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**EAST INDIA AFFAIRS.**

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**P A P E R S**

RELATING TO

THE POLICE, AND CIVIL AND CRIMINAL JUSTICE

UNDER THE RESPECTIVE GOVERNMENTS

OF

BENGAL, FORT SAINT GEORGE, AND

BOMBAY;

FROM 1810 TO THE PRESENT TIME.

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

*1 July 1819.*

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# I.—B E N G A L.

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India Board, }  
30 June 1819. }

THOS. PERE. COURTENAY.

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# East India Affairs.

## P A P E R S

Relating to the Police, and Civil and Criminal Justice, under the respective Governments of BENGAL, FORT SAINT GEORGE, and BOMBAY; from 1810 to the present time.

### I.—BENGAL.

N<sup>o</sup> 1.—Extract from a Letter in the Judicial Department, from the Court of Directors of the East-India Company to the Governor General in Council at Bengal; dated 8 November 1811.

Par. 1.

OUR last letter in this department was dated the 9th May 1810. Various causes have hitherto prevented us from replying in the regular way to your several despatches received in this department, the last of which is dated the 31st January 1811; but early in the present season you may expect answers to the several subjects which you have referred to our notice.

N<sup>o</sup> 1.  
Judicial Letter  
to Bengal,  
8 November 1811.

2.—There is, however, one subject, which although not particularly pointed out by you to our observation, has nevertheless lately been an object of our serious consideration, and to which we think it necessary now to call your attention; we mean the state of the Police as at present established for the internal regulation of the provinces under your government.

3.—Considering the security and domestic peace of the subject in a great measure to depend on an efficient and well regulated police, we have on various occasions, in our answers to your despatches on this subject, evinced an anxious desire to have this most important branch of administration established on such a basis as would effectually afford security to the persons and property of the numerous inhabitants of the extensive territories under your immediate control; and as far as may be, on principles congenial with their habits and character; and with this view we have been recently led to a minute and particular examination of your records, in order to ascertain how far the Regulations at present in force are efficient for those ends.

4.—As the Judges of circuit in the course of the execution of their official duties have the best opportunity of observing the practical effects of the Police Laws now in force, we have therefore had recourse to the periodical reports which those functionaries are required to make to the nizamat adawlut, as the most likely sources from whence we might obtain useful information on the subject in question; but we are much disappointed to find that these documents are very deficient in this respect, some of them not at all touching on the subject of the police; and indeed it appears, and that not in a few instances, that those reports are not regularly made, or if made, withheld from record on your judicial consultations.

5.—As we know of no better, or indeed of any other means of acquiring a correct knowledge of what may have been the influence of our laws on the morals of the native subjects of British India, and whether their happiness is improved under their operation, than from what the Judges of the circuit, from their experience and actual observation, may be enabled to communicate. With a view therefore to assist the authorities at home, in whom the supreme control of all the

N<sup>o</sup> 1.  
Judicial Letter  
to Bengal,  
8 November 1811.

measures of the governments abroad is vested, in judging of the soundness of the principles on which the police laws have been framed, we direct that the Judges of circuit never omit at the close of each session regularly to make a full report, agreeably to the public regulation, of the business of the session, and to insert therein, under a distinct head or section, a report on the state of the police of the country within their respective circuits, together with such observations as may occur to them on the subject; and we further direct that these reports be regularly forwarded to us in separate numbers in the packet.

N<sup>o</sup> 2.  
Judicial Letter  
from Bengal,  
25 April 1812.

N<sup>o</sup> 2.—Extract from a Letter in the Judicial Department, from the Governor General in Council to the Court of Directors; dated 25 April 1812.

Para. 2.—IT is observed in the second paragraph of your honourable Court's letter\*, that "there is one subject which, although not particularly pointed out by us to your observation, has nevertheless lately been an object of your serious consideration."

\* 8 Nov. 1811.

3.—Points connected with the general state of the Police would appear to have always formed some of the principal topics of discussion in the despatches from the judicial department. Of late, however, we have made it more particularly an object to bring the subject fully under the consideration of your honourable Court, influenced by the late alarming prevalence of public crimes and offences, and by a sense of the propriety of drawing your attention to the arrangements adopted for the suppression of those evils, and to the progress which has been latterly made in the reform of the Police. Your honourable Court will accordingly find the subject fully discussed in the successive despatches from the judicial department, commencing with that dated the 21<sup>st</sup> August 1809.

4.—In the fourth paragraph of your despatch it is observed, that "as the Judges of circuit in the course of the execution of their official duties have the best opportunity of observing the practical effects of the police laws now in force, you had therefore had recourse to the periodical reports which those functionaries are required to make," &c. The Judges of circuit are doubtless competent to submit all the information which can be drawn from the trials which come before them, together with any suggestion for the suppression of existing evils which those trials may suggest to their minds. It does not, however, appear to us, that their official situation and duties are calculated to afford to them accurate or distinct information respecting the degree in which public offences may at any time prevail. The great source of that evil was the facility with which criminals escaped detection or evaded the pursuit of justice; in such cases there could of course be no trial; consequently the Judge of circuit had no means of learning either the nature of the crimes committed, or the degree in which they existed, but through the medium of the reports of the magistrates, some of whom no doubt possessed all the qualifications requisite for their situations; but others again were less capable, and in some instances necessarily young and inexperienced. It may be urged, perhaps, that it is the particular duty of the Judges of circuit, to obtain full information on a subject of such material importance to the welfare and happiness of the community, and so immediately connected with their own official situation and duties. But the time and attention of the Judges of circuit are fully occupied, during the period that they remain in the different districts, with the trials that come before them; and their residence there could not be protracted for the purpose of instituting inquiries regarding the general state of the police, without occasioning the most serious interruption in the business of the Civil Court, of which they are likewise members, or protracting the commencement of the ensuing circuit beyond the proper period. Even at present a necessity frequently occurs of blending two sessions together, notwithstanding the objections to which it is in many points of view subject. It was in a great measure on these grounds that we deemed it advisable to constitute the offices of Superintendent of Police, on the footing on which they are at present established, as fully reported to your honourable

honourable Court in our former despatches; and the information and useful suggestions which have been submitted to us by the superintendant, have formed the basis of some of the late regulations, which have contributed, during the last two years, so materially to the reform of the Police. We shall have again occasion to notice the subject in a subsequent part of our present despatch.

N<sup>o</sup> 2.  
Judicial Letter  
from Bengal,  
25 April 1812.

5.—Although we have deemed the foregoing remarks necessary, in order to show to what extent the Judges of circuit may be able to furnish accurate information regarding the actual state of the police, we by no means intend to imply that the government should not derive all the information practicable respecting the state of the police from the Judges of circuit. On the contrary, so far from dispensing with the reports which they were before required to furnish through the nizamut adawlut at the close of each circuit, they were directed, on the 24th June and 1st September 1809, to submit directly to the Governor General in Council a brief report, containing their sentiments on the actual state of the police in each district, immediately on the close of the sessions. To these reports we have occasionally referred in our late letters from the judicial department, and others will be again noticed in our present and future despatches.

6.—In the mean time we beg leave to observe, that we have issued to the Judges of circuit, through the medium of the nizamut adawlut, the instructions mentioned in the 5th paragraph of the despatch from your honourable Court. The reports required will be regularly forwarded, agreeably to your directions, in separate numbers in the packet.

7.—The reports actually received from the Judges of circuit on the termination of the different circuits, have been uniformly recorded on the judicial proceedings. Those noticed in the last paragraph of your despatch could not therefore have been received. The nizamut adawlut will be accordingly desired to issue the necessary orders, without loss of time, to procure the reports in question.

8.—In the 5th paragraph of the despatch from the judicial department of the 31st December last, we had the honour to draw the attention of your honourable Court to the reports furnished by the superintendant of police in the western provinces, on the state of the police in the districts of Agrah and Allyghur. On the annexed date is recorded a report from Mr. Guthrie, on the state of the police in the district of Etawah. Your honourable Court will no doubt derive satisfaction from the testimony borne by the superintendant, founded as it is upon personal and local inquiries at the different thannahs, to the tranquillity and good order which prevail in that district, with the exception of a few places on the frontier of the Mahratta territories. The present report may be adduced as a proof of the justness of the observations contained in the 4th paragraph of this despatch, regarding the limited means which the Judges of circuit possess of obtaining accurate information, respecting the prevalence of public offences, compared with those enjoyed by the superintendant of Police. The information procurable by the Judges of circuit must necessarily be obtained at the principal station of the magistrate, and for the most part (as already noticed) through the magistrate himself. With respect to the discharge of this duty by the superintendant, Mr. Guthrie, in the present instance, observes as follows:—"Of the twenty-nine thannahs composing the jurisdiction of Etawah, I have visited twenty, within the last eight months, on different occasions; and on commencing the inquiries which the object of my present report required, I had the advantage of being previously well informed with respect to the north part of the district," &c.

Crim. Cons.  
13 January 1812

9.—We have always been of opinion, that it would have been impossible for public crimes and offences to have prevailed in the degree in which the country was lately infested with them, had the government possessed more accurate information on the subject; it was the duty, however, of the Judges of circuit at that time, as it is at present, to submit their opinions on the state of the Police at the close of each circuit. It is evident, therefore, that some authority was required, from whom that information, so essential to the welfare of the community, might be obtained in a fuller manner; and that object, among other advantages, has been accomplished by the constitution of the two offices of superintendant of police on their present footing.



N<sup>o</sup> 3.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor General in Council; dated 14 February 1812.

N<sup>o</sup> 3.

Judicial Letter  
to Bengal,  
14 February 1812.

Letter from,  
22d May 1807.

(Para. 20.) Forwarding judicial reports on the termination of several of the circuits.

WE have perused the several reports of the Judges of circuit referred to in this paragraph, and are gratified at the improvement which they exhibit in the general police of the country, more particularly in the gradual discontinuance of gang-robbery; the great prevalence of which in the lower provinces we have formerly had occasion to notice: We doubt not but the extermination of the more hardened and experienced leaders of the banditti engaged in that practice, will at no great distance of time comparatively annihilate the crime of decoity, as we consider the subordinate decoits to be no more than instruments in the pay of the sirdars, and as mere servants to whom any less hazardous mode of subsistence would be equally acceptable. We therefore much applaud the exertions of the Judges directed to this service.

(41) Increase of law causes in the lower provinces, &c.

24.—For our sentiments on the subject of the vast number of causes depending in our different courts, we refer you to our judicial letter of 14 September 1808, para. 5. That some measure should be adopted for accelerating the decision of suits at law, and still more for effectually reducing the number of those actually depending, is alike necessary for the credit of our justice, and for the comfort of the parties. Under the present system of accumulation, it must happen that our jurisprudence itself must suffer in reputation from the tardiness of its effects. No means should be left unattempted for arresting the progress of litigation, or bringing its causes to the speediest issue; those hitherto applied have been manifestly inefficient.

33.—Your statement of the expediency of completely separating the judicial power from the legislative and executive, is no doubt theoretically just, although hardly ever perfectly reduced to practice. We see no inconvenience whatever in placing one of the members of council at the head of the department; and we regret that the great increase of business in these courts compels us, however reluctantly, to acquiesce in the increase to the number of judges. We are still far from being satisfied with your reasoning on this subject; but we are unwilling, after the delay which has occurred, to run the risk of an inconvenient arrear in the administration of justice.

N<sup>o</sup> 4.

Judicial Letter  
from Bengal,  
30 January 1813.

Letter to,  
14 Feb. 1812.

(7.) Sentiments on the reports furnished by the Judges of circuit.

(24.) Remarks respecting the arrear of undecided causes.

N<sup>o</sup> 4.—Extract from a Letter in the Judicial Department, from the Governor General in Council to the Court of Directors; dated 30 January 1813.

Para. 5.—THE progress made in the suppression of gang-robbery would naturally prove highly satisfactory to your honourable Court. You will have learnt, by our subsequent despatches, that considerable advances had been made towards the actual extinction of that crime. We shall have occasion to offer some detailed, and, we trust, satisfactory observations on this important subject, in a subsequent part of this letter.

10.—We are ourselves strongly impressed with the expediency of adopting every measure calculated to restrain litigation, and to prevent an accumulation of undecided causes. The remarks and suggestions of your honourable Court on this subject will constantly engage our attention, but we are not prepared to submit any arrangements, at least of a general nature, for the accomplishment of this object. With respect to the means resorted to for the accomplishment of this purpose in particular cases, your honourable Court will find, from our proceedings of the annexed dates, that we have deemed it indispensably necessary to appoint assistant judges with a view to the reduction of the arrear of undecided causes in the districts of Moorshedabad (a), 24 Pergunnahs (b), Sarun (c), Gorchupore (d), and Burdwan (e). The grounds on which these arrangements have been adopted are fully stated in the papers recorded on the proceedings above referred to. We have more than once expressed our reluctance to incur any additional expense by the creation of appointments of this nature. Considering, however, the serious ill consequences with which a heavy arrear of causes is attended in any of the courts, and possessing, as we now do, practical

Civil Cons.

(a) 15 May - 12.

(b) 15 June &

11 July -

(c) 16 March &

23 May -

Criminal & Civil:

(d) 18 July &

29th Aug. -

(e) 8 Aug. &

5 Nov. -

practical experience of the substantial benefits attendant on the appointment of persons who may give, for a time, their undivided attention to the business of the civil courts, the expense cannot, we think, be deemed of moment, compared with the advantages derived from it to an extensive community.

N° 4.  
Judicial Letter  
from Bengal,  
30 January 1813.

13.—Regulation XII. 1811, transmitted to you, with our despatch of the 29th October 1811, will have informed your honourable Court of the constitution, as now framed, of the courts of sudder dewanny adawlut and nizamut adawlut. The arrangements adopted under that Regulation for the conduct of the public business have been, and will be, regularly reported to you.

(32 to 34.) Re-  
marks on the ar-  
rangements adopt-  
ed at the sudder  
dewanny and niza-  
mut adawluts.

N° 5.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor General in Council; dated 2 June 1812.

N° 5.

Letter from, 21st August 1809.

(9 & 14). Reply of sudder dewanny adawlut to the reference made them by Court's orders, relative to,

1st. The general arrears of undecided causes;

2d. The small number of causes decided in the sudder dewanny adawlut;

3d. Appointment of additional assistant judges;

4th. Proposal for investing the collectors with certain judicial powers;

5th. Suggestion for submitting appeals to be heard by one judge, in certain cases;

6th. Cases respecting the abolition of the civil court of the 24 pergunnahs, with the government's remarks on each.

Para. 6.—WE have not failed to consider with much attention the remarks and suggestions of the sudder dewanny adawlut upon these several articles; and, as far as they respect the accumulation of causes in their own particular court, we are satisfied that the great, and we hope only temporary, increase of criminal causes before the nizamut adawlut, by the trial of so unusual a number of gang-robbers as is there stated, together with the indispensable absence of one judge, occasioned by ill health (Mr. Harrington), and of another (Mr. Fombelle) chiefly by his necessary attendance on other duties in the interval between the 1st January and 1st July 1805, sufficiently account for the very small progress made in the determination of civil suits during that period. We therefore must join with you in exonerating the sudder dewanny adawlut from all suspicion of inattention to their duty in this instance.

Judicial Letter  
to Bengal,  
2 June 1812.

7.—The inconvenience of accumulation seems mostly to threaten the provincial courts, and we admit the propriety of the plan suggested by the sudder adawlut for securing a daily sitting of those courts. That of Patna, however, seems to be distinguished from the rest by its very undue proportion of arrears, *no cause* having been decided in that court from January to June 1809. This is stated to have arisen in consequence of the absence of the second Judge on the circuit, and of the third, by his being deputed to inquire into the charges preferred against Mr. Boddam, judge and magistrate of Sarun. This inquiry was not closed on the 17th October subsequent; so that the business of general justice appears to have been suspended above nine months on account of this individual case. We recommend it to you to consider of some mode for avoiding so great an interruption to public business; and have in general to notice upon this subject our particular dissatisfaction at the great length of time to which we observe the investigations into individual misconduct have usually been protracted; the evil consequences of which consist, not only in the obstruction which it necessarily occasions to the general administration of justice, by calling away the judges to the discharge of other duties (in itself a most serious public inconvenience, and more particularly so under a heavy accumulation of arrears which have arisen from other causes), but also in the severe hardship the parties are exposed to who are so long kept in a state of suspense as to the result of the inquiries instituted into their conduct.

8.—A remedy most obviously at hand for the speedy reduction of the arrears of law-suits, is the appointment of assistant judges; but it is one to which we are not disposed to recur without very strong and urgent necessity, on account of the increase, with which it is necessarily attended, to the very burthensome expenditure to which our finances are already subject in providing for the administration of justice among the natives under your government, and which we have, on former occasions, stated to you we are most anxiously desirous of seeing reduced to the lowest practicable standard. It is therefore matter of regret to us to find that you have thought it necessary to appoint assistant judges at

N<sup>o</sup> 5.  
Judicial Letter  
to Bengal,  
2 June 1812.

Chittagong, Jessore, Juanpore, Nuddea and Burdwan, with a salary of one thousand (1000) rupees per mensem; and though we are not disposed to withhold our sanction to this measure in the particular instance in question, we must express our earnest hope that you will not be induced to extend it further. In your letter to the sudder dewanny adawlut, of the 28th April 1809, you signified an intention to suspend the mission of assistant judges to some stations until the arrears at others should have been nearly cleared away; implying that you would employ the same persons as assistant judges successively in different districts where the occasion for them might be most pressing. If, therefore, it be found altogether impracticable to keep down the current business of the courts of law without resorting to further aid, we think the most eligible plan for a systematic and general provision for that purpose would be, that a number of our servants (four we should suppose sufficient) be set apart as assistant judges, at the disposal of the sudder dewanny adawlut, in whatever station there may be most need of their services. These officers will, from the opportunities they will afford of acquiring much local and other subsidiary knowledge, serve to qualify the persons on whom they are conferred for the future and more important situation of fixed judges, while the rate of salary which you have settled for them, (1000 rupees per mensem,) will make such appointments objects of competition, and thus render them a stimulus to the activity and good conduct of the several registers from whom the selection will of course be made.

9.—We see no objection to the measure which you have proposed, of so far extending judicial authority to the collectors, as to enable them to decide on claims for arrears of rent or complaints for excess of collection. The regulations requisite for giving effect to this arrangement, and for obviating the abuses to which it may seem to be liable, when digested by the sudder dewanny adawlut and confirmed by you, will enable us to judge definitively of the propriety of the measure.

10.—An inspection of the several statements of arrears in the different courts, furnished by the sudder dewanny adawlut, satisfies us, that the facility of appeal from the several subordinate tribunals to the next above them, is one great source of this evil; and as the small suits before the native commissioners are by far the most numerous, the appeals also from their awards constitute a proportionably large part of the bulk of those arrears in the several courts. This is to us a proof that there must be some radical defect in this part of the judicial system. Whether it be that the dependence of the commissioners on the institution-fee be a temptation to them to allure the poorer natives into litigation, or that the parties who come before them suspect their qualifications or integrity, the abuses which the sudder dewanny's letter of the 17th October 1809, states to have been ascertained to prevail in this department, peremptorily require the application of some effectual remedy: but the success of any measures which you may adopt for this necessary purpose, must greatly depend on a deliberate and full consideration of the nature of the evil which it is proposed to remove, and the causes from which it proceeds. We have before us the minute of Mr. Harrington upon this subject, of the same date. We trust, that if you should deem it necessary to adopt the propositions suggested by that gentleman, or to have recourse to any other arrangements, with a view to the same object, you will not fail previously to obtain every information which can be supplied by the local knowledge and practical experience, not only of the servants employed in the judicial department under your government, but also of those who are engaged in the collection of the revenues.

11.—It is satisfactory to us to find, that agreeably to our instructions conveyed to you in the 8th paragraph of our judicial despatch of the 14th September 1808, the sudder dewanny adawlut have called the particular attention of the judges of the provincial and zillah tribunals to the necessity of discouraging and preventing all unnecessary repetition and amplification in the pleadings of causes, considering, as we do, that this practice must alone have materially contributed to swell the amount of depending suits. There is also too much reason to apprehend that the minuteness of the process and the rules of proceedings enacted for the guidance of the courts, are incompatible with that speedy adjudication of suits, which is essentially necessary to give efficiency and vigour to our judicial system. We throw out this idea for your consideration, and shall be glad to receive

receive your sentiments, as to how far a simplification of the forms of pleading would conduce to the more prompt administration of justice, and whether the adoption of such a measure would, on a deliberate view of the subject, be advisable.

N<sup>o</sup> 5.  
Judicial Letter  
to Bengal,  
2 June 1812.

N<sup>o</sup> 6.—Extract from a Letter in the Judicial Department, from the Governor General in Council to the Court of Directors; dated 30 January 1813.

Letter to, 2 June 1812.

(6 to 11.) Respecting causes decided from July to December 1808. Exonerating the sudder dewaany adawlut from all suspicion of inattention to duty. Appointment of assistant judges; and with respect to investing collectors with certain judicial powers.

Para. 84.—WE shall forward a copy of these paragraphs to the sudder dewaany adawlut for their sentiments on the different points discussed in them, and on the receipt of their reply shall address your honourable Court on the subject. In the mean time, we beg leave to remark, that Regulation V. 1812, contains provisions for expediting the inquiry into claims preferred for arrears of rent, and on account of excess of collections. Under those rules all suits of that description, which may be instituted, are to be referred (to use the terms of the Regulation) to the collectors for their report, as has been hitherto very partially done under the rule contained in Section 13, Regulation VIII. 1794. On mature consideration we deemed this course of proceeding preferable to the plan before suggested of investing the collectors with powers to decide on questions of this nature, independently of the regular courts of judicature. It was to be apprehended that, had the last-mentioned plan been adopted, a collision of authority might arise between the zillah judge and the collector. It was certain that such an arrangement would be attended with additional expense, on account of the establishments which would have been required by the collectors, for the purpose of serving process and of executing their decrees and orders. From the experience hitherto obtained of the subsisting arrangement, we have every reason to hope that it will prove effectual for the object for which it was adopted.

N<sup>o</sup> 6.  
Judicial Letter  
from Bengal,  
30 January 1813.

Sections 20, 21,  
22 & 23.

N<sup>o</sup> 7.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor General in Council; dated 20 October 1813.

Para. 23.—WE are glad to find, by the report of Mr. Brooke, that the establishment of village watchmen still continues to obtain in the jurisdiction of the Bareilly Court of Circuit. Similar establishments we believe have had existence throughout the regions of Hindostan from the earliest ages; and we are deeply impressed with the expediency of restoring them to efficiency and vigour.

N<sup>o</sup> 7.  
Judicial Letter  
to Bengal,  
20 October 1813.

24.—If attention had been paid to the revival of these institutions, on their original principles in the Bengal provinces, where they had generally become impaired, and in many parts of which the traces only were left, we are strongly inclined to think the internal quiet of the country would have been much better preserved than it has been; that a very large and annually increasing expenditure of money would have been avoided; and, what we deem of the most importance, that we should not now have to lament the want of an adequate police to suppress the crimes and offences of our native subjects. It is justly remarked by Mr. Brooke (and the same remark has been frequently made by other experienced judges), that "without a body of village watchmen the police must continue inefficient; that they may be considered in fact to form the chief strength of the police; and that without them, neither could the country be protected against robbers, nor the crimes which are perpetrated be brought to light, much less the perpetrators apprehended."

25.—The village watchmen, of whom the senior judge speaks, appear to be of two descriptions; first, the kacrobes and darrucks, whose duty is to collect and convey information of crimes and offences; secondly, those who guard and protect the villages. The former description appear to be the most numerous, and

N<sup>o</sup> 7.  
Judicial Letter  
to Bengal,  
20 October 1813.

are, or rather were, remunerated for their services by small grants of land, contributions in kind from the produce of the other inhabitants, or by payments in money. In most zillahs they have however lost their perquisites.

