that the sanguinary and obscene character of the worship is in the highest degree revolting, and that it will be a most happy event when our Christian nation shall dissolve its connection with the polluted place.

20.—The annual waste of human life, from the causes that have been mentioned, in the territories under the dominion of the Honourable the East India Company, is a subject of appalling contemplation. Every friend of humanity must be often putting the question, Is this scene to continue for ever? Can there be no melioration of human existence in India? Are there no means of mitigating the anguish of reflection in England, when we consider that the desolations of Jaggernaut exist under our Government? Yes, we answer, there are means. We have seen with what avidity the Holy Scriptures are received by the Pilgrims. These Pilgrims come from every part of India; some from Cabul, a distance of 1,600 miles, and some from Samarchand. They are the representatives of a population, amounting, as we have seen, to "two hundred millions." They are of every caste, and many of them of no caste at all. The Bible is, by the inscrutable providence of God, at hand; it has been translated into the languages of India. Would it not then be worthy of the East India Company, to order ten thousand copies to be distributed annually at Jaggernaut, in any manner that prudence would justify, and experience direct, as a sacred return for the revenue we derive from it, if it should be thought right that that revenue should still be continued? The Scriptures would thus be carried to the extremities of India and the East. Is it possible that the shadow of an objection should arise against such a measure, innoxious, as it is humane and heavenly in its tendency? Are we afraid that "the wretches who come to lay their bones within the precincts of Jaggernaut," would mutiny and take away our dominion? Would not the consequence be, rather, that "the blessing of him that was ready to perish," would rest upon you?

I have the honour to be,

Honourable Sirs,

Your most obedient Servant,

(Signed)

C. BUCHANAN.

Kirby Hall, Borobridge, }
25th May 1813. }