26.—Viewing these institutions as interwoven with the frame and texture of an Indian society, we deem it a matter of the first importance, that whatever immunities and allowances they are entitled to, according to ancient usage, should be preserved to them, and that where they shall have been unjustly and irregularly deprived of such privileges, either under the former government, or in consequence of the arrangements since made by our servants, measures be taken to restore them to the parties.

27.—We fully coincide with you in opinion, that all native officers of police, whether village watchers or others, should be brought, as much as possible, under the direct control of the magistrates; and are also convinced, that without zeal, energy and intelligence on their part in the discharge of their important functions, the best regulations must prove ineffectual and nugatory. On their superintending vigilance and activity in controlling and directing these subordinate instruments, does primarily and almost wholly depend the success of any system of police, however well devised. But it is stated by you, as your opinion, that the native officers of police, among which you include the village watchmen, cannot be brought under the control of the magistrate “while they are paid, whether in land, grain, or money by the zemindars.” To this we have to observe, as far as the remark is intended to apply to the village watchers, that it does not appear they are supported at the expense of the zemindars, but at the expense of the state and of the inhabitants of the villages to which they belong; that from the former they derive their land, and from the latter their grain and money perquisites: nor can they be considered as the servants of the zemindars, but the public officers of the little village communities of which they are members. If the re-establishment of this village police in their customary advantage should not yield them an adequate remuneration for their services they will be required to perform, it will naturally become a question whether any additional allowance which it may be necessary to afford them, should be paid by the inhabitants of the villages, or be defrayed by government. We certainly consider it but just and reasonable, and, we believe, in perfect agreement with ancient custom, that whatever expense is incurred in maintaining the village watchmen, in addition to what they derive from the lands attached to the office, should be borne by the other villagers within their respective boundaries, who receive the immediate benefit of their services; nor do we conceive that the inhabitants would object to contribute what might be necessary for the support of a village watch, on such principles as might be in consonance with former usage, if at the same time relieved from unauthorized payments on that account, which may be levied by native servants, and applied to their own use; for it by no means follows, that in those parts of the country where there is no village police, or where they have lost their perquisites and fees, the inhabitants do not still contribute for their adequate maintenance, though they do not themselves receive the benefit of it. This is a subject which, we trust, will not escape the attention of the nizamat adawlut, who appear to have under their consideration the general question of providing for an establishment of town and village watchmen. We shall be anxious to receive the result of their proceedings on a matter of such essential concern to the good order of the country; and we recommend, that before you adopt any general arrangements, you should put yourselves in possession of all information you can procure from the judges and magistrates, as well as from the collectors, respecting the former and present state of the above branches of municipal economy. The collectors must, from the nature of their duties, and the constant communication and intercourse they must hold with the natives, have the best and readiest means of intelligence on such a subject.

28.—We must, however, in the mean time, particularly direct, that in any measures which you may have recourse to for preserving the peace and order of the ceded and conquered provinces, special care be taken that nothing be done that shall operate as an impediment to the eventual establishment of a village police on the plan to which we have adverted. We are, in a more especial manner, called upon to give you this cautionary instruction, because we find,

find, from the report of Mr. Brooke, that in the year 1808, the commissioners of the ceded and conquered countries had raised objections to assigning lands out of each village for the maintenance of watchmen; because we find it also stated by Mr. Brooke, in allusion to some measures adopted by Mr. Thornhill, the magistrate of zillah Bareilly, to provide a support for that description of persons by contributions from the inhabitants, that he "was compelled to exercise an authority beyond the law;" and because, since the landholders (by which we understand to be meant those whom you designate zemindars and farmers) had discovered that the magistrate had exceeded his authority, they had withdrawn the payments to the village watchmen, who, as it appears from the letter of Mr. Thornhill, had been compelled to quit their occupations, a circumstance which had induced him to express an opinion, "that, unless some effectual means were speedily adopted for the appointment and payment of an establishment of village watchmen, those whose names were still on the register, would be obliged to follow their brethren from Puttra, and seek by plunder that subsistence which they ought to derive from the persons whose lives and properties they are expected to protect." This opinion is supported by Mr. Brooke, who observes, that "from the statement of the magistrate, the discharge of all the persons who may have been recently entertained as village watchmen was to be anticipated; and that the zillah of Bareilly, like the other zillahs, would then be reduced to the protection of kacrobes and durrucks, who derive a miserable subsistence from the precarious produce of two or three begas of bad land, or the scanty contribution of grain;" a subject which, he adds, "required to be seriously taken up, if an efficient police be really in contemplation."

N° 7.  
Judicial Letter  
to Bengal,  
20 October 1811.

29.—In what respects the conduct of the magistrate exceeded the bounds of law, or the authority placed in him, is not explained in the papers before us: but if the fact should be, that by the regulations of your government, as far as they relate to the ceded and conquered territories, or by the nature of the engagements which exist between the landholders and the government, you are in any manner precluded from the adoption of any arrangements which may be found most fit and proper for the regulation of the internal police, but more particularly that of the villages, such a state of things certainly affords us a very powerful reason, in addition to those we have on former occasions conveyed to you, why we should restrict you from forming a permanent settlement of the lands at the expiration of the present leases, and why all matters of internal arrangement should be previously adjusted on the best and surest principles, before you proceed to carry into effect a measure of such magnitude. It is very clear to our minds, that if we do not first place the village police on its proper footing, it will probably be too late to do so afterwards; and until this is done, the foundation of an efficient police will be wanting, and your government will, it is to be feared, be under the necessity of incurring a still heavier expenditure than that to which it is already subject, for the purpose which, with the aid of an establishment of village watchmen, properly maintained, might be much more satisfactorily accomplished, and at a considerable less charge to our revenues than is now incurred.

N° 8.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor General in Council; dated 30 September 1814.

Para. 21.—IT is stated by Mr. Guthrie that the zemindars, in consequence of the suspension of the civil functions of the Judges Court, under the former acting magistrate, had reverted to the mode of settlement to which they had previously been accustomed under the Mahratta government, of referring all such disputes to the arbitration of a court termed *Punchaiet*; but that for want of authority to enforce the award of the arbitrators, these disputes had usually ended in a broil. We entirely agree with you in the sentiment expressed in para. 5 of your letter in answer to this report, that a reference to arbitration should be encouraged; and we have, in another part of this despatch, stated

N° 8.  
Judicial Letter  
to Bengal,  
30 Sept. 1814.

N<sup>o</sup> 8.  
Judicial Letter  
to Bengal,  
30 Sept. 1814.

Letter from,  
30th Jan. 1815.  
(Paras. 133 & 135.)  
Report on the po-  
lice of Benares, &c.

our opinion in favour of the mode proposed by Mr. Fortescue, judge and magistrate of Allahabad, for giving an advantageous and satisfactory effect to the system of arbitration in these cases.

27.—We are well satisfied with the general tenor of this able report from the late superintendant of police for the western provinces, dated 21st February 1811. The frequent occurrence of affrays on account of the disputed possession of lands or crops are here again brought under our particular notice, as being of the most serious detriment to public tranquillity in the three provinces comprised in the department of Benares. We have compared paragraphs 54 to 87 of that report with another very able communication from Mr. T. Fortescue, judge and magistrate of Allahabad, dated 12th August 1812, on the same subject.

28.—These two gentlemen, who appear to have written without any communication with each other, while they agree in opinion as to the nature and magnitude of the evil in question, widely differ with regard to the remedy they would suggest for it. The former recommends that the cases be decided at once before the magistrate, in order to prevent the accumulation of suits in the civil department already so overloaded, and to put an end to all the irritation occasioned by the inevitable delay previous to decision in the judges court, which is stated by both parties to be seldom less than three years. In your reply to the nizamat adawlut on the contents of this report, dated 20th June 1812, you remark, para. 22d,—“ Were the criminal courts invested with authority to “decide upon complaints for the forcible dispossession of lands, the Governor “General in Council apprehends that it would have the effect of drawing almost “all disputed claims to landed property into those courts; or in other words, that “individuals, instead of instituting a regular suit in the civil court for the purpose “of establishing a legal and permanent title to the property, would, by a fiction, “almost uniformly prefer a criminal charge for forcible ejection.” Mr. Fortescue, on the other hand, has stated, that this mode of proceeding by the means of a summary process (or Beedukhly suit, as it is called) is precisely what the party who conceives himself aggrieved almost uniformly adopts. He says, para. 25, “Every Beedukhly case, according to its present meaning, necessarily involves “a breach of the peace, or some overt-act tantamount thereto; for he who quits “hold of his property *quietly*, without being able to show cause of intimidation, “&c. enough to amount to an act against the peace, is left to the tardy process “of a regular suit, so that there is an actual necessity for the commission or the “excitement to guilt, even on the part of the peaceably inclined, merely to retain “the possession of that he has an acknowledged right to, before he can be sure of “effecting a speedy hearing. The complainant has then a *regular* or *summary* “civil and criminal action before him. The obstacles and prejudices to the former “I have already in part stated, the rest imports *delay*. But the possible result of “the latter outweighs every risk; and a colour being afforded to the criminal “prosecution, the whole merits of the case are incidentally, and at the same time, “in regular course of inquiry before the court.” Mr. Fortescue, in the next paragraph, states the course of proceeding, in these terms: “By a process, sanctioned “under the construction of certain circular orders, in substance, that it is not “material in which department the proceedings are held, provided the *order* “*regarding the possession* issues from the dewanny court; and the magistrate, “therefore, with the view to save time, trouble, and expense to the parties, after “having waded through the whole of the case, and ascertained what redress “ought to be afforded, although the main point may not have been the force and “violence or breach of the peace, and the possession or dispossession, acci- “dentally consequent or otherwise, is empowered by a transfer of a copy of “his fouzdarry proceedings to the civil side of the court, thence while the “matter is still pending, I may say in the fouzdarry, to issue final summary “orders regarding the possession,” &c. He writes in paragraph 4 of this communication, that when he took charge of the zillah of Allahabad, there were 244 summary suits then pending and unheard; so as “to afford in reality no “hope of speedy relief, even by this professedly expeditious mode of process, “at the option of the party, should he now lay his claim at the foot of all the rest; “*three years* within my experience, being no extraordinary lengthened period of “a pending Beedukhly suit.” After enumerating the evils resulting from this state of things, he proposes as a remedy, the adoption of a system of trial by arbitration, (paragraphs 37 to 66.)—Para. 38. “The arbitrators chosen as usual by the “parties

“ parties to proceed to the spot (in litigation), attended (para. 39) by the  
 “ neighbouring village putwarries, and the government pergunnah canongoes  
 “ with a writer, &c. to record in some form the proceedings and the award,  
 “ *to be subject as at present to the general Regulations.*” Other subsidiary  
 arrangements are then specified for keeping down expense, &c. ; and he says in  
 para. 45, “ I would recommend that the whole of the superintendance, as well  
 “ as the original receipt of the application of arbitration *be transferred to the*  
 “ *collector of the district*; and that the judge and magistrate be also empow-  
 “ ered to refer cases of this description to him for the above purpose.” After  
 combating, in the next four paragraphs, the objections supposed to exist against  
 referring disputes for landed property to arbitration, he remarks, (para. 50)  
 “ Independently of the leisure which the revenue, compared with the judicial  
 “ officers, now possess, the connection subsisting between the collector, the  
 “ subordinate government pergunnah canongoes,” (he is speaking of those  
 districts into which the permanent settlement has not yet been introduced)  
 “ and the zemindarry village putwarries, the superior means he possesses of  
 “ ascertaining the eligibility of the neighbouring proprietors proposed as arbitra-  
 “ tors;” . . . . “ and generally, the many channels of his information, the nature of  
 “ his inquiries, and the special line of his official duty, constitute him, in many  
 “ respects, the most proper and able officer to assist and control the arbitration,  
 “ or indeed, any other arrangement which can be devised for this peculiar species  
 “ of dispute.” He states (para. 53) “ the direct advantages proposed by the  
 “ plan of arbitration are four-fold, - to the public revenue, to the parties, to the  
 “ peace, and to civil justice;” and these advantages are severally detailed in the  
 subsequent paragraphs. And he more especially insists on the propriety of  
 transferring every dispute of this nature to the superintendance of the collector,  
 inasmuch as the revenues of government are always immediately or more  
 remotely interested in their issue. As the origin of the contention may spring  
 from the occupation of lands hitherto lying waste, or of large spots of ground  
 deserted by rivers, or from many other incidental circumstances not provided for  
 by the terms of any existing settlement, in which case it is obviously the duty  
 of the collector to interfere in behalf of the state; and both his authority, his  
 leisure, and his existing establishment, are in our opinion, amply competent to  
 its effectual discharge.

N<sup>o</sup> 8.

Judicial Letter  
 to Bengal,  
 30 Sept. 1814.

29. - We have particularly noticed this memorial of Mr. Fortescue, because we  
 observe it to have so much attracted your attention, as that, in a letter from your  
 secretary to the register of the nizamat adawlat, dated the 10th of November  
 1812, it is thus mentioned in paragraph 25: “ On reverting to the observations  
 “ contained in the magistrate of Nuddeah’s report, respecting the course pur-  
 “ sued by him in the adjustment of disputes for land or crops, the Governor  
 “ General in Council is of opinion, that it is advisable to pass a Regulation  
 “ *for referring suits of that nature to arbitration.*” A copy “ of a letter and its  
 “ enclosures from the judge and magistrate of Allahabad,” (Mr. Fortescue,  
 from which letter we have made the large quotations above,) “ connected with  
 “ that subject, is transmitted for the consideration of the court, who are re-  
 “ quested to prepare and submit to government a draft of the necessary rules  
 “ for that purpose.” We are much pleased to find, that this most important  
 proposition has been thus put in a regular course for specific and formal con-  
 sideration. We are indeed perfectly convinced, that this measure of referring  
 all disputes with regard to landed property, and all matters immediately con-  
 nected with such property, to arbitration upon the spot, under superintendance of  
 the collector, will materially operate to prevent those affrays which now so seriously  
 disturb the public peace, to set at rest an infinite number of litigious questions,  
 which in so many districts block up, as it were, all other access to the civil courts,  
 and so to exonerate in a great degree those courts from that accumulated mass  
 of arrears, which has hitherto reflected much discredit on our administrative  
 justice in India.



N<sup>o</sup> 9.—Extract from a Letter in the Judicial Department, from the Governor General in Council to the Court of Directors; dated 7 October 1815.

(Para. 21.) Express an opinion in favour of the adjustment by arbitration of all disputes relating to lands, crops, &c. and concur in the sentiments expressed by government on this subject.

(Para. 22.) Notice with satisfaction the reported decrease of offences in Allyghur.

(Para. 27 a' 29.) Express satisfaction at the report on the police of Benares, furnished by Mr. Guthrie. Notice affrays on account of disputed lands. Refer to Mr. Fortescue's suggestions, and approve of appeals to arbitration in such cases.

Para. 12.—Require no reply.

Para. 17.—We are happy that the measures adopted by us with reference to the subjects treated in these paragraphs, have obtained the approbation of your honourable Court.

Para. 17.—We are happy that the measures adopted by us with reference to the subjects treated in these paragraphs, have obtained the approbation of your honourable Court.

N<sup>o</sup> 10.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor General in Council, dated 12 October 1814.

N<sup>o</sup> 10.

Judicial Letter  
to Bengal,  
12 October 1814.

Letter from,  
30 January 1813.

(116 a' 119.) Report on the state of the police in the lower provinces.

(120.) Report of the late second judge of circuit of the district of Calcutta.

(121.) On the police of Burdwan.

(122. 123.) Reports of the judges of circuit for the division of Dacca.

Para. 61.—WE continue to peruse with much satisfaction the reports of the superintendant of police for the lower provinces; for, how much soever we may be pained by the exhibition of so many atrocious crimes, particularly gang-robberies, as still appear to infest certain portions of those provinces, and even partially to increase, we yet think that the attention, the vigilance, the vigour, and concurrent efficiency both of the magistrates in general and of the various police officers under their several jurisdictions, which appear to have been awakened and inspired by the intelligent directions and personal efforts of the superintendant, must necessarily produce a very beneficial effect on the internal tranquillity of the country. We are convinced, that while the several public officers continue to do their duty, and sufficient care is taken to insure the co-operation of the various descriptions of landholders, in the places which usually afford shelter to the sirdars of such gangs, their habitations cannot long remain undiscovered, nor their persons unarrested.

63.—We are pleased to find the report of the late second judge for the division of Calcutta bearing so favourable a testimony to the improvement of the police, and the consequent tranquillity of the districts within that circuit, with the exception alone of the purgunnah of Boggraie, a wild spot of country lying between the provinces of Burdwan and Midnapore. But we hope that, from the personal inspection and exertions of the magistrate whom you stated to have proceeded thither, such measures will have been adopted for bringing to justice those disturbers of the public peace, who have long found an asylum in that unfrequented spot, as will be productive of effectual success.

64.—It is most satisfactory to us to find, both in the reports of the judges of circuit, and in those of the superintendant of police, the state of this province represented as in a high degree tranquil and orderly. This is to be attributed to the vigilant and unremitted efforts of Mr. B. Bailey, the magistrate, and the consequent efficiency of the whole department of police confided to his charge.

65.—On perusal of these reports we are inclined to hope with you, that a gradual improvement is taking place in the general state of the division of Dacca; not, however, without some unfavourable exceptions. We quote a passage from the report of the second judge on the district of Sylhet, for the purpose of corroborating our opinion on the necessity of a separation of the office of magistrate from that of civil judge. "The present magistrate has, since his appointment, been incessantly and exclusively occupied in the discharge of his Foujdarry duty; and still the arrears in that department are here most uncommonly heavy," &c.

66.—We do not find that any assistant judge has been deputed to this station; but it is evident that the file of civil causes must be enormously swelled, in consequence of the inability of the magistrate to attend to that branch of duty; and that the suspence occasioned by this delay must be most distressing to all the parties who have causes depending in that court.

67.—It

67.—It is satisfactory to find that the crimes of forgery and perjury are reported to have much decreased in Chittagong, where they were but lately so prevalent.

N<sup>o</sup> 10.  
Judicial Letter  
to Bengal,  
12 October 1814.

69.—Since the date of these reports, we have seen, from that of the superintendant of police, that there is reason to hope the commission of heinous offences in these districts has experienced considerable check.

(125.) Reports on the close of the sessions for the districts of Dinagore, Rungpore, and Rajeshahy.

72. The testimony borne in this Report to the general good conduct of the inhabitants of this district, and to the present improved system of police, is very creditable to all the parties, and most satisfactory to us.

(128, 129.) Report on the police of Bhaugulpore.

75.—The report of Mr. J. R. Elphinstone, second judge of circuit for this division, on closing the second circuit for 1811, does him much credit; and we continue to derive both information and satisfaction from these official documents, as well as from those furnished by the superintendants of police. But, from the judges of circuit, whose observations are necessarily confined to a more limited portion of territory, we naturally expect a greater particularization of remark within those limits.

(131.) Report on the police for the division of Patna.

76.—We are greatly pleased to find, from the letter written by your secretary in answer to that of the nizamat adawlut on the subject of Mr. Elphinstone's report, that you have confided to Mr. Blunt the task of forming a plan to render the village watchmen, and other subsidiary establishments of police, more efficient. This circumstance has long occupied a considerable share of our attention; nor is there a point connected with the preservation of internal security, as far as it depends on civil regulation, to which we attach greater importance.

77.—The little we learn from this extremely concise Report is at least so far satisfactory, as, that it states the police of the district of Ramghur to be in a progressive course of improvement.

(132.) Report on the actual state of police in Ramghur.

N<sup>o</sup> 11.—Extract from a Letter in the Judicial Department, from the Governor General in Council to the Court of Directors; dated 7 October 1815.

Para. 81.—THE information contained in our more recent despatches, regarding the progressive improvement of the police, precludes the necessity of offering any remarks on the subjects of these paragraphs.

Letter to, dated 12 October 1814. (Paras. 61 & 62.) Express satisfaction at the reports of the superintendant of police in the lower provinces, from whose exertions, and the vigilance ex-

ercised by the magistrates, much public good is expected. Approve orders issued to the magistrates of Purneah, Beerbhoom and Sarun, with a view to the rendering the police of those districts more efficient.

82.—Answered in the reply to paragraphs 61 and 62.

(Para. 63.) Express satisfaction at the reported improvements effected in the police of the districts forming the Calcutta division, with exception to the pergunnah of Bograee. (Para. 64.) Notice with approbation the efficient state of the police of Burdwan.

83.—With reference to the observations contained in this paragraph, we are happy in being enabled to assure your honourable Court, that the police of the several districts forming the division of Dacca, has been for some time past in a progressive state of improvement. The report on the police of Sylhet, which accompanied our judicial despatch of the 2d October 1814, and to which we have referred in paragraph 47 of that letter, will have afforded to your honourable Court a more favourable view of the state of that district.

(Para. 65 a' 67.) Observations on the state of the police within the division of Dacca. Unfavourable with respect to Sylhet.

N° 12.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor General in Council; dated 28 October 1814.

N° 12.

Judicial Letter  
to Bengal,  
28 October 1814.

Letter from,  
28 February 1810.  
(40 a' 49.) State  
of the police in the  
division of Patna.

(50 a' 53.) State  
of the police in the  
division of Moor-  
shedabad.

Para. 11.—WE are gratified to find from these paragraphs, that the districts are, in general, in a state of improving tranquillity. The very sanguinary highway robbery, however, attended with the murder of ten individuals, besides twelve more wounded, committed in the district of Ramghur, considerably diminishes our satisfaction on this head; but the measure of regular patrols which you have in contemplation, will, we hope, effectually prevent the recurrence of such offences. We have already in our last despatch, expressed our concurrence with your sentiments on the meritorious exertions of Mr. Turner, acting magistrate of zillah Behar.

12.—It is satisfactory to learn from the reports of circuit for this division, that the crime of decoity has decreased within it. This is represented by the second judge of circuit to have arisen from the strenuous efforts of the magistrates, whose attention had been principally directed to the discovery and apprehension of the leaders, and to destroy, as much as possible, the bond of union in gangs which infested the districts. The exertions of these magistrates for the accomplishment of so necessary a purpose are entitled to our commendation.

13.—It is represented by the same judge, that “the assistance which *the zemindars and heads of villages* were required to afford, by the muchulka system, had proved of infinite service in the zillahs of the division, especially “in Rungpore, where a number of old offenders were brought up and “convicted.”

14.—The nizamut adawlut, in their report of the 6th December 1810, appear to have entertained a different opinion; and we find, by the letter of Mr. Secretary Dowdeswell, of the 11th July 1811, that you coincided in that opinion.

15.—We have in consequence been led to direct our attention to the information which your proceedings contain upon this subject, and find that the court of circuit of Moorshedabad were decidedly for its continuance, as having “materially promoted the great decrease of crimes, and a very important “increase of general security;” and that, on being called upon for their sentiments, above two-thirds of the magistrates under the Bengal government had expressed themselves in favour of the measure.

16.—It would appear, from the report of the nizamut adawlut, that the general instructions they had issued on the 31st May 1809, and which are stated to have been similar to those which the senior judge of the Calcutta court of circuit had furnished, on the 9th March preceding, to the magistrate of Jessore, required only that muchulkas should be taken from the munduls, and other principal inhabitants of the villages, and not from the ryots in general of a village, as we find has been done in some instances.

17.—We do not now venture decidedly to pronounce on the expediency of calling upon the latter description of persons to enter into such engagements; but if, as is stated by the court of circuit for the division of Moorshedabad, “it has been attended with the effect of rendering each villager security for “his neighbour, and thus making each responsible not only for his own “vigilance in support of the police, and for his own moral conduct, but likewise for an attentive observation of the persons for whose good conduct he “had become security,” we herein recognize a state of things well calculated for the preservation of internal order. This principle, like most others, may be, and unquestionably is, liable to be converted to purposes of individual injustice and oppression; but we are strongly disposed to believe that a vigilant and energetic control and superintendance on the part of the magistrates and collectors, without which no system of regulations which it is possible to devise can be free from considerable abuses, would furnish a substantial corrective of such evils, and at least prevent them from arriving at any serious magnitude.

21.—We

21.—We are satisfied with the general information which these paragraphs afford of the state of the police in these zillahs, and particularly with the meritorious services of Mr. Hubert Cornish, the magistrate of Purneah, as pointed out to the notice of the nizamat adawlut by Mr. Pattle, the senior judge of the court of circuit of Moorshedabad, who observes, “that there are many and “evident proofs of the unremitting diligence and very active exertions of the “magistrate of Purneah; that his labours appear to be directed to the prevention of crimes by establishing an efficient police, and keeping it under “vigilant control and inspection; and that when offenders were apprehended “he spared no pains to detect guilt by full, patient and deliberate investigation, previous to commitment, to which mode of conduct the judge ascribed “the material decrease which was observed of heinous offences.” It is by such conduct alone that a magistrate can satisfactorily fulfil the duties of his charge, nor without it can we ever hope to see the police of the country properly regulated under any system.

N<sup>o</sup> 12.  
Judicial Letter  
to Bengal,  
28 October 1814.

(54, 55.) State of  
the police in the  
districts of Bhau-  
gulpore and Purneah.

24.—We remark with satisfaction the testimony of the different judges of circuit to the gradual diminution of the more atrocious species of crimes in this division, particularly of gang-robbery. This daring offence, and, indeed, other crimes of a particularly atrocious nature, we observe, from the reports of the judges of circuit, to have been by no means so prevalent in the zillahs of Tipperah, Chittagong and Sylhet, as in the greater part of the other districts under the Bengal government.

(61, 62.) State of  
the police in the  
division of Dacca.

25.—In Tipperah, Mr. Bird, the senior judge, in his report of the 25th of April 1810, made at the close of the second sessions of 1809, states, that “crimes of “a serious nature seldom occurred; that the police was well regulated; that “travellers and merchants resorted from one place to another, free from molestation; and that the zemindars and others transported treasure without the “least apprehension or fear from robbers.”

26.—We also find, from the report of the same judge, dated 21st November 1809, and relating to the same sessions, that in Chittagong “it was but seldom “that the crime of decoity happened in that zillah, nor did the crime of theft “extend to any great degree, nor was it attended with serious circumstances:” and in his report to which we before referred, he states, with respect to this zillah, that “travellers and merchants resorted from place to place, in like manner as in Tipperah, with confidence and security.” Mr. Melville, the officiating judge, in his report on the first sessions of 1810, noticing that the police officers had reported eight robberies, as committed between the 1st of October 1809 and the 1st April 1810, speaks of this number as “so unusually great for zillah “Chittagong, that mistake or exaggeration might justly be expected, particularly as, after an examination of the only charge of robbery which the “calendar for the same period exhibited, the charge appeared to be a false “accusation.”

27.—The description given of Sylhet, in regard to its police, is equally favourable.

28.—We have been particularly struck by these circumstances, as the districts here referred to are frontier districts, immediately adjoining the territories of very troublesome neighbours, whose irregular incursions have long been the subject of serious complaint.

29.—The favourable state of Sylhet, Chittagong and Tipperah, in the above-mentioned particular, must, we conceive, be imputable to some causes of permanent operation, distinct from the personal activity of the magistrates. The senior judge, in his report of the 25th of April 1810, considers it in Tipperah to arise, in a great degree, from the numerous roads and bridges, which afford an easy communication with the different parts of the country; and in Sylhet, to the number of small forts at which sepoy are stationed. This must no doubt materially facilitate the apprehension of offenders, and strengthen the operations of internal police. But we see much reason, also, to ascribe the fact to the comparatively independent state of the landed property in the zillahs in question, standing, as the owners of it do, in a more direct relation to the government, than probably in any other of the Bengal districts. This has naturally excited an independence

N<sup>o</sup> 12.  
Judicial Letter  
to Bengal,  
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independence of feeling, and a common interest in the preservation of social order, which prompts them to lend their exertions, both collectively and individually, in aid of the public peace; and which, also, by bringing the magistrate of the zillah more in contact with the body of the people, and the natural authorities among them, enables him far better to call forth and regulate the conduct of individuals, than it is possible for him to do under any other circumstances, and more especially where the cultivators of the land are, as it were, placed under the thralldom of powerful zemindars and their servants, who can always, in a greater or less degree, thwart his views and frustrate his operations.

30.—It is observed by the magistrate of Tipperah, in his answer to Lord Wellesley's queries, dated 23d April 1802, that "whole villages came forward to detect and apprehend murderers for fear of being punished for it;" and that, answerable as every head of a village was, for all criminal acts being reported to the darogah, he (the magistrate) had an immediate knowledge of all mofussil occurrences, to which he principally ascribed murder being so greatly suppressed. We learn from the same magistrate, that, with a few exceptions, "the proprietors of the soil were talookdars, and of no consequence in point of rank."

31.—The collector of Chittagong also, in his answers to the same queries, (at which time the number of estates was 18,000) has given a description of the state of the people, which well accounts for the infrequency of those heinous offences which most disturb the peace of society. "If (he says) 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 the district* have contributed much to increase population, and rear a temperate and robust species of men, fit for every sort of service."

32.—In Sylhet the landed property is still more divided than in either of the other zillahs.

33 A.—We are furnished with other instances in support of the view which we have taken of this particular subject, in the state of the police in the province of Behar, which constitutes a part of the division of Patna. It is well known that the landed property is much divided in that province. In the zillah of Tirhoot, Mr. Graham, the officiating judge of circuit, informs us, in a statement annexed to his report on the first sessions of 1809, that it is more divided than in any other part of that province; and he observes, that it frequently happened that "a small estate of a single village was possessed by numerous proprietors." It appears from the calendar of offences at that sessions, that there was but one of decoity and none of highway robbery; while the judge observes, that, with the exception of affrays, "the district might fairly be considered as one of the most orderly and peaceable in the territory of the Company;" and, on an inquiry made into the state of the gaol, on the 1st July 1810, there was not a single individual confined for decoity. We have also the testimony of Messrs. Keating and Hawkins, judges of the same court, in a letter, dated 19th January 1810, that "gang-robbery has all along been less frequent in Tirhoot than in any other district in the division."

33 B.—The circuit reports for the first sessions of 1809 now before us, for the division of Patna, likewise bear strong testimony to the state of the police, as to the same important particulars in the other zillahs of Behar; and from the report of Mr. Guthrie, the superintendent of the police, dated the 15th August 1810, we find that, since the 1st January preceding, the number of heinous offences committed in the whole division of Patna was only four decoities, three murders; and that most of the culprits were brought to justice. The infrequency of atrocious crimes in Behar, compared with Bengal, is ascribed to the more moral and peaceable dispositions and habits of the inhabitants of the former province; and he adds, that, "as the landlords usually manage their estates themselves, they consequently possess authority over their ryots, and are respected by them."

34.—The province of Bundelcund, where landed property would appear to be also much divided, is described by Mr. Ernst, late third judge of circuit of the Benares division, in his letter dated 12th May 1810, to be very satisfactory; and he ascribes it to the cause we have mentioned. "These favourable circumstances," he observes, "must, I conceive, be a good deal owing to the *dispersed state of landed property*, and to the alacrity with which the numerous land-holders

“ holders, comprising the bulk of the population, afford their assistance in the “ support of the police.”

N<sup>o</sup> 12.

Judicial Letter  
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35.—It is well worthy of remark, (and a reference to the reports of the circuit judges under the government of Fort St. George will fully establish the truth of the observation,) that in our peninsular territories, the police is far more efficiently conducted, and the occurrence of offences of magnitude far less frequent in those districts where the land-tax is or had been recently received, for any length of time, direct from the cultivators of the soil, than where it has long been collected through the intermediate agency of farmers-general of the revenue. Entertaining the sentiments we have here expressed, we are therefore glad to find you have, by Regulation V. of 1810, and IX. of 1811, removed those restrictions which had previously, and, as we think, on very erroneous principles, been put on the division of landed property. The effect of the provisions of those Regulations, and of the rules of the Hindoo and Mahomedan laws of inheritance to real property, will be, as we apprehend, to bring down, at no very distant period, the landed estates under your government to the same size and description as those of Chittagong, Tipperah, Sylhet and Tirhoot, a state the most favourable to the full and efficacious establishment of the authority of the state, both with respect to the police and revenue administration.

We are far, however, from wishing it to be understood that we conceive the police, in the districts we have enumerated, is as well conducted as it may and ought to be. It is not enough to depend upon the casual aid of the petty landholders and ryots: their services should be called into systematic action under regular instructions duly enforced. We indeed find, that though the zillahs in question are comparatively free from gang-robberies and murder, petty theft and burglaries are nevertheless very prevalent within them, and more especially affrays concerning boundaries of land and rents. The prevalency of the former description of public offence, we observe, is particularly brought under your notice by the superintendant of police, in his report of the 15th August 1810, in which he imputes it to the facility with which stolen property is disposed of, and the inadequacy of the punishment to which the receivers of it, knowing it to be stolen, are liable. These receivers he describes as the “ fomenters and chief “ gainers in almost all robberies.”

36.—You have since passed a Regulation\* for the more effectual prevention and punishment of such offences; the provisions of which we approve.

\* I.—1811.

37.—We however find, that the great extent to which burglary and theft are practised, is too often occasioned by the oppressive and unjust conduct of zemindars towards their ryots, and the insufficiency of the existing provisions of the judicial code to restrain their exactions. This insufficiency is recognized in the reports of the sudder dewanny adawlut in the year 1809. It also appears that Mr. Melville, in his circuit report for the division of Dacca, dated 27th June 1810, while he notices the extraordinary number of thefts and burglaries that had recently happened in Tipperah, takes occasion to state, that “ the list of persons punished for those crimes showed that nine-tenths were of “ the profession of cultivators of the soil;” and he adds, “ should it be found “ that the unguarded or insufficiently qualified clauses, respecting distraint, “ had been cruelly enforced by zemindars in that district, judgment in “ arranging its combination, may notice the necessity of appropriate modifi- “ cations.”

As to affrays respecting the possession and boundaries of land and rents, this has been long a serious evil, and, we conceive, must have existed in a greater or less degree in every part of the country, though much seldomer brought under the notice of the magistrate in those places where the settlement of the territorial revenue has been made with large zemindars, than where it has been concluded with village zemindars, or the principal ryots of a village individually, or with the lower gradations of ryots, inasmuch as in the former case the Company's servants are removed at a greater distance from the sight and knowledge of the people and their concerns. These affrays, which often lead to homicides and woundings, have been very naturally ascribed by several of the judges to the difficulty of obtaining judicial redress.

N<sup>o</sup> 19.  
 Judicial Letter  
 to Bengal,  
 28 October 1814.

38.—In the district of Tirhoot, where disturbances of this nature have so frequently agitated the public peace, it is declared by the acting judge for the division of Patna, in his report dated the 31st October 1809, that they chiefly arose from “the accumulated arrears of suits instituted under the 49th Regulation of 1793, and which, from the above cause, had not met with that speedy decision which the nature of the Regulations required; and that the parties, finding a delay in obtaining redress, had resorted to force.” These observations are made in order to obviate an idea to which the number of persons brought before the court of circuit for being concerned in such disturbances might give rise, that the inhabitants of the zillah, whom he describes as in general a quiet and inoffensive race, were naturally of a turbulent character.

39.—Mr. Melville, the late second judge of circuit for the division of Dacca, in a report dated the 29th June 1810, in speaking on the same subject, thus expresses himself: “With respect to affrays attended with homicide and wounding, it is known that those disorders arose from attempts to retain, by force, possession of lands, or rents of lands, to which the different parties alleged separate claims; that in the district of Mymensins, the occurrences though few were of great magnitude, and that in zillah Jelalpore they also occurred, and in Chittagong they had not only been frequent but violent; that the police authority had been often resisted, and in one instance overpowered; that it would be wrong to disguise the length of time a claimant must wait, with the sacrifices he must make, before the decision of a civil court can be obtained.”

40.—To the same effect are the sentiments of Mr. Ernst, the late judge of circuit for the division of Benares, in his letter to Mr. Secretary Dowdeswell of the 12th May 1810. “Much,” he says, “would be gained if the magistrates were enabled to pay more attention to their duties as judges. The criminal business of our courts claims their first care; and in most districts it had always been so heavy, and so much stress had been laid on the state of the police, that the magistrates have had but very little time to spare for the civil court. The consequence, he adds, “has been,” that *these courts have since become overloaded with business, that it has been found almost in vain to seek legal redress in matters of property. This failure of justice naturally tempts the rich, and sometimes drives the poor, to take the law into their own hands; and thus it operates, by re-action, to multiply the labours of the magistrate.*”

41.—It is worthy of remark, that Mr. Guthrie, in his report of the 15th August 1810, distinctly affirms, that “affrays are more common and of more serious consequence in Behar than in Bengal;” yet he at the same time describes the people of Behar “as a better race of men than the Bengalese, much more honest, more obedient to authority, less inclined to litigation or to commit wrongs, but better able to defend themselves when their lives and properties were attacked.”

42.—We cannot conclude these paragraphs, without quoting a passage which we have met with in the circuit report of Mr. Melville, for the Dacca division; from which we have already quoted.

43.—“It must be noticed,” he says, “that the manners of the people are daily growing worse. The present system (meaning the judicial system) has in its consequences affected the influence of paternal authority and that of casts, formerly salutary checks on morals; and our courts, by having a detail of duty much greater than they can effectually manage, are unable to supply any adequate substitute.”

44.—We are at present induced to refer to this passage, for the purpose of animadverting on the resolutions of the nizamut adawlut, dated 11th July 1810, founded upon Mr. Melville’s report, in which, when we sought for the suggestion of a remedy to the evils here pointed out by that judge, or at least for an opinion on the existence or extent of such evils, we observed a total omission of all notice whatever of the 16th, 17th and 18th paragraphs of his letter; and the resolutions of that superior court pass from para. 15 to 19.

45.—The subject was unquestionably of too much importance to be so dismissed, even on the supposition that the nizamut adawlut and your government considered

considered the remarks of the judge of circuit to be without a just foundation. As the rule of adverting, however slightly, to each separate paragraph in all public correspondence, has been found extremely beneficial to the facility of reference, we desire its observance may be uniformly attended to.

N<sup>o</sup> 11.  
Judicial Letter  
to Bengal;  
28 October 1814.

46.—This division contains a district which bore the very worst character for public offences, we mean Burdwan.

(63 a' 69.) State  
of the police, &c.  
in the division of  
Calcutta.

47.—It is satisfactory to find that it is in a progressive state of improvement with regard to its police. This we attribute to the meritorious exertions, first of Mr. Guthrie, and then of Mr. Bayley. We are, in a general view, also well satisfied with your report of the advantages derived to the division of the jungle Mohals, by the presence and activity of its magistrate, Mr. Blunt. But we must withhold our approbation from a sentence passed by Mr. D. Campbell, third judge of the Calcutta court of circuit, at the first session of gaol-delivery at this zillah for the year 1810. We allude to the case of Mussinaut Koulah, a married woman aged only 18, who was convicted of setting fire to her husband's house in a fit of passion, for which she was condemned to suffer thirty stripes and seven years imprisonment, with hard labour, a punishment which, by throwing her out of society for the whole of her life, is not in our opinion founded upon sufficient consideration of the religious or civil institutions of the people. This circumstance forcibly reminds us of a passage we have just above quoted from Mr. Melville's letter; viz. "It must be noticed, also, that the manners of the people are daily growing worse; the present system has, in its relations and consequences, affected the influence of *paternal authority* and that of casts, formerly salutary checks on morals," &c.

48.—That paternal authority is totally relaxed, at least in the zillah of Chittagong, we have evidence in two reports from Mr. Shearman Bird, senior judge of the Dacca court of circuit, one dated 21st November 1809, the other 25th April 1810; and here we observe a similar instance of the loss of all domestic control of the husband over the wife. We admit the crime of arson to have been proved in the fullest extent, and we are aware of the necessity for its punishment; but when we reflect upon the principles and manners of the Hindoos, the strong hold superstition and attachment to their cast originally had upon their minds, and compare the youth and necessary ignorance of the convict, and the probability of a sudden impulse of passion, rather than any premeditated malice, with the severity of the sentence, we think there was great room for passing a milder sentence on the offender. Whatever severities the Braminical code might have authorized the husband to have inflicted in the interior of the household establishment, we are persuaded they would have been less grating to a Hindoo woman of any modesty, than the publicity of degradation here inflicted, and much less subversive of the general moral habits of the community as connected with their religious prejudices.

49.—Indeed, in all cases of domestic misunderstanding or disturbance, we are very desirous of discouraging the interference of our criminal courts, wherever it can be fairly ascertained that, by the customs and usages of the Hindoo system, the authority of the head of the family or cast would be competent to suppress them or to punish the offenders; although acts of deliberate cruelty, endangering life or limb in the exercise of this authority, ought not to fall of being visited by the paramount severity of the law.

50.—Unwilling, therefore, as we are to be burthened with the additional charge of the new appointment of judge and magistrate of the jungle Mehals, yet, if the internal benefits accruing to the zillah itself from that appointment, in the improved efficiency of the police, and the comparative civilization of that rude part of the country, has been made evident, we shall be reconciled to the charge incurred on that account.

68.—Of the deplorable condition of this branch\* of internal administration within those territories, we had no adequate idea until we read in the minute of Lord Minto, dated 24th November 1810, "that a monstrous and disorganized state of society existed under the eye of the supreme British authorities, and almost at the very seat of that government to which the country might justly look for safety and protection; that the mischief could not wait for a slow remedy; that the people were perishing almost in our sight; that every week's delay

\* This has reference to the state of the police.



N<sup>o</sup> 12.  
Judicial Letter  
to Bengal,  
28 October 1814.

“ delay was a doom of slaughter and torture against the defenceless inhabitants  
“ of very populous countries.”

69.—That this representation of the late Governor General is not too highly coloured, would appear from the minute of Mr. Lumsden, and the reports of Mr. Secretary Dowdeswell, forming also part of the proceedings in regard to Mr. Ernst.

70.—The evils and disorders detailed by Lord Minto and Mr. Secretary Dowdeswell, are mentioned as having suddenly acquired a more alarming height, at least in the districts adjacent to the seat of government. We are forced, however, when we regard the nature and complexion of these evils and disorders, to consider them of gradual growth. It is, indeed, admitted by Mr. Secretary Dowdeswell, in his report of 22d September 1809, that the principal cause “ why the “ measures hitherto adopted for the protection of the people against robbery “ by, open violence had been ineffectual, was the *very defective information* “ which Government and the principal authorities under Government *possessed* “ *of the actual state of the police;*” and this, he observes, might arise either from the very imperfect information which the local “ magistrates themselves possessed respecting the state of the police, or from an ill-judged but not an “ unnatural solicitude to represent the districts in the most favourable state “ possible.” Both of these causes, as far as they have existed, are highly discreditable to the particular magistrates in question, and in some degree to the Government itself, for not having taken the alarm at an earlier period. We are, however, inclined to attribute its long inactivity to a latent hope that the new system of police would gradually diffuse its salutary effects over the country, so as to lessen the attachment of the lower order of banditti to their chief, and in time extinguish those habits of confederacy to which alone the crime of gang-robbery owed its atrocious success. The event has certainly falsified these expectations, if any such were entertained; and dear-bought experience having proved, that the powers at first allotted to the ordinary magistracy had not been proportioned, with accuracy, to the violence of the evil that would require to be suppressed. We are extremely gratified to find, that by the single expedient of appointing a superintendant of police for each of the two grand divisions of territory under your presidency, and by a new vigour infused into the general magistracy of the country, the predominance of the most dreadful disorders incident to a state of anarchy has been speedily checked, and in a very great degree suppressed.

(118, 119, and  
120.) Judicial Secretary's report on the general state of the police, &c.

73.—We have, in a foregoing part of this despatch, had occasion incidentally to notice this report, as one of those documents which has exhibited to us the atrocious evils that have attended the prevalence of decoity under your government.

74.—We shall here confine our remarks to the establishment of the office of superintendant of police, and as connected therewith, the employment of goindahs and girdwars. The first of these measures has, by the zealous services of the individuals who have been selected as superintendants, not only contributed very much to the diminution of the crime of decoity, than which a greater scourge to the community cannot exist, but it has considerably enlarged the means of information which the Government before possessed, respecting the state of the police generally: it has also been productive of a very sensible and important benefit, to which we have already adverted, in having infused a degree of activity and vigour into the general magistracy of the country, which was much wanted in many of the districts.

75.—Whether the employment and organization of goindahs and *girdwars*, upon which the efficacy of the superintendant's operations appear mainly to depend, should be rendered permanent, is with us a question upon which we entertain the greatest doubts. It is one of those very strong proceedings which nothing but an extreme and desperate state of things can warrant, under any well-ordered system of government; and it appears that the measure was originally had recourse to on this ground only. Mr. Lumsden, in his Minute of Council, dated the 20th June 1809, states, that “ as the late regulations now “ calculated to introduce a description of officers into the system of criminal “ jurisprudence, whose employment for the detection of criminals was not “ sanctioned

“ sanctioned by the general regulations, and of whose general character and  
 “ conduct his own individual sentiments were scarcely less favourable than those  
 “ so strongly expressed by Mr. Ernst, he considered it to be his duty to record  
 “ the reasons which had induced him to acquiesce in the adoption of an ar-  
 “ rangement, to which, under *ordinary circumstances*, he should have felt the  
 “ strongest objections.”

N<sup>o</sup> 12.  
 Judicial Letter  
 to Bengal,  
 28 October 181

76.—The papers to which we have referred, and particularly the correspondence of Mr. Ernst, respecting the proceedings of the goindahs, contain much evidence to show that the sweeping and indiscriminate operations of these agents have, to a great extent, confounded the innocent with the guilty, and that they must ever be a terror to the honest as well as to the evil-disposed part of the community. That since the adoption of the new measures of police, vast numbers of the inhabitants have been apprehended on mere surmise, and have suffered a long confinement, without any proof on which they could be brought to trial, and even without the charges preferred against them having been inquired into by the magistrate; we cannot doubt, after the statement given by Mr. Ernst, in his memorial, dated the 27th December 1809, and which appears to have been founded, in its leading particulars, on the information given to him by the magistrate of Nuddeah. From this statement we find, that of 2,071 persons who were apprehended as decoits in that zillah, from the 20th November 1808, to the 31st May 1809, and of which no less than 1,828 had been taken up as men of bad character, on vague suspicion, 44 only had been convicted before the court of circuit during two sessions, and that 369 had been released by the magistrate, and 68 acquitted by the court of circuit during the same period; and that of those who remained in gaol after the first sessions of 1809, the greater part were not brought up for trial at the two sessions which followed, but still remained in confinement. We further find, from the foregoing statement, that on the 31st of May 1809 there were no less than 1,477 prisoners who had not been examined. It further appears, that besides the 2,071 prisoners apprehended and confined in the gaol of Nuddeah, between the 20th November 1808, and the 31st May 1809, a considerable number of persons had been apprehended as decoits during the same period, by Mr. Blaquiere and Mr. Leyden, the magistrates of the 24 pergunnahs, and joint magistrates of Nuddeah, and by their goindahs, who, instead of being examined and tried, according to the Regulations, in the district in which the offences with which they were charged had been committed, were sent down to the Presidency, and there kept in confinement.

77.—Of the daring and cruel excesses committed by the goindahs and girdwars, who have been employed under the new arrangement of police, we are furnished with many proofs, but with none of a stronger kind than is afforded in the circumstances which occurred at Goliparah, in the zillah of Hooghly, where it appears that a party of these unprincipled agents had been guilty of plunder, extortion, and other acts of barbarous oppression and violence, for which they were afterwards tried and punished by the court of circuit.

78.—An agency of this description, as long as it is necessary to be used, cannot be employed too cautiously; and we hold it to be absolutely requisite that any abuses or irregularities which the goindahs and girdwars may commit, which render them liable to the punishment of the law, should be at all times cognizable by the local magistrate as well as by the superintendants of the police; for we never can admit the principle on which Mr. Blaquiere appears to have acted in Nuddeah, and on which, from his correspondence with Mr. Ernst and your Government, he desired to act in the zillah of Hooghly respecting the affairs at Goliparah, but which was, and we think on very proper grounds, resisted by the magistrate; viz. that when these agents, or others employed under the authority of the superintendant, are found to have committed offences in a zillah, they ought not to be brought to punishment by the magistrates of such zillah, but should be sent to the superintendant for him to inquire into the matter. Though we conceive it to be the duty of the local magistrates and their police officers to give all proper aid to the agents of the superintendant, and to protect them against all molestation in the due execution of their duty, we must cordially subscribe to the sentiments declared by the nizamut adawlut on the 17th May 1809, that “ a general exclusion of the local  
 “ magistrate from the cognizance of offences by goindahs or other persons

N<sup>o</sup> 12.  
Judicial Letter  
to Bengal,  
28 October 1814.

“ accompanying them, would be not only an infringement of the regulations in  
“ force, which empower the magistrates to take cognizance of all crimes and  
“ misdemeanors committed by the natives of the country within their respec-  
“ tive jurisdictions, but would be liable to objections of the most serious nature;  
“ that it would compel the inhabitants of the zillah where an inquiry is sus-  
“ tained, to seek redress at the Presidency or at a distant station; would expose  
“ them to great inconvenience and expense; would in most cases induce them  
“ to suppress their complaints to avoid such inconvenience and expense; and  
“ would also encourage the persons exempted from the local jurisdiction to  
“ extort money and to practise other common abuses, from their knowledge of  
“ the difficulties that must attend their being called to an account for their  
“ conduct.” The tendency of such a principle to weaken the hands of the  
regular police authority in the district, and to lessen it in the estimation of the  
inhabitants, is in itself a strong objection to it, and we direct that it be not  
again resorted to.

We confirm the extra allowance of 500 rupees per month, in lieu of travelling  
and all incidental charges, to Mr. Blaquiere, the actual superintendant, while  
absent from the Presidency on the duties of his office; and of a salary of  
500 rupees per month to his assistant, Mr. P. Andrews, as a temporary measure  
only.

Letter from, dated 24 November 1810.

(35 a' 39.) Relative to the number  
of causes decided and depending in the  
sudder dewanny adawlut and the several  
provincial and city courts.

100.—We observe with considerable regret that the pressure  
of arrears in most of the higher tribunals still exists, and even  
with some addition. And this grievance becomes the more  
serious when we remark that you can suggest no other mode of  
alleviation than by an increase in the number of judges, with a proportionably  
enlarged expenditure.

101.—Inquiries into the conduct of the public officers have hitherto, in our opi-  
nion, been protracted beyond all reasonable limits, and the general judicial busi-  
ness has sustained reiterated interruptions from those inquiries, the frequent  
recurrence of which, we conceive, was not sufficiently adverted to on the first  
establishment of the system. But we cannot behold the interests of the whole  
community kept in suspense, and the current business of the courts clogged or  
set aside, without expressing our anxiety that a remedy should be provided to  
correct so great an evil. Without, however, entering at present upon this con-  
sideration, we should derive much satisfaction from being authentically informed  
of the ratio in which the wealth and population of the country are supposed to  
have augmented since the introduction of the permanent settlement; previous  
to which period the fluctuations of the land revenue furnished at least a loose  
criterion for estimating the progressive prosperity of the inhabitants.

Letter from, 29 October 1811.

(13 a' 19.) Statement of causes de-  
cided and depending before the sudder  
dewanny and nizamat adawluts, and  
provincial and zillah courts, &c.; and  
the appointment of a chief judge of the  
sudder adawlut, not being a member of  
the Supreme Council.

124.—It is matter of much concern to us to observe the con-  
stant increase of arrears in the business of the superior courts,  
both in their civil and criminal departments; an evil, the removal  
of which calls most loudly for a remedy. We agree in opinion  
with you, that the new arrangements for suppressing the atrocious  
mischiefs of gang-robbery, have occasioned an immediate overflow  
of business in the superior criminal courts, and therefore shall not

object to the temporary appointment of two additional judges, in order to reduce  
the criminal calendar of the nizamat adawlut. The two gentlemen whom you  
have chosen, we observe, were already judges in provincial courts of appeal,  
Mr. E. Rees, at Calcutta, and Mr. Burges, at Bareilly; and this latter gentleman,  
in consequence of the liberal salary annexed to his permanent office (40,000  
rupees per annum), has undertaken, we find, the provisional discharge of this new  
duty without any addition to his emoluments. We must, however, entertain a  
doubt with regard to the propriety of this expedient; for while it operates to the  
reduction of arrears in the superior courts, it must necessarily contribute to their  
augmentation in those whose efficient strength is in an equal degree reduced.

126.—In regard to the appointment of assistant judges to such of the zillah  
and city courts as seem, from their great arrear of business, to be in want of  
occasional relief, we have already, in a former despatch, stated our opinion, that  
the best mode of supplying this relief would be by the destination of a few of  
our servants in the judicial department, to the separate function of assistant  
judges,

judges, preparatory to the full residential appointments of the zillah or city courts; and, therefore, we approve of so much of the 16th para. of your letter before us, as states that you "have judged it advisable to limit the assistant judges to the number already reported" (to our court). You add, that "these appointments are not permanent; and on the reduction of the number of depending causes, at any of the stations within proper limits, the assistant judges can be at any time transferred to any of the zillahs or cities where their services may be more urgently required."

N<sup>o</sup> 12.  
Judicial Letter  
to Bengal,  
23 October 1814.

127.—This is precisely the manner in which we have defined these extra situations; but as there may be some ambiguity in the expression, "these appointments are not permanent," we mean it to be understood, that a person, once appointed to the duty of assistant judge, shall continue to officiate in that capacity until a vacancy occurs in the regular station of judge and magistrate, to which (but not necessarily to the place at which the vacancy may occur) he shall succeed of course; for we attach particular stress to the regular course of succession in these offices, in order that the line of demarcation, now drawn between the revenue and judicial branches of our service, may be invaded as seldom as possible.

129.—We have perused, with equal interest and satisfaction, the details furnished by the reports of the judges of circuit in the division of Calcutta, relative to the very improved state of the police in the several districts comprehended in that division.

(20 a 25.) On the  
state of the police  
in the division of  
Calcutta.

130.—We have also to state our approbation of the general report, furnished by the superintendant of police for the lower provinces, as referred to in paragraph 24 of your letter, and of its tendency to afford a clearer insight into the defects of your actual police establishment, than you had hitherto possessed, as well as to suggest remedies to existing evils. At the same time we have observed, with some surprise, that while the several reports of the judges of circuit in all these divisions, to which you have directed our attention, acknowledge the improvement which has taken place in the management of the police, and in the general tranquillity of the country, they uniformly attribute it to the increased personal assiduities of the local magistrates, and to their more vigilant attention to the conduct of their native officers, without any direct or even incidental reference to the exertions of the new superintendant of police.

131.—In these reports we have found frequent allusion to the services of the chokeydars or village watchmen, as well in vigorously resisting the attacks of armed ruffians, at the risk of their own lives, as in apprehending and bringing them to justice. Mr. Bayley, the magistrate of zillah Burdwan, in his very valuable report of the 23d January 1811, which abounds with just and important views and principles in regard to the administration of the police, states himself to have "ascertained the class of chokeydars or subordinate local police officers" (in his district) "comprised upwards of 8,000 persons, holding rent-free chakranee lands, or receiving support from the voluntary contributions of the villagers for the protection of their lives and properties;" but he does not state the relative proportions of these two modes of maintenance. The superintendant of police remarks, "The general inefficiency of the village watchmen, and similar descriptions of subordinate police officers, is experienced in every district of Bengal where any persons of that description are employed; the districts of *Burdwan and Beerbhoom* excepted;" and he observes, that the means by which those persons have been rendered so efficient in these particular districts, "(which by many magistrates has been considered impracticable,) appear to merit particular inquiry," in order for their effectual adoption elsewhere.

132.—We have particularly adverted to these prominent features in the above reports, which contain also much more to the same effect, for the purpose of re-inculcating, in the strongest terms, the importance of your immediate attention being directed to that part of our last letter in the judicial department of the ceded and conquered provinces, which expressly relates to this subject; and wherein we have stated our full conviction, that, on this branch of the internal police of the country being carefully restored to its original energy, and reinstated in the free chakranee lands, and other means from whence it appears to have formerly derived ample means of support, depends, in a great degree, the establishment

N<sup>o</sup> 12,  
Judicial Letter  
to Bengal,  
28 October 1814.

(26, 27.) State  
of the police in the  
Dacca division.

establishment of an effective guard for the safety and tranquillity of the whole body of our subjects.

133.—On careful inspection of the documents referred to by you, in connection with the state of the police in the division of Dacca, we think ourselves warranted in the opinion that the crime of decoity or gang-robbery, although it be still prevalent in some degree, has ceased to exhibit those strong features of deliberate atrocity, as well as of extensive and formidable combinations, with which those fine provinces were not long ago so alarmingly harrassed.

134.—We have nevertheless observed several circumstances in the different reports of the judges of circuit, to which we think it necessary to advert.

135.—The first and most prominent of these is the vast disproportion almost universally observable between the number of persons apprehended and confined upon criminal accusations, and those against whom the commission of any crime is ultimately ascertained. We shall select only one case from the report of Mr. A. Welland, late acting judge, dated 24th July 1811, para. 12, who states, that “by the reports delivered by the magistrate of Clittagong, the number of “prosecutions decided in his court, from 1st October 1810, to 28th February 1811, amounted to 440, of which only 49 were found to be at all substantiated; “the remaining 391 cases, comprising a number of 932 *prisoners*, were not “proved, and the parties brought forward were ordered to be released.”

136.—In almost every other gaol-delivery noticed through these reports, the acquittals generally so far exceed the convictions, as to excite in us an apprehension that sufficient precautions are not used by the magistrates, in the first instance, to scrutinize into the grounds or motives of accusation, which are repeatedly asserted throughout these documents by the reporting judges to be most frequently founded upon nothing but the desire of gratifying personal enmities. We see, indeed, good reason to believe that this revengeful disposition of the lower orders, and the propensity of the native police officers to the abuse of their delegated authorities, added to the expense and vexation occasioned to the multitudes of unconcerned individuals who are liable to be summoned and detained as witnesses upon such occasions, have rendered our courts, as now administered, in many respects a serious burthen upon the countries they were constituted to relieve. We must also withhold our approbation from the practice which, we think, should never be resorted to but in the last necessity, of entertaining goitdahs, or professed spies, and which Mr. Dick, the third judge of circuit, states to have been long prevalent in the district of Sylhet, a practice particularly obnoxious in a country where, as we lament to observe from very concurrent testimony, the sanctity of an oath is almost universally disregarded; and by which, as he says, “whole villages are put under contribution, or subjected to the “rapacity and spiteful machinations of the vilest members of society.” When we compare the crowded state of the gaols in general throughout our provinces with the usual result of the gaol-deliveries, and connect with this what is stated upon this subject by several of the judges of circuit and magistrates, we see but too much reason to suspect that this class of people have met with encouragement far beyond the narrow sphere of its possible utility; and we feel it incumbent upon us to warn you, lest, in attempting to protect the public tranquillity from the sanguinary outrages of predatory banditti, you suffer it to be imperceptibly undermined by the nefarious artifices of professional informers.

137.—We are, indeed, concerned to find in these reports, that this part of the country, and particularly the city of Dacca itself, is no longer the seat of that general wealth and prosperity for which it was formerly so celebrated. “In the “course of my circuit,” says Mr. Welland, the officiating judge, in his report of 25th July 1811 \*) “of the several districts comprised within the Dacca division, the general poverty of the lower classes of the inhabitants has appeared “particularly striking. At every station they were clamorous in their complaints of the extraordinary rise which had taken place in the price of grain;” and this he attributes principally to the “transfer which has lately taken place “in numerous landed estates by public sales, and the operation of decrees of the “civil court, which has occasioned the establishment of a new race of proprietors, “whose interest being directed to raise the utmost income from their posses-  
“sions

\* Entered in Bengal Jud. Cons. 20 August 1811.

“sions, the former cultivators and dependent tenants have been involved in  
 “disputes, or are removed to find subsistence in other places, with very little  
 “consideration or indulgence in view to relieve their necessities.” Mr. Shear-  
 man Bird, the senior judge of this district, and Mr. Dick, third judge of the  
 same court, in an official letter to the nizamut adawlut, under date \* 19th August  
 1811, writes thus: “This city (Dacca) is by no means such a considerable  
 “place of resort, whether by merchants, foreigners, or others, as it was some  
 “years ago. Comparatively speaking, it may be considered as deserted in a  
 “great degree. The external appearance of its dwellings, religious buildings,  
 “bazars, and of the inhabitants themselves, too truly evince its progressive  
 “decay. Its former extensive and lucrative trade, and the various employments  
 “which it gave birth to, have almost ceased to exist; its inhabitants have, at  
 “the same time, ostensibly changed their pursuits in life, and turned their  
 “minds to other modes of livelihood, the most prevalent of which are connected  
 “with intrigues in the detail of business in the several public offices and courts  
 “of judicature; so that little or nothing now, except, perhaps, the occasional  
 “promulgation of some new regulations of government, excites attention or has  
 “any flourishing appearance, but what is connected with litigation, so congenial  
 “to the disposition of the natives.” From these reports, which unfortunately  
 we do not see contradicted, either by the occasional evidence of other documents,  
 or by any countervailing remarks of the court of nizamut adawlut, in its regular  
 official notices upon them, we have been induced to seek for the probable, and to  
 examine the imputed, causes of so material a change, as far, at least, as the same  
 reporters enable us to form a judgment.

N<sup>o</sup> 12.  
 Judicial Letter  
 to Bengal,  
 28 October 1814.

\* Crim. Cons.  
 17 September 1811,  
 N<sup>o</sup> 15.

138.—Mr. Welland, in the letter above quoted, attributes the great rise in the  
 price of provisions to an increase in the population, and to an unusually large  
 exportation of grain, a circumstance which seems to have been principally occa-  
 sioned by many of the large estates having fallen into the hands of rich absentees,  
 uninterested in the immediate comforts of the people about them: and he adds,  
 “that a considerable change should arise, from the permanent settlement which  
 “has been made of government’s revenue, was to be expected; and the rapid  
 “increase of population, during a long course of peace and tranquillity in these  
 “provinces, must naturally affect the demand and price of provisions.” But, in  
 another report\*, (paras. 16 a’ 19) of Mr. Welland, on the state of the police in  
 Tipperah, our attention is most forcibly drawn to a very important circumstance  
 incidentally mentioned in recounting the causes which in his opinion principally  
 contribute to the prevalence of decoity in various parts of the country. He  
 imputes much of it to “the undefined state of landed property, both as to the  
 “division among the partners and heirs, and as to the rights and privileges of  
 “taalukdars and mokuddams, which gave rise to constant disputes, and are  
 “often terminated by open contest and bloodshed, engendering depravity of  
 “every species.” Of this prevalent source, both of inveterate litigation, and  
 outrageous breaches of the peace, we have repeatedly taken notice, and therefore,  
 although we cannot agree with Mr. Welland in conceiving it to be a frequent  
 cause of gang-robbery, in the appropriate and legal sense of the term, we still  
 think it an object worthy of your most serious investigation. Mr. Welland  
 produces an instance in point of a violent affray arising from the following  
 circumstance: “One of the parties, a farmer, had entered into engagements  
 “with the rajah, the zemindar of the district, agreeing to pay 800 rupees for  
 “a village; the mokuddam of which was the adverse party, who had been  
 “committed on the occasion. It would appear by the representation of the  
 “mokuddam, that the village was his hereditary property, as a dependant  
 “taaluk, included in the rajah’s engagements with government, and that the  
 “utmost of his revenue had never before in any year exceeded 450 rupees.  
 “Thus the revenue, in one year, as stated by the mokuddam, was required to be  
 “increased nearly to double the amount at which it had been established pre-  
 “viously; and if the usage and custom of ancient times be the rule by which  
 “the respective rights of the malguzar and mokuddam are to be decided, instead  
 “of the taalukdar having to pay an increase, he ought to be granted, perhaps,  
 “a remission, as his tenure is held by prescriptive right, only to pay a proportion  
 “of government’s revenue, and which therefore would depend on the total  
 “produce of the whole zemindary, the profits of which being now considerably  
 “increased since the period of the decennial settlement, a remission of the  
 “amount

\* Dated “Dacca  
 Court of Circuit,  
 23 July 1811.”  
 Entered on Bengal  
 Crim. Cons.  
 11 August 1811.

N<sup>o</sup> 12.  
Judicial Letter  
to Bengal,  
28 October 1814.

" amount payable by the taalukdar is, in all probability, more the just medium  
" to be settled between the contending parties, than the increase which has  
" been demanded.

17.—" The question between these parties is of the highest interest to the  
" welfare of this part of the country, and how it may be likely to be determined,  
" from the unsettled state of landed tenures, must be uncertain. The mokud-  
" dams and their families form a large proportion of the inhabitants, and, should  
" their rights be set aside in favour of the malguzar," (viz. the farmer, or person  
" immediately accountable for the revenues,) " so numerous a body being placed  
" in a state of dependence and indigence, may be of serious consideration as  
" an object of police."

Again, in para. 19,—" The state of landed property is also another serious  
" object. The estates of considerable magnitude are, many of them, falling into  
" the hands of opulent natives, residing for the most part at the Presidency;" (by  
" which we understand, not *natives* of that part of the country, but Calcutta banyans,  
" and native merchants, having no natural or hereditary connection with the districts  
" in which they purchase the estates of ancient families fallen into decay, and  
" forfeited for arrears due to government;) " and to their intrigues and exertions,  
" through the medium of agents, may be attributed in some degree the poverty  
" and distress of the labouring classes; while such is the uncertainty of the allot-  
" ment of government's revenue, in the several divisions and villages comprised  
" in an estate, that no transfer can take place either of an entire estate or a  
" portion of it, by public or private sale, or by decrees of civil courts, without  
" giving rise to numerous disputes and cavils. This remark applies particularly  
" to the districts of Momensing, Dacca, Jelalpoore and Tipperah.

" That, as yet, the allotment of revenue proportioned in each minor division  
" of an estate, agreeably to its produce, with the names and quantities of land  
" contained in it, included in the several malguzari engagements, has not been  
" ascertained and determined, or any progress made towards the necessary  
" arrangement, since the period of the settlement, must be a subject of some  
" surprise, but nevertheless will be found to be the case generally, and must be  
" considered a fruitful source of many of the evils and contentions found pre-  
" vailing throughout the country."

139.—We have quoted these paragraphs, with a view to express both our surprise  
" that no notice whatever has been taken of them in the nizamut adawlat's review  
" of the report, and also our regret that so little should have been done towards ascer-  
" taining the several subordinate rights in the gradation of landed tenure, from the  
" original zemindar down to the actual occupant of the soil. If, by the system of  
" sub-letting the lands to farmers of revenue, or malguzars, those persons claim the  
" right, or exert the faculty of arbitrary assessments as a legitimate source of profit  
" to themselves, their extortions may probably exhaust all the means of active  
" industry in the great bulk of the population, and end in the utter impoverish-  
" ment of the most useful classes of inhabitants, as well as in a general disaffection  
" to our government.

(28 a' 33.) On the  
state of the police in  
the Moorshedabad  
division.

140.—We derive satisfaction from noticing the gradual improvements that  
" are taking place in this part of the country, and flatter ourselves, that your hopes  
" of an ultimate correction of those atrocious crimes, to which the prevalence of  
" gang-robbery had given rise, will be realized. We have perused with attention  
" the report of the superintendant of police on this subject, recorded in your  
" judicial consultations of 9 July 1811. Many of the remarks contained in it  
" appear to us of considerable importance, and particularly those which advert  
" to the practice of the tannahdars or native police officers, in purchasing or  
" farming lands, sometimes, as it appears, under very suspicious circumstances, in  
" the districts and stations to which they are attached; and we approve of your  
" having directed the Board of Revenue to impose a proper restraint upon these  
" abuses; and we direct, that the active exertions, of the authorities on the spot  
" may be employed to reform them.

(34, 35.) Report  
on the state of po-  
lice in the city of  
Patna, and in the  
districts of Behar  
and Shahabad.

141.—We cannot pass by the report of the superintendant of police for the lower  
" provinces, particularly referred to in these paragraphs, without expressing our  
" marked approbation of the services which Mr. W. Blunt appears to have rendered  
" to the public, in the able and judicious exercise of his official duty. Such exertions  
" skilfully directed, and uninterruptedly maintained for some years, will, we doubt  
" not,

not, go far towards eradicating every trace of these more heinous and sanguinary acts attendant upon gang-robbery, which have lately caused such serious alarm in our provinces. We observe with pleasure a considerable increase of activity and energy in the local magistrates, and their native police establishments, gradually arising out of this new superintendance, and which appears to us to be one benefit, of no inconsiderable value, which has attended that arrangement. For it is, after all, on the local magistrates that we must mainly depend for the efficiency of the police; and we are glad to find, from the reports of the superintendants of police, as well as from those of the judges of circuit, that it is to the increased attention and vigour which has marked the fouzdarry department of the zillah, that we are principally indebted for the considerable diminution of those glaring offences which rendered the persons and property of individuals totally insecure.

183.—We perceive, however, in the paragraphs which are now before us, an inclination on your part to give to the reports of the superintendants of police a decided preference over those of the judges of circuit, as if the latter had neither the means nor the leisure for furnishing any accurate remarks on the general effect of our laws.

184.—Had we confined our inquiries to the mere prevalence or diminution of particular crimes, and to the success of individual police officers, in tracing out and bringing to condign punishment the more atrocious disturbances of the public peace, your reasons would have been just and decisive. But our views went much further: we were anxious to learn how far the administration of the laws may have contributed to the general improvement of the great mass of the population, and what were its defects. As the judges of circuit are, as they ought to be, persons of some degree of experience in the judicial department, they are certainly capable of generalizing the particular information which every local magistrate must, almost of necessity, be competent to give; they cannot but discern, from the trials at which they preside, the specific modes of thinking, as well as the prevalent vices and crimes of the districts they visit; and in their progress from station to station, they must learn, from the relative goodness of the roads, and numbers and apparent security of travellers, the enlargement and augmentation of villages, and the general aspect of comfort and content in their inhabitants, the comparative value or demerit of the system of which they are the executive ministers.

185.—We have lately had occasion to examine the reports of the judges of circuit received in this country since the year 1793, and they certainly exhibit a mass of very useful information on the important topics to which they relate. This information might, unquestionably, in many instances, have been more full and specific; a deficiency which, we trust, will be supplied in the future communications of those judges. We wish them to understand, that to their reports we must chiefly look for practical elucidations of the state of your judicial administration, and of its actual operation, more especially in the departments of criminal justice and police. We therefore expect them to communicate to the nizamut adawlut, and, without reserve, their sentiments and opinions, supported by facts and experience, on every part of the system, and its effects, in the shape and form in which they fall under their notice and observation.

186.—In thus expressing to you the importance which we attach to the reports received, from time to time, from our judicial servants who perform the business of the circuit, we desire it to be understood, that we are very far from undervaluing those of the superintendants of police, of which we have frequently spoken in terms of commendation. We find, from the paragraphs now under reply, that you had issued to the judges of circuit, through the nizamut adawlut, the instructions contained in our judicial letter of the 8th November 1811, respecting the mode of preparing their reports, and that they would be regularly forwarded to us, agreeably to our directions given in the same letter, in separate numbers in the packet. We have since received your judicial despatches of the 30th January and 2d October 1813, but you have omitted to transmit any documents of that description, separate numbers in the packet, nor have we yet received from you the particular reports with which we desired to be furnished, and which, in the 7th paragraph of the letter we are now replying to, you inform us you had instructed the nizamut adawlut to obtain for that purpose,

N<sup>o</sup> 12.  
Judicial Letter  
to Bengal,  
28 October 1814.

Letter from, dated  
25 April 1812.  
(2 a' 7.) Observations on the relative opportunities of the superintendants of police, and Judges of circuit, for observing and reporting on the practical effect of the police laws.



N° 12.

Judicial Letter  
to Bengal,  
28 October 1814.

(15, 16.) Report  
on the state of the  
police in Bengal,  
Behar and Orissa.

189.—We have also bestowed our attention on the four letters of the superintendent of police referred to in these paragraphs; and with the exceptions stated by you, of certain unpleasant occurrences in the districts of Rajeshahy, Dinagepore, and that part of Purueah bordering on the Morung territory, have derived considerable gratification from the general tenor of their contents.

190.—We remark, however, with concern, that in many parts of the country the offence of burglary is represented to have increased in proportion as the more heinous crime of gang-robbery has been suppressed.

191.—The necessity of providing a support for the village watchmen, of re-establishing this description of officers, where wanting, and of rendering the institution efficacious, has already been enforced by us in former despatches.

N° 13.

Judicial Letter  
from Bengal,  
7 October 1815.

Letter to, dated  
28 October 1814.  
(Para. 11 a' 41.)  
Express satisfaction  
at the improved  
state of the police  
in the divisions of  
Patna, Moorsheda-  
bad and Dacca.

N° 13.—Extract from a Letter in the Judicial Department, from the Governor General in Council to the Court of Directors; dated 7 October 1815.

Para. 101.—WE are not aware that the remarks of your honourable Court, which are applicable to the state of the police in the years 1809-10, require any particular observations from us at this distant period of time, but we derive gratification from observing, that the reports and information to which these paragraphs refer, have proved, generally, satisfactory to your honourable Court.

102.—In the 29th et seq. paragraphs of your honourable Court's despatch, the favourable state of the police, and the rare occurrence of decoity, in the districts of Sylhet, Chittagong and Tipperah, are principally ascribed to the vast number of small talooks, and to the comparatively "independent state of the landed property in the zillahs in question, standing as the owners of the land do, in a more direct relation to the government than probably in any other of the Bengal districts." A reference, however, to the more early records of this government, shows that, for a long period of time, crimes of enormity, and particularly gang-robberies, were more frequent in the district of Tipperah, where the number of landholders is very great, than perhaps in any other district of Bengal. It may be also remarked, that the minute subdivision of estates throughout the several districts subject to the jurisdiction of the provincial court of Dacca, is more general than in other parts of Bengal, while, at the same time, the police of that division has, until late years, been notoriously the most inefficient. The province of Dacca was, in fact, specifically noticed in the official discussions of 1773, as being more particularly infested by professional decoits, "a race of outlaws," (as described by Mr. Hastings) "who live, from father to son, in a state of warfare against society, plundering and burning villages, and murdering the inhabitants." It might easily be shown, that the police is not less efficient in those districts, where the property in the soil is possessed by a few individuals, than in those in which it is split into the most minute subdivisions; and in proof of this observation, we might quote the present state of the districts of Kishenagur, Jessore, Burdwan, the jungle Mehals, and Beerbhoom. We are not, however, aware that it is necessary for us to enter into a further discussion of this subject: the general result of our experience leads us to conclude, that the progress of improvement in the police depends more on the zeal, talents and qualification of the magistrates, than on the state of landed property, or the nature of the tenures by which that property is held.

(Para. 42 a' 45.) Remark on a report of Mr. Melville's, unnoticed by the sudder dewanny adawlut, and direct that each paragraph of the circuit reports be in future adverted to.

103.—The nizamut adawlut have been furnished with a copy of these paragraphs, and instructed to conform to the directions of your honourable Court, contained in the concluding part of the 45th paragraph.

(Para. 73 a' 78.) Notice Mr. Dowdeswell's report on the general state of the police. Object to the employment of goindahs in aid of the police, &c. Sanction additional allowances to Messrs. Blacquiere & P. Andrews.

117.—The ample discussion which this subject has undergone in our more recent despatches from this department, supersedes the necessity of entering further into the subject on the present occasion. We are happy that your honourable Court have been pleased to sanction the allowances alluded to in the latter part of the 78th paragraph.

149.—We derive considerable gratification from observing that the measures adopted by us for effecting a reform in the police, by which the commission of public criminal offences has been materially restrained within the different districts of the Calcutta division, have proved satisfactory to your honourable Court. (Para. 129 a' 132.) Express satisfaction at the improved state of the police in the division of Calcutta, and notice favourably the report of the superintendent of police in the lower provinces. Remark on the useful services of village watchmen.

150.—The nizamut adawlut has been furnished with a copy of paragraphs 134 a' 136, of your honourable Court's remarks, with directions to issue such instructions to the several magistrates as may be deemed proper, with a view to prevent the commitment for trial before the courts of circuit, on insufficient grounds, of persons accused of crimes cognizable by those courts. (Para. 133 a' 136.) Observations on the police in the division of Dacca, and remark on the disproportion between the number of persons apprehended and those convicted of crimes.

151.—A copy of these paragraphs has been forwarded to the Board of Revenue, and to the Board of Commissioners, with directions to make the remarks and observations of your honourable Court an object of their particular consideration, in continuation of a former reference to them, which will be found recorded on our revenue consultations of the 21st October 1814. The courts of sudder dewanny adawlut, and nizamut adawlut, have also been furnished with a copy of these paragraphs for their information. (Paras. 137 to 139.) Observations on the evils experienced by the peasantry from the frequent alienations of landed property and consequent arbitrary assessments.

152. We are happy that the state of the police in the division of Moorshedabad has appeared satisfactory to your honourable Court. (Para. 140.) Express satisfaction at improvements in the police in the division of Moorshedabad.

173.—Your honourable Court may rely on the regular transmission of the reports of the judges of circuit, with our several despatches from this department in future. A copy of paragraphs 184 and 185 has been forwarded to the nizamut adawlut, with directions to point out to the courts of circuit the tenor of the sentiments expressed by your honourable Court, regarding the nature of the reports to be furnished on the conclusion of the several circuits. (Para. 183 a' 186.) Remark on the importance attached to the reports of the judges of circuit, and specifying the information required to be inserted in them. Notice omission in the transmission of circuit reports before promised.

176.—The sentiments of your honourable Court, communicated in these paragraphs, have also afforded us great satisfaction. (Para. 189 a' 191.) Notice with gratification the report on the state of the police in Bengal, Behar and Orissa.

N° 14.—Copy of a Letter in the Judicial Department, from the Court of Directors to the Governor General in Council; dated 9 November 1814.

Para 1.—WE have already forwarded to you a copy of our letter in this department to the presidency of Fort St. George, of the 29th April last, in regard to a modification of the systems established within our possessions on that side of India, for the administration of justice and the maintenance of the police. The existing systems of judicature and police under your presidency, being founded on the same principles, and regulated by the same rules as those in force within the territories of Fort St. George, we feel ourselves, on the present occasion, relieved from the necessity of entering so much at length on many of the leading points connected with the subject of this address as might otherwise have been requisite.

N° 14.  
Judicial Letter  
to Bengal,  
9 November 1814.

CIVIL JUSTICE.

2.—The great objects which Lord Cornwallis had in view in forming the judicial code of Bengal, consisted not only in the desire of providing for an upright distribution of justice, but also in that of securing a promptitude and facility in the means of obtaining it in a country where, as it has been truly stated by Lord Teignmouth, "short injustice is proverbially said to be preferable to protracted justice."

\* Minute, 18 June 1789.

3.—Upon a reference to the state of arrears before the different judicial tribunals on the 1st January 1807, it appears that the number of depending suits, as exhibited in the report of the sudder dewanny adawlut, was 121,453, although the attention of the government seems to have been particularly directed

Regulation 16, 1803.  
49, —  
15, 1805.

Regulation 1, 1807.  
13, 1808.  
13, 1810.  
16, 1810.  
12, 1811.

Arrears on 1st Jan. 1813 - 142,406  
Do - on Do - 1807 - 121,453

20,953

directed for several years antecedently, with a view to effectuate a more speedy adjustment of civil causes; and that on the 1st January 1813, to which your latest returns received by us extend, notwithstanding all the additional expedients which you had in the mean time resorted to for lessening their amount; the state of arrears at that time, compared with that on the 1st January 1807, shows an increase of no less than 20,953, and this, though every exertion of which they are capable appears to have been made by those to whom the administration of justice is confided.

4.—We should however form but a very confined and imperfect idea of the insufficiency of the existing provisions for administering justice within the extensive and populous range of territory under your government, and of the public inconvenience thence resulting, were we to look no further than to the actual number of depending suits in the courts, and to the length of time the parties who have instituted them must have to wait for a decision. We are persuaded that those whose names stand on the files of the courts, and whose causes remain to be heard and decided, form but a very small number compared with the individuals who in every year stand in need of judicial protection, but who are either unable or deterred from seeking it.

5.—We would here particularly refer to those injuries to which the ryots are exposed, which come under the head of complaints for excess of collection or undue exactions made by the zemindars and their under-tenants, and to the disputes respecting the right to land, boundaries of land, crops, and water-courses.

6.—The repeated failure of the zemindars in satisfying the demands of government, and the extensive sales of their estates which took place in consequence, induced the government to pass a Regulation in 1799, allowing the zemindars, in all cases of alleged arrears due to them, to proceed immediately to the distraint of the defaulter's property, leaving the latter, if he felt himself aggrieved by the act of the zemindars, afterwards to seek for judicial redress. The power thus vested in the zemindars for enforcing their claims on the ryots, had the effect of relieving them from those impediments to the realization of their collections to which they were before subject, under the formal mode of process by which they could alone recover their dues; but it left the cultivators at large very much at their mercy. This subject was particularly brought under your notice by Sir Henry Strachey, the judge and magistrate of Midnapore, and by Mr. Ernst, the collector of the same zillah, so long ago as the year 1802. Sir Henry Strachey observes, that the effect of the Regulation of 1799 had been "to enable the zemindars, by means of attachments and sales, to realize their rents, but that the frequency of these attachments and sales in the Mofussil, would alone serve to prove that the revenues were not collected without extreme misery to the ryots; and that a consideration of the expense and delay of prosecution satisfied him that the dewanny adawlut did not afford the sufferers effectual redress against the abuse of the powers entrusted to the zemindars by the 7th Regulation of 1799."

7.—By Mr. Ernst it is stated, that it "bore hard enough upon the ryot to be put to the trouble and expense of instituting a suit to try a demand very likely to be vexatious and unjust; that this trouble and expense were sufficient to deter most ryots from having recourse to such a remedy; and that the trouble, the delay and the enormous expense of carrying on suits in the adawlut were such, that the people who gained a mere subsistence from their labour, which was the case of nine-tenths of the ryots, were absolutely precluded from resorting to it."

8.—The judge and magistrate of Dinagepore (Mr. Leycester), in his report of the 24th July 1810, urged the expediency of "modifying the legal powers of distraint exercised by the zemindar, on the ground that the ryot, when reduced to poverty by its exercise, could not spare his time in the pursuit of justice;" and stated, that "a general system of rack-renting, hardheartedness, and, exaction through farmers, under-farmers, kutkeenadars, and the whole host of zemindary omlah, obtained in that district." And he adds, "even this rack-renting is unfairly managed. We have no regular leases executed between the zemindar and his tenants; we do not find a mutual consent and unrestrained

Regulation 7.

Answer to queries  
circulated by Lord  
Wellesley.

“ unrestrained negotiation in their bargains; nothing like it. But, instead of it, we hear of nothing but arbitrary demands enforced by stocks, duress of all sorts, and battery of their persons.”

N<sup>o</sup> 14.  
Judicial Letter  
to Bengal,  
9 November 1814.

9.—We have also before us, the declaration of Mr. Colebrooke, in his minute recorded on your proceedings of council of the 30th June 1808, that “it was known to every judicial officer in Bengal, that the provisions for preventing undue exactions from dependent talookdars have proved totally nugatory, though the courts of justice are open to them for redress.”

10.—We are informed, by Mr. Blunt, the superintendant of police in the lower provinces, in his report, dated the 15th June 1811, that, in order to ascertain in the provincial division of Moorshedabad what description of complaints was most prevalent, he had exposed in his cutcherry tent a box for the purpose of receiving petitions, a practice which we find to have been enjoined by the orders of 1772; and that of some hundreds which were thus preferred at Rungpore, *by far the greatest proportion related to matters of rent and undue exactions on the part of the zemindars.* He was induced, from the number of petitions presented to him, to inquire into the state of the business pending before the native commissioners and munsiffs appointed for the trial of civil suits, which, as he declares, he found “so heavily in arrear, or in such a state of irregularity, as almost entirely to defeat the objects of the appointment of those officers.” He adds, “A ryot can entertain little hope of redress against the oppressions of a zemindar, or temporary farmer, where there are the number of two thousand civil suits pending for trial before the munsiff, to whom his plaint is to be preferred, and which,” Mr. Blunt was informed by one munsiff, “was the number depending before him for trial; and that ten causes were the average number of his monthly decisions.” He goes on to observe, that “the ryot, therefore, seeing no prospect of redress by the institution of a suit before the munsiff, and not possessing the means of defraying the expense of a suit before the judge, where also an equal delay often attends the hearing and decision of such suits, has recourse to the criminal department, and by means of a false and misrepresented charge of robbery or breach of the peace, to the truth of which he makes oath, and becomes gradually insensible to the crime of perjury, hoping to deceive the court, and if not to obtain restoration of his property, at least to have the gratification in his turn of molesting his oppressor; and failing in these objects, dispossessed of his lands, or of the means of their cultivation, he is finally driven to acts of theft or of robbery for his support.” The superintendant then adverts to the necessity of having recourse to some more simple and expeditious method of settling suits respecting undue exactions, in the recovery of which he states the ryots had “the greatest difficulties to encounter; while, by the power of distraint, &c. there was practically scarcely any restraint on the avarice of the landholder or temporary farmer.”

11.—We think it necessary here to advert to a very aggravated abuse stated by Mr. Ernst to have arisen out of the exercise of this power, and which, from the letter of Mr. Bayley, the magistrate of Burdwan, to the register of the nizamat adawlut, dated the 23d January 1811, and other communications of your judicial servants, appears to be of no rare or extraordinary occurrence. It is observed by Mr. Ernst, that “the zemindars or farmers hire people to charge their refractory tenants with having been concerned in robberies, and suborn evidence for the purpose of convicting them; that some instances of this happened both in Jessore and Kishenuggur; that in the latter district, in particular, respectable tenants, men of character, education and property, were apprehended as decoits, committed for trial, and had lingered many months, several of them a whole year, in confinement, before they were tried and acquitted by the court of circuit; that they were torn from the bosom of their families, which depended upon them for support and protection; they lost their rank in society; they were confounded within the walls of a goal with common felons, and, during their confinement, they were dispossessed of their jotes; and all the personal property which they had left at their houses, was sold for the satisfaction of the arbitrary and unjust demands of rent.”

Report for first  
Session of 1804, in  
division of Calcutta.

12.—We also find it expressly stated by the sudder dewanny adawlut, in their report of the 17th October 1809, that the very small proportion which suits for  
533. exaction

N<sup>o</sup> 14.  
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exaction bear to those of a different description, is to be ascribed to the power of distraint possessed by the zemindars.

13.—What we have here quoted, (and much more might have been quoted from your records, equally strong and conclusive,) relates to the very feeble protection which the present provisions of the judicial code have afforded, or can, in the nature of things, afford to the ryots, against the injustice and extortions of the zemindars.

Letters of Mr.  
Welland, acting  
judge of court for  
the division of  
Dacca, of the 7th  
May, 22d & 25th  
July 1811.

14.—We shall next speak of the inefficacy of the system in regard to the settlement of disputes respecting lands, boundaries of land, crops, and water-courses. Disputes of this nature have ever, and must ever be, more or less prevalent in an Indian country, and particularly so where the state of landed tenures, both as to the division among the partners and heirs, and the rights of the talookdars, moccuddums and ryots, is in a great measure undefined, as appears to be still the case, as well in the provinces where the permanent settlement has been introduced, as in the other portions of territory under your government. Such disputes have much increased since the establishment of the present plan for the administration of justice; and the circumstances which attend them are as hurtful to the moral habits and feelings of the inhabitants, as they are destructive of the internal quiet of the provinces, more especially where the landed property has become the most divided, in which the disputes assume a more determined and formidable character.

15.—On the first introduction of the judicial system in 1793, a Regulation (49) was expressly framed for preventing affrays respecting disputed boundaries and crops.

16.—This regulation contemplated a speedy adjudication of the complaints of the parties by the zillah judge. It is described in section 6, as affording, “ready means of redress to all persons who may be forcibly dispossessed of lands and crops.”

17.—The case when brought before the court in the first instance, with the view to a summary proceeding, is required to be *immediately* taken cognizance of; and the preamble to the Regulation declares, that “the having recourse to violent means, either of enforcing or resisting such claims, was not only highly criminal but unnecessary; from the parties having at all times in their power to obtain redress by application to the courts of judicature.”

18.—Instead, however, of an immediate or prompt decision by the courts on cases of this sort; the statements exhibited on your records show that the delay of justice practically operates as a denial of it; the consequence of which has been, that the affrays and all their attendant evils and outrages, which the Regulation was meant to prevent, have become more prevalent than ever.

19.—We have touched on this subject in our judicial despatch of the 30th September 1814, paras. 27 & 29; and have quoted the sentiments of several of your servants in confirmation of what we then advanced, respecting the great cause of these irregularities; namely, the want of adequate protection to the property of individuals, and the necessity under which, in such a state of things, they are placed, when it is attacked, or taken from them by the hand of violence, of defending or endeavouring to recover it in the best manner they are able.

20.—The documents which have accompanied your more recent despatches have recalled our attention to this subject.

21.—It is observed by Mr. Bayley, the judge and magistrate of Burdwan, in his letter to the nizamat adawlut of the 23d January 1811, that “the establishment of internal peace and good order materially depended upon the speedy adjudication of the numerous pending suits, affecting the right of possession to disputed crops, boundaries,” &c.; that “if not immediately inquired into in the civil court, they generally involved affrays attended with bloodshed; and they furnished employment to gangs of decoits, and other armed depredators, and encouraged that spirit of violence and active contempt of the laws which it appeared absolutely necessary to subdue, before any thing like an efficient police could be established.”

22.—The

22.—The same sentiments are enforced by other magistrates, who consider it impracticable to check, with any effect, the increasing disposition among the people to resort to violence in the settlement of disputes of the above-mentioned nature, unless they could command the means of speedy justice.

N<sup>o</sup> 14.  
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23.—It is observed by Mr. C. Russell, the third judge of the provincial court of Benares, in his report on Juanpore of the 24th March 1813, that an application to the court, in a case of disputed possession of land, had been considered “almost nugatory, or as, at all events, only affording a very distant prospect of decision;” that “the arrear of the summary suits was so heavy, as to preclude the possibility of early redress; and that this conviction must necessarily operate as an incentive to that propensity, so prevalent in the district, to appeal to the sword upon every dispute connected with zemindary tenures.”

24.—By none, however, of our servants does this subject appear to have undergone a more particular consideration, than by Mr. Guthrie, the superintendant of police in the western provinces, and Mr. Fortescue, the judge and magistrate of Allahabad, whose communications on this subject have already been noticed by us, in paras. 27 & 29 of our despatch, in this department, dated 30th September 1814.

25.—The former of these officers states, that the tannahs annexed to Benares, Juanpore and Mirzapore, “were become notorious for the frequency of affrays attended with murder, and for resistance to the authority of the magistrate, and of the collectors, whose orders were almost wholly disregarded;” that in the last six months of the year 1811, violent affrays had taken place in which no less than about 5,700 persons were actually concerned, of whom 30 were killed on the spot, and 69 wounded; and that these occurrences were exclusive of numerous affrays of a less serious nature.

26.—An instance is also mentioned by Mr. Fortescue, in his report of the 20th August 1812, in which near a thousand persons collected together, had fought for a few begahs of Land, in which battle ten were killed on the spot, and a proportionate number wounded.

27.—The daring manner in which these breaches of the peace are committed, in open defiance of the police, may be judged of from two cases which are stated by Mr. Guthrie. In the first, intimation had been received by the darogah of Ghazepore, of the design of the zemindars of Zemanah, on the opposite side of the river, to take forcible possession of some crops. He went to the spot with a civil force, and soon afterwards a body of 400 persons appeared armed and prepared for a contest. The darogah proclaimed aloud the penalties attached by Regulation XLIX. of 1793, for the offence which they were about to commit, and made the show of a determination to disperse the rioters by force, but without effect. An affray took place in his presence, in which the zemindar of Khalispore, whose crop it was the object to seize, was killed on the spot, although he had taken refuge with the officers of the police. The other was a case which happened in the neighbourhood of Ghazepore also. Mr. Sweedland, the judge and magistrate, happening to pass through a large village which appeared to be almost wholly deserted by its inhabitants, was informed that they had gone to settle a boundary dispute with the zemindars of another village. He went to the spot where the dispute had been decided, and found the darogahs there, who informed him that a violent affray had just occurred, which he had fruitlessly endeavoured to prevent, and in which it would appear that Mr. Sweedland saw fifteen persons who had been killed, and was informed that many others had been desperately maimed.

28.—It is observed by Mr. Guthrie, with reference to the frequent prevalence of occurrences of this kind, that “the ready means of redress, which the Regulation (referring to Regulation XLIX. of 1793) professed to afford to persons who might be forcibly dispossessed, was not found in practice. That in Juanpore, for example, there were not less than 1,606 summary suits in cases of revenue and dispossession, many of which had been pending for years; and that with respect to original suits for land, if carried through the courts of appeal, he did not think that a final decree could be expected in less than three or four years from the time it was first preferred; that under these circumstances it was out of the power of the executive authorities to administer the relief promised

N<sup>o</sup> 14,  
Judicial Letter  
to Bengal,  
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“ to complainants by sections 2 and 6 of the Regulation in question; and as the penalties prescribed for a breach of its rules, were, he concluded, consequent on the presumption of the efficiency of its provisions, to grant the ready redress promised by them, but not afforded, it was a matter of serious consideration whether it was to be expected that a zemindar, in the actual possession of disputed land, of which he and his brethren either were or considered themselves legal proprietors, and which they had ploughed and sowed, would, when they had in their own hands the immediate means of defending it, pay that respect to the law as voluntarily to resign the harvest of their labours to be reaped by their enemies, and rest their claims for restitution, cost and damages on the decision of the court, which might be protracted for years.”

29.—The observations of Mr. Fortescue, in his very able and valuable report, are not less just and convincing, as to the powerful inducements held out to unprincipled individuals for resorting to the same violent methods of seizing the property of their neighbours, under a dilatory and inefficient execution of the law.

30.—“ The enjoyment of the profits of the disputed lands, during the inevitably long interval of judicial decision, as well as of the vast preponderance of power to contest the suit with effect, which the point of possession is so well known to convey; is viewed with a most jealous eye, especially when he who shall be excluded and driven to the tedious prosecution of his claims in the courts, shall have to combat, ultimately, the disadvantages of the poverty of his opponent, which precludes the probability of reimbursement of the profits, and the certain intervention of a multiplicity of difficulties in the execution of the decree. These considerations, unfavourable to a suit in the court, contrasted with the obvious gain of immediate occupancy, operate very powerfully on the minds of those who have no conception of the common principles of justice, who, particularly in the western provinces, have been accustomed to esteem the issue of force and violence as the criterion of right and wrong, who knew neither crime nor disgrace in boldly stepping forward to obtain that, which, according to their estimation, is the only species of valuable property.”

31.—“ In this way does the inducement which is generally *all clear profit*, prove too powerful; and the dispute, which at first was confined to the assertion of an equal or independent right, at length involves the whole neighbourhood, as their passions are heated and the season of cultivation or harvest approaches, in the utmost struggles of hostility. The matter is now brought forward in the *faujdary court* by the reciprocal complaints of both parties.”

32.—“ The same ground of quarrel (says Mr. Fortescue) is probably revived over and over again, pending a suit in the dewanny adawlut, not ostensibly, perhaps, by identically the same individuals, but certainly instigated and supported by them, through the medium of their relations and dependants: each successive hearing is sure to bring increased difficulties, in proportion to the wariness and circumspection adopted; and it not unfrequently happens, that the very taking off the former penalty bonds for keeping the peace, causes a ground for the breach of it, each party being inveterately solicitous of devolving the forfeiture of the obligation on his adversary.”

33.—When the cause is introduced into the dewanny court, and the question of rightful claim is to be tried on its own intrinsic merits, the labyrinth of difficulties which the judge has to encounter, must, at all events, be great, though it may relate to a point which, as Mr. Fortescue observes, “ is frequently obvious and easy to a discriminating mind *on the spot*;” or as it is expressed by Mr. Guthrie, which is “ in itself perfectly simple, and which the most summary inquiry, if made by the judge *on the spot*, would enable him at once to decide on, in a satisfactory manner.”

34.—Still less will the judge be relieved from the perplexities which surround him in causes of this sort; (which are generally allowed to occupy more of his time than almost any others;) where years have elapsed from the institution to the trial of the suit; when the former land-marks have been effaced; when the land itself has altered its form and appearance, in consequence of annual inundations, which may have either diminished, enlarged or wholly removed it; and when the  
very

very recollection of particular facts may, instead of being fresh in the minds of the witnesses, be weakened or decayed.

35.—The difficulty of bringing home to the parties the commission of the offence is particularly stated by Sir Edward Colebrooke in his report, as judge of the division of Patna, dated 21st April 1804, and by Mr. Guthrie; by the latter of whom, in his report already referred to of the 20th May 1812, it is declared, as his belief, that scarcely one in three hundred concerned in affrays is convicted of the offence on trial; and that of the 5,700 individuals said to have been engaged in affrays in Juanpore, to which we have also alluded in a former part of this despatch, twelve persons only were found guilty of the offence.

N<sup>o</sup> 14.  
Judicial Letter  
to Bengal,  
9 November 1814.

Crim. Cons.  
20 June 1812;  
N<sup>o</sup> 67.

Statement, N<sup>o</sup> 3.

36.—We have been thus particular in bringing under view the incompetency of the judicial system, as it is at present constituted, to provide for the adjudication of complaints by ryots of “undue exactions,” and of disputes respecting the right to lands and crops, because they have an immediate reference to the particular interests and concerns of the people at large, and because this incompetency of the system has very sensibly served to extend and to create those very disorders in the body politic which the system itself was designed to remedy.

37.—We have in a former despatch, in this department, taken occasion to show, that where the zemindary property is much divided, the ryots are much more disposed to resort to the laws in vindication of their rights and privileges, when they are either usurped or invaded, than under other circumstances.

38.—The zemindary estates under your government have become much reduced in size, and in the same degree have increased in number, since the year 1793, by the sales of land for balances, as well as by the operation of the Mahomedan and Hindoo law of succession, which, by Regulation XI. of that year, you have made to apply to such property; and to these causes we must indirectly attribute, in some measure, the increased pressure of business in your civil courts.

39.—By Regulation VI. of 1807, you indeed restricted the partition of small estates of this description, by declaring that none should be allowed to be divided, the jumma of which did not exceed 1,000 sicca rupees; nor unless each portion proposed to be divided should yield a revenue to government of 500 rupees per annum; but this restriction you have, for very solid reasons, repealed, by Regulation V. of 1810, which again admits of divisions and separations of zemindary property, to any extent, at the pleasure of the co-sharers; while by Regulation IX. of 1811, which applies exclusively to the ceded and conquered provinces, you have extended the same principle to the ryots enjoying puttees \* of villages.

\* Shares or portions of villages.

40.—We have particularly noticed these circumstances; for, unless some very considerable enlargement of the judicial system is affected, beyond what appears hitherto to have been in your contemplation, the increasing demands for justice that will in consequence be experienced, will, of itself, at no distant day, arguing as we do from past experience, render it far more unequal to its professed purposes than it now is.

41.—We have stated in our judicial despatch to Fort St. George, of the 29th of April\*, why it is impossible for us, on any reasonable ground of judgment, to consider the suits as frivolous or vexatious, which have been abandoned in consequence of the imposition of law charges, or the disputes which parties are, by the same means, discouraged from putting into the shape of judicial investigation; and why we fully accorded in the sentiment expressed by Lord Cornwallis, in his minute of the 11th of February 1793, that the amount of arrears in the adawluts “is not to be ascribed to the litigiousness of the people, but with more truth, to the dilatoriness and insufficiency of the administration of justice,” and in this sentiment we are fully confirmed by the fact, that although the expenses attendant upon legal proceedings, both in the European and native tribunals, have, since the year 1795, been considerably augmented by an extension of fees and the introduction of stamp duties, the arrears of causes are still so heavy, as to have rendered the number of suits actually settled by razeenamah before

\* 1814.



N<sup>o</sup> 14  
 Judicial Letter  
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before the native commissioners, who carry on and execute the business of justice arising among the great body of the community, nearly equal, in some years, to the number really decided upon by those authorities; and, in other years, the razeenamahs have actually exceeded the regular decrees. The suits settled in this mode, before the European tribunals, notwithstanding the heavy load of business before them, is much less in proportion. This may have proceeded from the suitors in those courts being better able than those who apply to the native commissioners to bear the inconvenience attendant upon a long protracted decision.

42.—These facts and considerations show that the actual and growing inadequacy of the existing administration of civil justice is neither to be remedied in the one case, nor prevented, in the other, by any augmentation of the European part of the establishment, even if the embarrassed condition of our finances enabled us to incur an additional expenditure on that account. Double the number of zillah judges, we are persuaded, would do little more than palliate, and that most feebly, the evil, and by no means reach the seat of the disease. This can only be accomplished, in any satisfactory degree, by extending, as far as may be necessary to meet the wants and necessities of the people, the instrumentality of the natives in conducting this branch of internal regulation.

43.—In what mode, and to what extent, the natives can, with the most effect and advantage, be employed in the administration of civil justice, is the question which now presents itself to us; and we must declare our deliberate conviction, that no arrangement for this purpose can proceed on a right principle, nor operate satisfactorily in the fulfilment of its aims, which has not a reference to the ancient and long established customs and institutions of the country, and which does not accommodate itself to the habits, the feelings, and the understanding of those for whose benefit it is designed.

44.—It with this sentiment deeply fixed on our minds, that we conceive the fittest and most proper agency we can primarily make use of in the distribution of civil justice, consists of those who form the more permanent and natural authorities in the interior of the provinces. The nature of these authorities, and their subserviency to the great purposes and ends of efficient government, when properly directed and controlled, we have particularly explained in our judicial despatch to Madras\*. That the same authorities exist within the territories under your charge, we have very clear evidence, though they may be found in a more mutilated and deformed condition than in other parts of our possessions, where the preservation and revival of them has been made an object of attention and of policy.

\* 29 April 1814.

45.—The officers to whom we particularly allude, are generally described in the peninsula by the name of potails; they are also thus distinguished in the British dominions under the Bombay government; and they appear to have been designated by the same general term in the Bengal provinces, in our more early connection with those provinces, though now passing by the appellation of munduls, moccuddums or gomastals. It is by these officers, in concert with the curnum or putwarry, or village accountant, that the public concerns of the small communities to which they belonged were regulated and administered, and by whom, with the aid of punchayets or native juries, were settled and adjusted (as a branch of those concerns) the litigations occurring among their neighbours.

Mr. Shore's Minute on the decennial settlement, and reports of judges and collectors.

46.—This manner of deciding disputes is of such antiquity, that the arbitrator is, throughout the whole chapter of justice, in the translation of the "Gentoo Code," mentioned immediately after the magistrate. That it was in general use throughout our modern territories in the peninsula, until the establishment of the present system which has superseded it, has been fully explained in our letter to Fort St. George. It is noticed by Dr. Buchanan of your establishment, in his tour of Mysore and Canara, as being familiar and known to every part of India with which he was acquainted, not only in regard to the settlement of civil disputes, but also in matters of cast and religious discipline.

47.—In our judicial despatch to Madras we have quoted the sentiments of Mr. Melville, when judge and magistrate of Dacca, in favour of giving encouragement

agement to the use of punchayets, as expressed, in answer to Lord Wellesley's interrogatories, dated the 31st December 1801.

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48.—We have his further testimony, and that of others of our servants lately received from India in this country, as to the important and useful aid punchayets are calculated to render, in the adjudication of such disputes and questions. In the latter communication of Mr. Melville, he states, that punchayet was an ancient and approved mode of settling disputes, which though not acknowledged nor even noticed by the Bengal Regulations of 1793, might be revived with great advantage, and be substituted for a part of the present system; and that it might be so employed, as greatly to diminish the labour of the regular courts.

Answers to queries circulated by the Court of Directors among their judicial and revenue servants in England.

49.—It is represented by Mr. Cox, that punchayets were used in the conquered districts until the establishment of the British government; that "they were assembled by the munduls of villages; that their decisions were generally satisfactory, the process summary, the parties heard *viva voce*, no vakeels employed, and the case determined at the home of the parties, without obliging them to quit their neighbourhood."

Answer to queries of Court of Directors.

50.—Mr. Davis also, in the very valuable communication we received from him, with an evident reference to this mode of trial, strongly recommends, as a measure of convenience and advantage to the inhabitants, that "their petty grievances should be referred to the adjustment of their associates, in their accustomed modes, and in their villages."

Answer to queries.

51.—Mr. Guthrie, the superintendent of police in the western provinces, in his report of the 20th of May 1812, relating to disputes respecting land and crops, observes, that "the adjustment of them by arbitration, or other amicable means, was the most expeditious mode of settlement, and that which was the most likely to do justice to both parties, in cases of the nature alluded to."

52.—Mr. Fortescue, judge and magistrate of Allahabad, in his report of 20th August 1812, has very earnestly enforced the expediency of settling cases of a similar kind (and he is for applying the principle to summary revenue suits) by the same means, at the place where they arise, as "*a species of trial well known and understood among them*, and as frequently practised in disputed boundaries and alluvial lands by mutual consent, and as admirably calculated to dispel all future cause of suspicion and doubt, by the investigation being made on the spot, and in the presence of the whole neighbourhood, who were to be witnesses to the ceremony, had opportunity to make appropriate suggestions, and who, in effect, became parties and guarantees to the award; advantages which (as he truly adds) are not to be had at the distance of the sudder station, where, exclusive of the hazards and difficulties already stated, neither local opinions nor prejudices, on which so much rests, can be consulted or satisfied."

53.—We are aware that by Regulation XVI. 1793, the judges of the zillah courts are empowered to refer to arbitration (provided the parties mutually consent to this mode of adjudication,) any suits that may be brought before their courts concerning disputed accounts, partnerships, debts, doubtful or contested bargains, or non-performance of contracts, on the suitors previously entering into arbitration bonds, binding them to abide by the award; but it is only in cases where the value of the matter in the dispute exceeds 200 sicca rupees, that more than *one arbitrator* is allowed. By Regulation XL. of 1793, the native commissioners are also authorized to hear and determine such suits (not exceeding a certain amount,) as persons, wherever residing, may voluntarily submit to their decision, under arbitration bonds.

54.—We have to observe, with respect to these two Regulations, that under the former one, the parties must apply to the zillah court, before the arbitration can proceed, which (to say nothing of the distance of the judicial station to which they must resort) is in itself no inconsiderable hindrance to the obtaining of justice in this way, besides confining the power of arbitration to *one* person, in a very large proportion of the cases brought into court; and that according to the prescriptions of the latter Regulation, the arbitration is likewise, on the same principle, restricted to one individual, and that individual a particular

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cular judicial officer, appointed under the Regulation for the discharge of this duty, instead of leaving it to be performed by any indifferent person or persons on the spot, whom the litigants may think proper to refer to for that purpose; so that in neither case do your Regulations provide for the employment of arbitrators, in a manner consonant to former usage. They are also ill adapted to give effect to the expeditious settlement of differences; for though the zillah judges are only required to refer the cause to the arbitrators chosen, and not to arbitrate themselves, yet there is a preparatory process to be gone through, which cannot, in the nature of things, be executed with despatch by courts which are not only overwhelmed with regular suits of magnitude, but also with summary causes, petitions for the execution of decrees, and a variety of other miscellaneous matter; nor can a native commissioner, who is required to be the arbitrator, on parties applying for arbitration, bestow much of his time in the settlement of disputes, according to this mode, having always a much heavier load of business before him, in his capacities of referee and munsiff, or judge, than he can effectually manage, independent of those calls upon his time and attention, which are so frequently arising in the execution of his duty as a commissioner for the sale of distrained property.

55.—In proposing, as we do, that the adjustment of civil disputes and other questions of right and property should be committed to the heads of villages and punchayets, we do not by any means regard the principle as free from the possibility of abuse; no system that can be devised for a purpose so extensive in its nature, can be so considered. But the question with us is, whether the ends of justice amongst a great population (which, after all, must be executed through the natives) would not be more substantially obtained than by any other mode?

56.—The argument in its favour may be summed up in a very few words. It will bring home the administration of justice to the very doors of the parties; and thus relieve them, and particularly the common ryots, from that expense and vexation, and sometimes ruinous loss of time, to which they are now subject, when they seek judicial redress. The mundul and punchayet will have the means of information much more within their reach than they can possibly be where the investigation is not conducted by those residing on the spot. It is bottomed on the institutions and usages which have for many ages been well known and familiar to the minds of our native subjects, whose peculiar characteristic, as we have more than once had occasion to remark, consists in a fixed attachment to what has been long established among them, and an aversion equally rooted to what partakes of novelty or infringes on ancient custom.

57.—The munduls or putwarries, or at the option of the parties, the punchayet, assembled under the authority of the former, should be empowered to act as arbitrators in matters brought before them by voluntary consent.

58.—The appeal, in cases wherein an appeal is admitted, should we conceive, in the ordinary course, be to a native commissioner. A considerably less number of these functionaries would be adequate, probably four in each zillah, one to be stationed at the same place as the zillah court.

59.—As it is highly necessary to the welfare of the community to obtain the services of the most fit and proper persons that can be found for the office, and to secure a faithful exercise of the duty, we shall not object to the native commissioners being allowed a fixed salary, in addition to the institution-fee of one anna in the rupee. The amount of salary we leave to your discretion, subject to our future confirmation.

60.—A provision must also be made for the munduls and putwarries, in cases where they may have been deprived of the legitimate emoluments belonging to their offices; but upon this subject we shall reserve our observations, until we come to treat of the department of police.

61.—What we have stated in our judicial despatch to Fort St. George, of the 29th April last, as to the limitation of appeals from decisions pronounced in the village, or by the native commissioners, or by the registers and judges of the zillah courts, may be considered applicable to the same gradations of judicial authority under your government.

62.—The

62.—The inconvenience resulting from the admission of too great latitude of appeal to the provincial courts, appears also to be greatly felt in the Bengal provinces, and has justly attracted your particular notice, as we find from the letter of your secretary, Mr. Dowdeswell, of the 30th January 1813, to the sudder dewanny adawlut. We perfectly concur in the truth and justness of the following observation contained in that letter; that “it is no doubt, theoretically speaking, very desirable that every individual who may conceive that he has suffered in his property from the errors of inferior tribunals, should have the means of submitting his case to the higher courts, who from their experience and from the talents of the judges may be best qualified to decide on the contested point; but that all experience shows that great restrictions must be established upon the exercise of that privilege, and that if this be not done, the time of the superior tribunals will be necessarily engaged with references from the inferior tribunals, regarding matters of small importance, instead of being occupied in investigating and deciding causes of magnitude, for which they are primarily constituted.”

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63.—We are satisfied that the several measures we have already and shall hereafter propose in this despatch, would greatly relieve the zillah and provincial courts. Yet we cannot conceal from ourselves the fact, that constituted as they are, a considerable weight of business will still press upon them, which can only be effectually discharged by your removing, as far as you are able, those impediments which must arise from too close an assimilation of the forms of proceeding of the courts in India to those of the superior judicatories in this country.

64.—On this subject, and on another immediately connected with it, viz. the institution of vakeels, we have so fully expressed our sentiments in the judicial despatch to Fort St. George, dated the 29th April last, as to render it here unnecessary to do more than to call your attention to them. The mass of business passing under the designation of *miscellaneous*, with which all the European courts are overloaded, but more particularly the sudder dewanny and nizamut adawlut, is also an evil which serves greatly to retard the administration of justice; and we are glad to find from the letter from Mr. Secretary Dowdeswell, already referred to, that it is at present under consideration, with a view to the application of some remedy, which it certainly requires.

65.—The abridgment of the labours of the European courts, to which we look forward, particularly in the zillah tribunals, which we intend to relieve from the charge of the police, by transferring it to the collectors, will, we trust, enable you soon to dispense with the assistant judges; and that you will also have it in your power to discontinue the employment of additional judges in the courts of appeal and circuit, if not ultimately to reduce the permanent number to two, instead of three, as is at present provided for by the Regulations.

66.—We take this opportunity of throwing out, for your consideration, whether it would not be a very desirable measure, and one which could be effected at a small expense, to form a separate sudder dewanny adawlut, for which two judges, a register and assistant, with a proportionate native establishment, would be amply sufficient for getting through, with due care and deliberation, the important duties of that court.

67.—If the expenses of attending a trial in the zillah court should still be thought too considerable, we leave you at liberty to reduce them.

68.—In considering the means of improving and rendering more efficient the administration of civil justice under your presidency, the question has arisen how far it might be expedient to employ the collectors and those engaged in that line of service, in the settlement of disputes respecting land-rent between zemindars and their under-tenants, and between the latter and the ryots, or actual cultivators of the soil, and complaints of undue exactions on the part of the two last-mentioned descriptions of persons. It is a subject which has been particularly brought under our notice by the reference which, as appears from the reports of the sudder dewanny adawlut of the 17th October 1809, you had made to that court, to consider of the propriety of investing the collectors with the necessary powers for that purpose. Though nothing final has yet been resolved upon with respect to this point, we find from the report of the sudder adawlut, to which we have just referred, that the judges were of opinion that such a delegation of authority

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authority to the collectors "would be highly expedient," and that a similar opinion was expressed by you in your judicial despatch to us of the 21st August 1809, in which you state that the agency of the collectors might, in that way, "be beneficially employed, and the courts of civil judicature by this means "relieved from a great deal of labour." We also find, on an examination of the answers to the queries we have circulated in this country, that the same sentiments are entertained by several of our most experienced servants on your establishment.

69.—The adoption of the measure, though in conformity to former practice, both under our own governments in India, and those of the native administration which preceded it, is nevertheless at variance with the declared principle of the existing judicial system, which provides for the complete separation of the revenue and judicial authorities. We are fully aware of the importance which was attached to an adherence to this principle by the framer of that code; and we are sensible that it should not be essentially departed from, without very grave and solid reasons.

70.—We have turned this matter very fully in our minds; and without meaning at present to pronounce any positive or conclusive judgment, or to issue any direct orders upon it, we shall here state to you, in a general way, why we are disposed to concur with you that the revenue officers might be entrusted with the power of deciding on that particular description of cases occurring between zemindars and those below them, in regard to rents and undue collections.

71.—The public revenue derivable from the land is realized, either by farming it out to individuals, or by collecting it immediately from the actual occupants of the soil, through the officers of government.

72.—Under the former description of settlement, the public demand is on the zemindar or farmers; and whether the settlement be permanent, or only for a limited time, that demand is in either case clearly and expressly defined in the deed of engagement; and if more be collected than the regular dues thus specified, the offending party is liable to be sued in the zillah court, and is subject to penalties and removal from office, if the act be wilfully unjust.

73.—The expediency of a power being lodged in the collector for the regulation of the rents of a ryot is fairly to be inferred from the principles laid down by Lord Cornwallis in his Minute.\*

74.—In describing the state of the revenues, previously to the year 1793, he observes, that the "rights and nature of the tenures of the zemindars and the "different description of landholders and cultivators of the soil, and the means "which it was lawful for landholders or farmers to adopt, to realize their own "dues, or those of the public, were not ascertained; that the vague term *usage* "was the only rule for deciding upon any question respecting revenue and the "rights of those concerned in the payment of it; and that, as custom varied in "almost every district, and precedent might be pleaded in justification of every "species of exaction and oppression, the reference of such cases to a court of "justice, besides embarrassing the farmer, would have been nugatory; that the "judge, for want of established regulations, would have been at a loss for rules "to guide his decisions, and the government would have been distracted by "numerous references on which they were not ready, perhaps, nor qualified to "decide: that it was found necessary, at a very late period, (1787) to confirm "and strengthen the jurisdiction of the collectors over revenue causes, by "declaring that all complaints for oppression and undue exaction, whether "made by persons employed in the collections, officially or hereditarily, in "the different gradations from government to the ryots, should be cognizable "only by the collector."

75.—These observations of Lord Cornwallis must indeed be allowed to be nearly as applicable to the present as to the former state of the Bengal provinces; for though the zemindars were required, by Regulation VIII. of 1793, to grant pottahs to the ryots, this Regulation, as we have already had occasion to observe, has been but little attended to; nor could it, if ever so strictly enforced, protect the cultivator against exaction and oppression; inasmuch as it only goes to prohibit the zemindars from demanding more from the ryots than what they before paid,

or

\* 11th Feb. 1793.

or what was the usage of the country. It would therefore seem to follow, that if the judicial interference of the collector was requisite, before the permanent settlement for the protection of the ryot, it must *a priori*, be so now; and that without such interference, the grand aim and purpose which Lord Cornwallis had at heart in adopting the judicial system, namely, the protecting the great body of the community from lawless oppression, must in effect remain unfulfilled.

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76.—We have, in former despatches to you, expressed our earnest desire, that the principle of realizing the revenues from the ryots themselves, should be introduced, in all practicable cases, within the Bengal territories. Under such a mode of settlement, each ryot would hold the lands in his occupation under pottahs or leases, annually renewable with the collector. The rent or the rate to be paid would be specified in the pottah; it would not vary, after the assessment was finally adjusted, nor could the ryot be removed from the possession of his fields as long as he paid the rents attached to them. The amount might, in an unfavourable season, be abated, but it could not be augmented.

77.—It is further very material to be borne in mind, that when the revenue is realized by the officers of government from the ryots themselves, the European fiscal officer of the district is not, properly speaking, a collector, but a superintendent, exercising control over the conduct of others.

78.—Though your Regulations profess to be built upon the principle of a separation of the fiscal and juridical functions, the rule has nevertheless been virtually, if not in form, departed from, in several important instances; two of which instances we shall here particularly notice, as immediately applicable to the point before us.

79.—We shall just refer to the enactments framed by your government, in the year after the judicial system was established, which empower the zillah judges to refer to the collectors, for their *report* and *adjustment*, any accounts connected with the decision of suits concerning demands, arrears, exactions, or other matters formerly cognizable in the revenue courts. This regulation was evidently adopted, in consideration of the superior fitness of the collector for investigating the merits of revenue disputes. It provides, that the witnesses, the parties, and their vakeels attend the collector, to be examined and heard, before he makes his report. The zillah judge, it is true, may set aside or alter the adjustment it recommends. Viewing, however, its provisions practically, they in fact, render the collector, in all cases referred to him, though not the judge who formally pronounces the decision, yet the person whose opinion on the case directs that decision.

Regulation VIII  
1794.

80.—The increased necessity since experienced, for the aid of the collectors in the adjudication of suits as to arrears of revenue alleged to be due by ryots, appears to have led your government to proceed further; and in the year 1812, to have passed a Regulation which, instead of leaving it to the zillah judge to refer any cases to the collector, requires him to refer *all* for his report; and this with a view to a summary proceeding.

Regulation V.

81.—We must own that these Regulations, as they affect both judges and collectors, appear to us to be very imperfectly adapted to the objects they have in view, which, in our opinion, can only be effectually obtained by a provision which should enable the zemindars on the one hand, by a prompt and summary process, to realize their dues from the cultivators, and thereby fulfil their engagements with the state; and on the other hand, which should extend similar facilities for the protection of the cultivators from the exactions of the zemindars. We are strongly inclined to think, that by bringing this two-fold object under the *bond fide* cognizance of the collectors, subject to the revisal of the regular courts of justice, by way of appeal in cases of sufficient importance, both descriptions of our native subjects would be greatly benefited; but as the subject is one of great importance, we are desirous that you should take measures for collecting the sentiments of the judges and collectors upon it, as well as the more detailed ideas of the sudder dewanny adawlut; and we shall expect to be furnished with the result of your own deliberations upon the general question.

82.—By Regulation VI. of 1813, which has just reached us, we find you have made provision, under section 3, for settling disputes respecting property in

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land, by means of private arbitrators chosen by the parties, and for the enforcement of the awards in such cases by the zillah courts. It is unnecessary for us to say, that we highly approve of this Regulation, or that we do not see any sort of objection to the power you have given to the zillah judges to enforce the execution of decisions thus pronounced. We are nevertheless clearly of opinion, that where the parties, in cases of the above description, may prefer the decision of a collector, either with or without a punchayet, the option should be afforded them. We here refer to disputes which do not involve an affray, or at least in which no lives are lost, or persons wounded, which we take to be such as are in the contemplation of the 3d section of the Regulation just referred to. Here the question would be tried before those who have to decide upon it, as a dry matter of personal right; and the investigation would be confined to the pure merits of it. But where the dispute may lead to any serious breaches of the peace, so as to come within the notice of the magistrate, it would be exclusively cognizable by the collector, to whom we intend that the charge of the police should be entrusted.

83.—This Regulation appears to have been framed in consequence of a reference made by you to the sudder dewanny adawlut, of the paper drawn up by Mr. Fortescue, the judge and magistrate of Allahabad, to which we have particularly alluded in a former part of this despatch, and in which he strongly brought under the consideration of your government, the importance of having all questions of disputed boundaries settled by arbitration on the spot. As we took occasion to notice in the observations made by us on that paper, in our judicial despatch of 30th September 1814, Mr. Fortescue proposed that “the whole superintendance, as well as the original receipt of the application for arbitration, should be transferred to the collector of the district, and that the judge and magistrate should also be empowered to refer cases of this description to him for the above purpose;” and the reasons which he adduces for bringing those causes within the cognizance of the collector, are so strictly in accordance with our ideas on the subject, that we shall here re-quote them.

84.—“Independent of the leisure which the revenue, compared with the judicial officers, now possess, the connection subsisting between the collector, the subordinate government pergunnah canongoes, and the zemindary village putwarries, the superior means he possesses of ascertaining the eligibility of the neighbouring proprietors proposed as arbitrators, or in the event of either party delaying or objecting to nominate himself, to fix upon suitable and substantial persons, his local *ruclabundies* and settlement proceedings, and generally the many channels of his information, the nature of his inquiries, and the special line of his official duty, constitute him, in many respects, the most proper and able officer to assist and control the arbitration, or indeed any other arrangement which can be devised for the adjustment of this peculiar species of dispute.”

85.—He adds, “Every collector must be sensible how very frequently those causes of dispute come before him, in a manner that admit of immediate adjustment, were he permitted to act; but having no authority, he can enforce no award, and he is reluctantly compelled to leave the parties to wrangle, and to refer them, as the only alternative, to the courts. It can hardly admit of a doubt, that by far the greater proportion of those transactions which are connected with the quiet and happiness of the people, appertain to the possession of land and rents. A multitude of disasters might be averted by the timely and charitable interposition of the revenue officers.”

86.—We direct that disputes respecting boundaries be brought within the jurisdiction of the collector, and that, if this be not already done, that decisions in such cases, by whomsoever pronounced, be regularly recorded in the registers of the villages, or in those of the pergunnahs, as the case may be.

87.—We also direct that similar measures to those which we have pointed out in our judicial despatch to Fort St. George of the 29th April last, for the due enforcement of the pottah regulation, and for placing the superintendance of this concern in the hands of the collector, be adopted within the territories under your government.

88.—We

88.—We are strongly disposed to believe that much benefit to the community would attend the revival, under proper modifications, of the powers formerly exercised by the sirdars, chowdries, mungees, or heads of professions. The utility of their services in the adjustment of differences, and the relief which they used to afford to the dewanny courts, have been particularly brought under our notice by Messrs. Davis and Cox; and we are glad to find that you have lately circulated queries on the expediency of restoring them to the exercise of their former functions.

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89.—We have observed, in a former part of this despatch, the custom common to India, from the most remote times, of settling questions of cast and discipline, through the medium of the spiritual heads of tribes or classes assisted by parahnies. The important aid derived from these institutions has been particularly pointed out by Messrs J. Melville and D. Patterson, and by the magistrates of the twenty-four pergunnahs, in their replies to the interrogatories circulated by Lord Wellesley in the year 1801, as well as by Messrs. Davis, Cox and others, in the communications received from them in this country.

90.—We are also particularly desirous that every encouragement, under such checks or control as may seem urgently requisite, should be given by the regular courts to the settlement of disputes or complaints respecting cast and discipline, in the accustomed modes which have prevailed in the country.

#### POLICE.

91.—This subject has been of late years fully brought before us in the official correspondence of the local authorities with your government, in your own despatches to us, and particularly in the minute of Lord Minto, dated the 24th November 1810.

92.—In tracing, as we here propose briefly to do, the leading causes from whence the defective state of the police has proceeded, it is necessary that we advert to the state of the provincial administration of the country, in the early period of the British government. At that period, all the powers of the state were delegated to natives who were not the most likely to reform the affairs of the country, or to supply their European superiors with that true knowledge of things which could qualify them to do so; themselves.

93.—When we afterwards assumed directly the functions of government, and administered them in the name of the Company, the settlement of the revenue and the general management of the police were continued in the hands of the zemindars or subordinate officers of the preceding government, who had been accustomed to discharge a great part of that duty. The public authority was indeed exercised by European officers over the zemindars; but it substantially centered in the zemindars, except in casual instances of their removal for misconduct or failure in their payments.

94.—On the occasion of forming the permanent settlement of the lands, and of introducing the existing judicial system, the zemindars were deprived of the police authority which they had heretofore exercised within their local limits, both under the native governments and our own; and the general superintendance of this department of domestic economy in each zillah was vested in the judges of the courts, having under them a certain number of paid officers, called darogahs, who were stationed in the subdivisions of the zillahs. These subdivisions, we find, in general comprehended a portion of territory of about thirty square miles. The darogahs were assisted by a small establishment of armed constables, who like themselves were paid by the magistrate. Under this arrangement, which still continues in force, the magistrates stand in the situation in which the collector before did, as superintendants of the police; and the darogahs in that of the zemindars, but with much more limited powers than they possessed.

95.—The instruments by which the subordinate details of the police had been conducted in the interior of the zemindaries, were the native officers of the village establishments. Of these establishments, no clear or distinct account is to be found on the records of your government, as far as we have been able to discover; but enough appears thereon, not only to establish clearly their



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existence, but that they are of a similar kind to those existing in the peninsula, and which we have particularly described in our judicial letter to Fort St. George of the 29th April last. They are of two descriptions, the first consists of persons passing under the names of *dusaud*, *pasbauns*, *ghorites*, *negabauns*, *harees*, &c. who were immediately and permanently connected with the villages, and acted under the authority of the head inhabitants. They were of very ancient institution, deriving their origin from the early period of Hindoo government; and, like the head inhabitants under whom they acted, were employed, as well in the business of the collections, as in the preservation of the peace within their respective municipalities. In their revenue character, they were employed to convey the rents of their villages to the catcherry of the district collector, and were stationed over the ryots in arrears. In their capacity of police servants, they guarded the crops of the ryots from depredation, they had charge of the stocks, and they served as guides and protectors to travellers passing from one village to another. It was their duty also to collect information in their neighbourhood of offences committed, and to report suspicious persons who entered the village.

96.—The pykes or chokeydars who formed the other description of public officers, were more or less numerous, according to the discretion of the ruling authority, or of the aumils and zemindars who represented it in the interior. Their duty was almost exclusively confined in the apprehension of offenders and the prevention of breaches of the peace. They, as well as the former, were maintained by grants of rent-free land, or at low rents; but they did not, it is believed, like the dusauds, &c. form an integral part of the constitution of a village community, nor receive contributions from the inhabitants; they were district rather than village servants, being of the nature of police militia bands.

97.—In addition to the means thus provided for the preservation of the public peace, the zemindars had at their command the officers employed in the collection of the sayer or internal duties, and those stationed at the gunges, hauts and bazars, all of whom were required to lend their aid as police agents.

98.—The establishments, both pasbaun and pyke, though in a mutilated and deformed state, when the present plan of police was established in 1793, were however to be found in almost every part of the country, and in many parts, in great strength of numbers. In the zemindary of Burdwan alone, as will appear by a letter from the magistrate, dated the 12th October 1788, there were at that period no less than 2,400 pasbauns or village constables, and 10,000 pykes.

99.—By the 8th section of Regulation XXII. of 1793, for the provinces of Bengal, Behar and Orissa, the pasbauns, pykes and chokeydars were declared subject to the orders of the darogahs, or new local superintendants, under the magistrates of zillahs, who were required to keep “ a register of their names, and upon the death or removal of any of them, the landholders or others, to whom the filling up the vacancies might belong, were to send the names of the persons whom they might appoint to the darogah of the jurisdiction, that they might be registered.”

100.—But these provisions, the former of which, in a zemindary country, could not be promptly enforced without the aid of the zemindar and the heads of villages, both of whom were excluded from any concern in the regulation of the police, and the latter of which, left the village watchmen dependent on the zemindar for his appointment, at the very time that the zemindar himself was deprived of all public authority, have by no means been attended with the desired effect of obtaining the co-operation and services of this description of police officers. We also find that, at the very time this provision was made for securing, as it would appear, the services of the pykes and pasbauns, the government, by Regulation I. 1793, reserved to itself the option “ of resuming the whole or a part of such allowances, as had been made to the zemindars in the adjustment of their jumma, for keeping up thannahs of police establishments, or of the produce of any lands which they might have been permitted to appropriate for the same purpose;” and by Regulation XXII. of the same year, before referred to, required them to discharge such establishments, and prohibited them from entertaining any such in future.

101.—Under

101.—Under the first of the above-mentioned clauses, which expressly excepted the lands and produce of the pykes from the assets on which the jumma of the zemindars was calculated, extensive resumptions of both were made in different parts of the country, which were converted into a fund for defraying the expenses of the new plan of darogah management. The receipts from this source were but of very trifling amount, and were very far from meeting the charges which they were designed to cover. In fact, a considerable number of the pykes would appear to have retained their lands or produce under collusive engagements with the zemindars, but, of course, without any stipulations of service to be rendered in aid of the police, the zemindars having been themselves deprived of all connection with the charge of that department within their boundaries, and indeed prohibited from keeping up any establishments of police.

N<sup>o</sup> 14.  
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to Bengal,  
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In 1807-8, sicca  
rupees 64,423.

102.—We find that at an early period of our administration of the affairs of the Bengal provinces, territorial resumptions of a similar kind had been made, and that the effect with which the measure had been attended on the internal police, was brought under the notice of government by Mr. Hastings, in a minute dated 19th April 1774. His immediate object was to represent to his colleagues the alarming prevalence of decoity in different parts of the country, as signified to him from various quarters. He was naturally led to inquire into the causes from whence this evil sprung; one of which, he stated to be, “the resumption of the *chaukeran zemeen*, or lands allotted to the zemindars and pykes, for their services in guarding the villages and larger districts against robbers.”

103.—He proposed, that the *chaukeran zemeen*, which had been included in the jumma or rents fixed with the zemindars and farmers, “should be again separated from it, and applied to their original design.”—“I cannot,” he further stated, “recommend this institution better, than by mentioning it as the universal practice of all nations of India, and of the most remote antiquity.”

104.—The proposition was ordered to be carried into effect; but to what extent, in what mode, and with what success, is not known, by us. We have been induced here to allude to this passage, because we think it strongly shows, that the course of proceeding which was adopted in 1793, in regard to the pykarry lands, was opposed by past experience.

105.—That many abuses had crept into the police establishments under the relaxed and disordered state of government which prevailed when the judicial system and permanent settlement of the lands was established; and that the individuals belonging to them, greatly neglected their trusts, we can readily conceive; for inefficiency and the perversion of all instituted regulations pervaded every department of the state. But this, though a reason and a very strong one, for reforming those establishments and bringing them back to their original uses, under a proper and efficient control, furnished none for the overthrow or neglect of institutions, which experience had abundantly demonstrated, ought to have been incorporated as closely as possible with our system of police, and have formed the principle on which any arrangement for conducting the affairs of this department should have been founded.

106.—We have particularly examined your records, for the purpose of ascertaining the sentiments of the judicial servants under your government on this important subject, and also of forming a correct idea of what had been the effects which had resulted from the line of proceeding pursued by you in the year 1793, in regard to the village police establishments then existing.

107.—The indispensable necessity of such institutions to an efficient police; the utter impossibility by any other means of gaining any but the most imperfect knowledge of the commission of crimes and misdemeanors, or of obtaining the support and co-operation of the great body of the community in aid of the police; the injurious consequences which have arisen to the peace of the country, and the personal security of the inhabitants, from the resumptions which had taken place of the lands appropriated for the maintenance of the village police, and from leaving what still survived of that institution no better than a neglected and disjointed outwork of the system,—all these circumstances, we find, from the inquiries we have prosecuted into this subject, were soon very strongly

N<sup>o</sup> 14.

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felt, and have been the continued theme of earnest representation by almost every judge and magistrate under the Bengal government, up to the latest accounts we have received.

Report of Mr. Carnac, Judge of Provincial Court of Calcutta, of 5 October 1800.

Answers of Sir H. Strachey, Judge of the same Court, to Lord Wellesley's queries, of 2 September 1802.

Report of the Magistrate of Nuddea, of 16 January 1802.

D<sup>o</sup> - of the Magistrate of Burdwan, of 9 March 1802.

Answers of Provincial Court of Dacca, of 9 June 1802.

D<sup>o</sup> - of Mr. Wintle, Magistrate of Backergunge, of 7 January 1802.

D<sup>o</sup> - of Provincial Court of Moorsheadabad, of 23 January 1802.

D<sup>o</sup> - of Mr. Sturt, Magistrate of the city of Moorsheadabad, of 17 March 1802.

D<sup>o</sup> - of Mr. Boddam, Magistrate of Sarun, of 16 December 1801.

D<sup>o</sup> - of Mr. Tufton, Magistrate of Behar, of 9 December 1801.

Report of Mr. Ernst, Acting Judge of Provincial Court of Calcutta, of 15 November 1805.

D<sup>o</sup> - of Mr. Thomson, Judge of Provincial Court of ditto.

D<sup>o</sup> - of Provincial Court of Benares, of 24 December 1805, and 24 April and 1 November 1807.

D<sup>o</sup> - of Mr. J. Stuart, Judge of ditto, of 5th February 1808.

Mr. Secretary Dowdeswell's Report on the Police of Bengal, of 22 Sept. 1809.

Letter from the Judge of the Provincial Court of Calcutta to Government, of 23 August 1811.

D<sup>o</sup> - Superintendent of Police for Lower Provinces, of 30 August 1811.

D<sup>o</sup> - - - - of 15 June 1811.

Report of Mr. Elphinstone, Judge of Provincial Court of Patna, 8 March 1811.

109.—We further find, that the state of the village police in the ceded and conquered provinces of recent acquisition, (where there are strong reasons for believing, that on their annexation to the British dominion it was in a tolerably effective condition,) is, in fact, falling into decay, for the want of any provision being made for its due regulation, and for securing to the individuals who compose the establishments their just emoluments; and that there, as well as in the lower provinces, the mofussil police officers are betaking themselves to robbery and plunder for a maintenance.

110.—In our judicial despatch of the 20th October 1813, wherein we strongly pressed upon you the necessity of preserving and restoring the system of village police, we adverted to the fact brought by Mr. Thornhill, the magistrate of zillah Bareilly, under the notice of Mr. Brooke, the judge of circuit, in the year 1808, that the zemindars had withdrawn the payment to the village watchmen, who had been compelled to quit their employments; and that unless some effectual means were speedily adopted for the appointment of village watchmen, "those whose names were still on the register would be obliged to follow their brethren, and seek by plunder that subsistence which they ought to derive from the persons whose lives and properties they are expected to protect."

111.—We also find Mr. Brooke, in a report which he in the same year made to the nizamut adawlut, respecting the zillah of Allahabad, after observing, that "it must be admitted, that no police could be effectual which does not combine with it the co-operation of the great body of the people, and has no regular establishment of village watchmen, to convey intelligence either to the police thannahs, or the magistrate," proceeds to state, that "the various reports which had been made by the circuit judges fully established that crimes of every description, with exception to affrays, were less frequent in these provinces

"vinces

“vinces than in Bengal; and that, from respectable authority he had also been assured, that in those parts of the ceded country, in which there existed any vigour in the former administration, crimes were less frequent than since the establishment of the British government.” He adds, “If this be the case, and of which I scarcely entertain a doubt, the basis of a vigorous police was ready prepared to our hands; all that was requisite was to perfect and strengthen that system where it might be deficient, and to ameliorate it where it might be too harsh and severe. It would therefore be desirable, that the nizamat adawlut should take under their serious deliberation the situation of the upper provinces, before the ancient usages of the country be annihilated, and the energy of character and habits of the people be lost; consequences,” he states, “which will probably follow the establishment of the same system of police which exists in the provinces below.”

N<sup>o</sup> 14.  
Judicial Letter  
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112.—We learn, likewise, from a letter of the same judge of circuit, to Mr. Perry, the magistrate of the zillah of Etawah, dated that the darogahs of several thannahs having prohibited the dhammes (a description of native police) from rendering assistance to the zemindars in the collections, many of the zemindars had deprived them of their lands, and the peasantry had withheld the usual contribution of grain, being the chief resources from which they derived their support.”

113.—By Mr. Guthrie, the superintendant of the western provinces, it is stated, that it did not appear that the darogahs of Sydadabad had used any endeavours to establish the means of intelligence respecting occurrences happening in the interior of their respective jurisdictions, but depended, in that essential point, on the reports brought them by the bullahars, (village police officers) which were not to be relied on, “as there were many villages without bullahars, and as yet, he believed, no fixed rules had been established for their regular control and maintenance.”

Report to Mr.  
Sec. Dowdeswell,  
10 Nov. 1811.  
Crim. Cons.  
10 December 1811;  
N<sup>o</sup> 37, Para. 20.

114.—The same public officer, in a subsequent report further observes, with respect to Cawnpore, that “the darogahs had no established channels of intelligence, either through their own establishments or the zemindars, of occurrences happening in the interior, and that they were consequently without the means to prevent the commission of crimes, or to discover those by whom they were perpetrated.”

Report to Mr.  
Sec. Dowdeswell,  
29 January 1812.  
Crim. Cons.  
12 March 1812;  
N<sup>o</sup> 40, Para. 4.

115.—We find from your records that in some particular instances it has been made a point of policy by your government to uphold and cherish the native institutions of police; and that wherever this course has been adhered to, it has been attended with the best possible effects.

116.—The first instance of this kind occurred in the year 1799, and refers to the jungle Mohauls, a portion of country situated in the present local division within the zillahs of Midnapore, Beerbhoom and Burdwan. Very serious disturbances had been excited in these Mohauls by the pykes, who heretofore enjoyed, at a small quit-rent, tracts of land, in consideration of the services they performed; but of the beneficial interest in which they were deprived by the zemindars, under the general operation of the Regulations; in consequence of which the pykes committed the most cruel and wanton outrages on the more peaceable inhabitants, laying waste the country, as far as their ravages extended.

Judicial Despatch,  
31 Oct. 1799.

117.—Under these circumstances, the pykes were again restored to their lands, on a footing somewhat similar to that on which they had before held them, and placed under the orders of the zemindars and other landholders who were again invested with the general charge of the police within their estates as darogahs.

118.—This arrangement, which was at the same time extended to Ramghur and several adjoining pergunnahs, was proposed and carried into effect by Sir Henry Strachey, the judge and magistrate, who, in his report to your government, expressed his wish that the plan should, in the first instance, be considered as experimental. “If at this time (he observed) I should attempt to frame a complete regulation, detailing all the rules that I conceive necessary for the guidance of those zemindars in their capacity of police officers, I should run the risk of framing one, which it would be expedient to alter or annul, in the

Letter of 9 April  
1800.

N<sup>o</sup> 14  
Judicial Letter  
to Bengal,  
9 November 1814.

Regulation XVIII.  
of 1795.

Crim. Cons.  
5 September 1812;  
N<sup>o</sup> 1.

Answer to two  
queries circulated  
by the Court of  
Directors.

"course of a very short time. My chief object in drawing out these rules has been to make them short, simple, easily understood, and suitable to the ideas and capacities of those for whom they were framed."

119.—This arrangement proving successful, it was permanently established by a special Regulation, and it still continues to answer its intended purposes with the best effect, as is evinced by the half-yearly reports of the judges of circuit. No disturbances have since occurred; the Mohauls have remained orderly and quiet; and the superintendant of the police of the lower provinces, in his report of the 20th August 1812, after noticing "the well regulated state of the police," observes, that "not one instance of gang-robbery had been known to have occurred during the last sixteen months." The second judge of circuit also, in his report of the 25th October 1812, gives an equally favourable account of its police.

120.—We shall next refer to the province of Cuttack, which was acquired from the rajah of Berar in the year 1803. Mr. Melville was appointed a commissioner for settling the affairs of it. He made himself acquainted with the system of police therein prevailing; and finding, as he represents, heinous crimes and offences were far less frequent in that province than in those parts of the British territory bordering upon it, which had been many years under the British government, he recommended the continuance of the system which we had found established, and his proposition was sanctioned by a special Regulation passed in the year 1805. From this Regulation it appears, that "it was the practice of the Mahratta government to vest the immediate maintenance of the peace in certain *sirdar pykes*, also called *kandytes*, aided by inferior pykes, under the orders and control of the said sirdars; for whose support lands were assigned under the general orders and authority of the said government; and that the general control of the said sirdars and other pykes were vested in the zemindars, &c., within the limits of their respective estates and farms, excepting in cases in which they had been specifically deprived of the charge of the police by the said government, either for inability to perform the duty entrusted to them, or for other substantial reasons."

121.—This was the system for an adherence to which the Regulation of your government provided; a Regulation which also contained special provisions for securing the pykes *their service lands*, and for rendering it the duty of the darogahs, "whether zemindars or others," under the guidance of the magistrate, to fix the local limits of the sirdars and other pykes, so that, as it is declared in the Regulation, "every part of the province of Cuttack might receive the protection of the subordinate officers of police."

122.—That the course thus pursued has been productive of the most salutary results is established by the uniform tenor of the reports of your judicial servants, down to the latest accounts we have received.

123.—After the second session of 1805, the judge of circuit, Mr. Thompson, reported, that "it gave him much pleasure to notice, for the information of government, that in travelling through Cuttack, *he found it in a state of perfect tranquillity*." At the second session of 1809, Mr. D. Campbell, the judge on circuit, reported, that, "although no gaol-delivery had been held at Cuttack for upwards of a year, he found only twenty-five prisoners for trial, and most of them committed for trifling offences, such as thefts and burglaries; that he was extremely happy to observe that the crime of gang-robbery was not known in Cuttack." The subsequent reports of the circuit judges and the superintendants of the police, down to the latest period, are in direct confirmation of what is above stated.

124.—In the province of Hurryanah, forming part of the territory under the resident at Delhi, and which was placed in charge of one of his assistants, Mr. Gardner, that gentleman appears to have acted upon the same principles in the arrangement of its police. He called into activity the services of the village watchmen, under their natural superiors, the mocuddums, as being "conformable to former custom;" and he states, that it had been attended with the greater success, a second robbery seldom or never occurring at the place where it had been once enforced; while the resident, Mr. Metcalfe, in his letter to Mr. Secretary Dowdeswell, of the 25th December 1811, particularly speaks "of the

“ the perfect tranquillity and subordination, and the excellent police of the heretofore unmanageable, distracted and plundered district of Hurryanah.”

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125.—We shall lastly advert to another recent instance of the advantages experienced from calling into operation the native village police of a zillah which had been the worst regulated of almost any in the country, We allude to the zillah of Burdwan.

126.—In the year 1810, Mr. Butterworth Bayley was appointed to the office of magistrate of this zillah; and in his letter to the register of the nizamat adawlut, dated 23d January 1811, he gives a view of the actual state of the district, and enters into a general explanation of the measures he had employed, “ as well with the view of diminishing the immediate prevalence of gang-robbery “ and other heinous crimes, as of giving a permanent vigour and efficiency to the “ police.”

127.—The extraordinary improvement in the state of the police of the district, in little more than twelve months, and which had particularly attracted the attention of the officiating judge of the Calcutta division, in his letter to the Secretary in the judicial department of the 14th February 1811, is represented by Mr. Bayley “ to have arisen from the gradual operation of simple causes, “ and not from the introduction of those violent measures which, both in their “ immediate effects and ultimate consequences, might, perhaps, be justly considered to be an evil equally injurious to society, as the prevalence of gang-robbery itself.” He then enumerates the causes of it, the principal of which he states to have been “ the uniform punishment and dismissal from office of “ the village watchmen, wherever there was any appearance of neglect or “ connivance on their part in robberies, and to the rewards which had constantly “ been given to them, on any proof of bravery, activity or good conduct, in “ opposing or apprehending decoits; to the exertions made by him for obtaining “ a more adequate subsistence for the village watchmen; by carefully preventing “ all attempts on the part of the talookdars to resume any part of their chackeraun lands; and by encouraging the head villages to subscribe a more liberal “ remuneration for the support of their chowkeedars than had hitherto been “ customary.” The munduls, who, being the principal fixed residents of each village, and who, as Mr. Bayley states, “ were vested, by long usage, with “ considerable local authority and immunities,” and the chowkeedars under them, were the chief classes upon whom he deemed it requisite to call for particular assistance, both in furnishing information and active aid in the improvement of the police. He, however, took mochulkas, not only from these, but also from the landholders, gomastah, venders of spirituous liquors, pawnbrokers, gold and silversmiths, &c. explaining to them personally the duties they were enjoined to perform, and the practices from which they were expected to refrain.

128.—In the report of the officiating judge of circuit of the 14th February 1811, already referred to, it is stated of this zillah, that “ gang-robbery, formerly so prevalent, had become nearly extinct; and a regular system had “ been introduced which promised fair to secure the co-operation of all parts of “ the community in the detection and apprehension of offenders.”

129.—It is this co-operation of the people in support of the police, that is so much wanted in the territories subject to your presidency, and to the absence of which we may, not less from the test of experience, than from the recorded authorities of a long list of your best informed servants, ascribe, in a great measure, those flagrant disorders which had at no distant period so alarmingly outraged the peace of the lower provinces, and rendered both persons and property utterly insecure. By a strenuous effort simultaneously made on the part of the local magistracy, and powerfully aided and seconded by the superintendants of the police, whom you had appointed to the upper as well as the lower provinces, these crying evils, so disgraceful to the internal management of the country, have been greatly subdued, and more especially in regard to that most heinous offence gang-robbery, which is represented to us as having nearly disappeared, except in some of the zillahs of the provincial division of Moorshedabad, where it has again manifested itself in a serious shape, as we learn from your judicial despatches of the 25th April 1812 and 30th January 1813, and from the reports therein referred to. We cannot look for a permanent

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continuance of the present improved order of things, until we see the establishment of those measures of prevention which can alone be adequately and steadily secured, by the general restoration of the old system of village police immediately superintended by the munduls or heads of local divisions, the whole being placed under the orders and control of those entrusted with this branch of civil regulation in each zillah. These certainly form the permanent natural authorities of an Indian country; they connect the people with the government, and preserve the parts of the social machine in a state of cohesion. The inhabitants of the country, without those points of union, must soon become a dispersed and disjointed multitude, having no common interest to bind them together, or at least not possessing the means which can enable them to act confederately for their preservation, when disturbed and invaded by the hand of violence and rapine.

Report, 5 Feb.  
1808.

130.—The defect of the existing system of police in the Bengal provinces, deprived as it is of those important aids by any general plan of operation which is calculated to secure them, is justly described in the very able and enlightened report of Mr. J. Stuart, formerly a circuit judge for the division of Benares, but now one of the members of the nizamut adawlut; nor are his observations on the subject less worthy of attention.

131.—“The police administration, if I may be allowed the expression, has no root in the native soil of the community. It is purely artificial, with so little adaptation to local peculiarities, that it would equally suit any country on the face of the globe. British magistrates are placed over the districts; each district is arbitrarily divided into square portions of ten coss, and these are guarded by small establishments of peons headed by native officers of our own creation, called police darogahs, in the selection of whom no attention is paid to any local fitness. The magistrate in his endeavours to protect the community must place his sole reliance on these establishments. The arrangement is not interwoven with any institutions which previously existed in the country. In maintaining this opinion, unless I greatly deceive myself, I may appeal to the general practice of almost all nations, originating doubtless in circumstances and feelings common to all mankind. The natural mode of managing men, is to employ the agency of those whom, from the relation in which they stand to them, they regard with sentiments of respect and confidence; accordingly, all governments seem to have made the authority of their native leaders the basis of their police; and any hired police establishments which they may maintain are not intended to supersede the native police, but to superintend, watch over, and aid its effects. To take,” continues Mr. Stuart, “an example with which we are all familiar in our own country: we all know what services the society contributes to its own protection; we know how much vigour is conferred on its police, by the support which it receives from native gentry, from respectable landholders, from the corporations in towns, and from substantial persons of the middle classes in the villages; we can form some conception of the mischiefs which must issue if that support should be withdrawn, and an attempt made to compensate it by positive laws and artificial institutions. It is not indeed necessary to travel beyond the territory of this government in quest of examples to establish the principle. These limits afford us some striking instances of the advantages which may be reaped by attending to it, and of the evils which arise when it is neglected.”

Regulation III.  
1812.

Regulation XII.  
1807.

132.—By a Regulation recently passed by your government, it is provided, that any village watchman proved guilty of gross neglect or misconduct in the discharge of his duty as a police officer, shall be liable to corporal punishment. You appear also, several years before, to have passed a Regulation for ascertaining what number of persons answering that description were maintained, and by which every landholder employing pykes, chowkeedars, pausbans, &c. was required to transmit to the magistrate, at stated times, “a list of their names, occupations, place of residence, and allowance in land or money, under a penalty for the neglect of so doing.” Neither of these Regulations, however, in any manner provide for reforming or restoring the village establishments, having only in view to secure as much service from the existing establishments as, in their enfeebled and unprovided state, they might be capable of rendering. Nor do we find from your despatches of a subsequent date, that any measures have yet been

been adopted even for giving effect to that limited object, by any general and systematic plan of operation, unless as far as relates to the police of the cities of Dacca, Patna and Moorshedabad\*.

N<sup>o</sup> 14.  
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133.—We are ourselves satisfied, that it is not by merely calling for returns from the zemindars, to be made to the magistrates, of the number of pykes and other police officers maintained by the former, as required by Regulation XII. 1807, that this information is to be obtained; and that it is procurable only through investigations set on foot and prosecuted by the collectors, armed as they must be with the necessary powers to assist them in this work. This indeed seems to have been felt by Mr. Secretary Dowdeswell, who in his report on the police of Bengal, dated the 22d September 1809, proposed that those officers should be required to form the register.

\* Regulation III.  
1813.

134.—It only remains for us, on this subject, to direct that measures be taken for the gradual establishment throughout the country of an efficient village police, properly maintained and provided for, which shall be placed under the orders and control of the Company's magistrates, and subject to such rules regulations, as on a reference to the zillah judges and collectors may be found best calculated to answer the purpose of such an arrangement, and as may, at the same time, have reference to the former practice of the country. The officers and servants composing this municipal police, from the mundul downwards, appear to have been generally provided for, partly in land rent-free, and part in allotted shares of the crops of their neighbours, or in contributions in money; and these modes of remuneration, we conceive, it would be wise to adhere to. We are decidedly of opinion, that the principle of endowing the office with land should be steadily kept in view, in all practicable cases, as being in itself the most respectable and most permanent kind of provision. It has probably been from these considerations that this kind of provision has been almost uniformly recommended by those judges and magistrates who have proposed, at various times, the revival of the village police. We have little doubt that a proper course of inquiry would, in innumerable instances, bring to light irregular and surreptitious assumptions of territorial allotments, which properly belong to the village police. These should be resumed and applied to their original uses; care being taken in the exercise of this power, not to interfere with the just rights of any party. Where the permanent settlement has taken place, and the produce of the police lands were excluded from the assets on which the jummah was calculated and fixed with the zemindars, alienations of land of this latter description would also, on general principles, be justly liable to be restored to their former purposes; and where this may not be the case, an arrangement should be made with the landholders, for obtaining from them allotments of land for the police officers. In providing also for these officers, shares of the crops, or money contributions from the inhabitants of the villages, it will be extremely necessary to ascertain whether they are not already subject to such payments, though clandestinely diverted into an improper and unauthorized channel. In the regulation, also, of such payments to the village police, not only with respect to their amount, but their mode, and the descriptions of persons who are made subject to such demands, it is highly important that the best means be taken for inquiring into what has been the custom in those particulars; such inquiries will be materially aided by communication with the people of the villages, and a reference to the old accounts where obtainable.

135.—The size and extent of the zillahs would still render an intermediate agency between the village officers and the magistrate, in a greater or less degree, requisite. The agency of that description, which it would be expedient to employ, must very much depend on the consideration whether the superintendance of this department of internal regimen in each zillah continue to be vested in the judge, or be transferred to the collector. We have, in our judicial despatch to Fort St. George, explained our reasons for having directed the adoption of the latter measure in the territories under that presidency; and, as we consider those reasons to be also applicable to the local circumstances of the British possessions subject to your authority, we refer you to that despatch for the grounds on which we have determined to extend the principle thereto.

29 April 1814.

136.—From what we have here stated on this subject, you will perceive that we enforced the fitness and expediency of a recurrence to that principle from



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this consideration, that it is, with reference to the native institutions of the country, the most favourable to the bringing into official service its municipal police. We must add, that independent of this most important and essential consideration, the collector must, under any circumstances, be far better qualified to superintend the police than a civil or criminal judge can ever be, who is necessarily confined to one spot, engaged in a sedentary occupation which does not admit of his moving about the country, or of that intercourse with the people so essential to the due discharge of the duties of a magistrate, and to the efficient supervision and control of those employed under his authority in the fulfilment of those duties.

137.—It is truly observed by Mr. Secretary Dowdeswell, in his report above referred to, “that there can be no police in India, unless the magistrates will “from time to time visit the different tannahs, listen with their own ears, and “see with their own eyes, instead of depending on the reports of officers.” It would be needless to show that the nature of their judicial functions requires that the present magistrates should remain fixed at their respective stations, which renders them therefore unable to attend to the above-mentioned necessary points in the administration of the police.

138.—Where tehsildars are still retained, their agency, in every practicable view of the subject, should be employed between the collector as magistrate, and the village police.

139.—We are thoroughly sensible (indeed it is impossible we should not be, after perusing your records, and particularly the report of Mr. Secretary Dowdeswell of the 22d September 1809,) of the great abuses practised by the darogahs, and of their general deficiency in the proper qualification for the office; but we do not at present see how their services can be dispensed with, unless we were prepared with some other arrangement to substitute for that system. We look therefore rather to the gradual reduction of the establishment, as circumstances may justify, than to the total abolition of it.

140.—Much unquestionably depends upon the vigilance with which the conduct of the darogahs is looked after, and the vigour and energy with which it is directed and controlled. The good effects which have resulted from the exertions that have within the last few years been made for that purpose in many districts, are amply testified by the reports of the judges of circuit and superintendants of the police; and we are well persuaded that the collectors will have it much more in their power effectually to superintend the darogahs in the execution of their trusts, than it is competent for a zillah judge to do.

141.—In the course of our examination into the general principles of the police within the Bengal possessions, we have naturally been led to consider the question (and it is a question of no small practical importance) how far it would be advisable to adopt the policy of again employing the zemindars in the management of the police within their own boundaries. We have, in our judicial despatch to Madras, of the 29th April last, in treating of this same question, as applicable to the zemindars under that government, expressed our apprehensions that any measures for securing their aid and co-operation in support of the general police, would not answer any useful end, though we were at the same time very desirous that such measures should be pursued wherever they furnish a rational prospect of success. Those apprehensions, as we on that occasion stated, were founded “on the failure,” as we expressed ourselves, “of all “endeavours of a similar nature, under the Bengal government.” A more recent and more particular consideration of your past proceedings on this subject, has raised some doubts in our minds, whether any unqualified inference is fairly to be drawn against the expediency of the principle, from the ill success of those endeavours to which we alluded; whether, in short, those endeavours were really calculated to bring the point to the issue of fair and conclusive experiment. We here particularly allude to the provisions of Regulation XII. of 1807, a Regulation passed, in consequence, as it is declared, “of the police establishments in the several districts of Bengal, Behar and Orissa, having been found “insufficient for the purposes of their appointment,” and having in view the uniting the influence of the zemindars with the power of the darogahs. This Regulation provided for the granting of commissions “to such of the zemindars, “farmers

“ farmers and other inhabitants of credit and influence, as, from their qualifications and character, might be considered deserving of confidence, and disposed to make a proper use of the means which they possess, in promoting the maintenance of the peace, preventing the commission of crimes, and apprehending offenders.” The rules for their conduct were similar to those prescribed to the darogahs; but they were restricted from taking cognizance in any manner whatever, unless specially referred to them by the magistrate, of those petty offences and misdemeanors, such as “ abusive language, trespasses of men and cattle, and inconsiderable assaults or affrays, adultery, fornication and calumny,” a power which, at least as far as it extended to the apprehension of individuals had been hitherto allowed, and was still continued to be exercised by the darogahs. They were also required to deliver over persons of the descriptions they were authorized to apprehend, to the darogahs of the jurisdiction in which they resided, instead of sending them, as was done by the darogah, direct to the magistrate. The Regulation was afterwards extended to Benares and the ceded and conquered provinces. It was not long passed before Mr. Stuart observed, with respect to the inducements which it held out to landholders to give effect to its purposes, that “ he saw none else but the temptation of being raised to the same level with petty police officers, and not quite that indeed, for the aumeens would be, to a certain degree, subordinate to the darogahs.” The Regulation was soon afterwards repealed as nugatory, scarcely any person having been found willing to accept the office on the prescribed terms.

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Report, 5 Feb.  
1808.

Regulation VI.  
1810.

142.—We find, that about the time that Sir Henry Strachey was engaged in reforming the police of the jungle Mohauls, and on the principle of re-investing the zemindars with the charge of darogahs, as in other parts of the British territory, the government took the opinions of the judges of circuit, and of some of the magistrates, as to the expediency of adopting the same principle in the other parts of the country. They were induced, as it would appear, to make this reference, from the experienced deficiency, at that period, of the darogah system; and the local authorities who were consulted, with the exception of the magistrates of two zillahs and the court of circuit of Moorshedabad, were decidedly in favour of the measure.

1800.

Judges of Circuit  
for divisions of Calcutta, Patna, Dacca and Moorshedabad: Magistrates of Beerbhloom, Ramghur, and Burdwan.

143.—This subject has also been very ably and elaborately handled by Mr. Stuart, in his report of the 5th February 1808, to which we have already referred, in which he strongly advocates the expediency of employing that description of persons in the administration of the police; a measure which we also find to be recommended with much earnestness by Mr. Edward Strachey, second judge of circuit for the division of Moorshedabad, in his report dated 19th August 1808; and by Mr. Elphinstone, the second judge of circuit for the division of Patna, in his report dated 8th June 1812. The arguments by which that proposition has been maintained, are, we think, well deserving of attention, as applicable to the larger zemindaries, consisting of a whole pergunnah or more, or even of several villages.

144.—If among the zemindars are to be found the leading gentry of the country, its principal landholders; and if they possess more influence and weight with the inhabitants than any other class of individuals, it seems difficult to conceive any ground sufficiently strong for shutting them out from all concern in the management of a branch of domestic administration, in which, from their absolute and relative situation, they must on the one hand, generally speaking, have it so much in their power to render useful service, and on the other, of impeding and frustrating, when so disposed, the operations of that department. It must be remembered, as we have noticed in a former part of this despatch, that the very persons who compose the village police, are also employed by the zemindars or their under-farmers in the collection of the revenues, and that under these circumstances, the zemindars have it in their power, in many different ways, and under numerous pretexts, to withhold the services of those persons from the magistrate; and in this spirit they will naturally be inclined to act, if unfriendly to a scheme of police of which they no longer have the charge within their zemindaries. In such a case (and your records show that it is not an ideal one) a strong local influence which should be employed in aid and furtherance of its operations, would be employed to counteract them. Where a zemindar is jealous of or adverse to the proceedings of the magistrate, (and in general he is so,) the magistrate will have arrayed

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against him the train of dependants belonging to that zemindar, who must have much more influence over them than such an insulated individual as a darogah, (seldom possessing local consideration and respectability,) can possibly have over the inhabitants of the zemindary; indeed it but too often happens that the darogahs, by the temptations which the zemindars have it in their power to hold out to them, enter into the views and designs of the latter, however at variance with their duty or the purposes of their appointment.

145.—In the zemindaries which are frequently changing hands, or which by the operation of sales and other causes have been reduced to small and insignificant portions of land, we certainly think that it would be clearly inexpedient to employ the proprietors of them in the capacity of darogahs; and we hold the same opinion with respect to those agents or farming contractors who manage the zemindaries of these proprietors who do not reside within them, which we are concerned to find is by no means an uncommon case. But we are much disposed to think, that, in many other cases, you might, with advantage to the public peace, avail yourselves of the services of that class of persons in the administration of the police, more particularly when this department shall have been transferred to the superintendance of the collector. The internal security and good order which is represented to prevail in Cuttack, in the jungle Mohauls, and in the territory near Delhi, under the management of Mr. Gardner, in all of which the more considerable zemindars officiate as darogahs, is a consideration which weighs with us in favour of a trial of the principle in other parts of our possessions.

146.—We also find, from the report of the superintendant of police in the lower provinces, dated the 15th June 1811, that in the zillah of Rungpore, the zemindars had “in many instances rendered effectual assistance, when required, in the apprehension of offenders; that they communicated to the police intelligence of the crimes occurring within their estates; and that he himself generally received similar communications from the zemindars.”

147.—It is not our intention to pursue this matter further, leaving it to your consideration whether means might not still be devised for obtaining the co-operative service of those zemindars in each zillah, who possess a local influence within it, and who if they could once be brought to lend their voluntary aid in the preservation of the public peace and security, could not fail essentially to promote that important purpose; and without it, any measures of police, however well concerted they may be in other respects, must still ever be materially defective.

148.—We shall only add, that whether it be found expedient or not to entrust the zemindars with the authority of police darogahs, it certainly is so, that they may be made responsible under severe penalties for giving information of public offenders. We therefore highly approve of the Regulations IX. of 1808, I. of 1811, and III. of 1812, which provide for that necessary object.

149.—We have hitherto confined our observations to that branch of your police, which regards the means of discovering and apprehending public offenders, and bringing them to justice. We are, if possible, still more struck with the great deficiency of the means provided for the hearing and deciding upon those petty offences and misdemeanors which are properly brought within the judicial cognizance of this department. We here particularly refer to what are termed in your Regulations, “calumny, abusive language, slight trespass, inconsiderable assaults, and petty thefts;” offences which, though of a minor description, it is of great importance to the permanent welfare of society to prevent and suppress.

150.—The only persons who, under the regulations of your government, are permitted judicially to take cognizance of such offences are, the zillah magistrate and his assistant, his darogahs, with the exception of petty thefts, not being allowed by a late enactment of police even to receive any charges of that nature, the complainants or prosecutors being expressly required to prefer them direct to the magistrate. This inadequacy of the means for checking these offences against the peace and order of the community, and the consequent impediments in the way of obtaining redress of the injuries which they involve, goes, in effect, nearly to tolerate the unrestrained commission of them.

151.—We

151.—We would ask, what would be the state of public manners in our own country, if instead of having in almost every parish a magistrate at hand to prevent and punish misdemeanors of the above description, and with little other public business to command his attention, there were but two public functionaries in each county, who could interfere in such cases; and those functionaries at the same time oppressed with such a weight of other business as to be obliged to keep the prosecutor and his witnesses for months in attendance before the complaint could be heard and decided?

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152.—This, as applied to the Bengal province, is no exaggerated representation of the state of things in this particular. It must be evident, under such circumstances, that misdemeanors innumerable, in the nature of private wrongs and affecting the good order of society, must be daily practised, which are either quietly submitted to by the injured party, or the courts are borne down with complaints, a great part of which are instituted for any other purpose than for the satisfaction of a grievance sustained.

153.—It is, indeed, impossible for us to read your judicial proceedings, and not feel a most sensible concern at the perverted uses to which the court of the zillah magistrate is applied, by designing and evil-disposed individuals, who have it in their power to appear in it as prosecutors. We have, in our judicial despatch of the 12th October 1814, adverted to the facts stated in a letter now lying before us from the acting judge of division of Dacca to the nizamat adawlut, dated 24th July 1811, viz. that of the number of prosecutions decided by the magistrate of Chittagong, from the 1st October to the 28th February, amounting to 440, 391 (in which number there were 932 witnesses) were not substantiated.

154.—This matter was particularly brought under notice by Mr. Blunt, the superintendant of the police in the lower provinces, in his letter to Mr. Secretary Dowdeswell, dated the 1st March 1812.

155.—By Regulation IX. of 1807, prosecutors were allowed, in cases where they were unable to attend the court in person, to tender their complaints through an authorized agent, corroborated by the deposition of one or more persons present, or otherwise personally informed of the truth of the complaint.

156.—This enactment was evidently framed to relieve the prosecutors from a very considerable inconvenience. The effects which have attended it are thus described by Mr. Blunt:—

157.—“ In consequence of this practice, the foudarry courts are not only frequented by individuals who subsist by conducting such prosecutions on the part of others, but even a certain number of the native pleaders of the civil courts are permitted and appointed to attend the foudarry court for that purpose.” In consequence of this practice, I have found in one district (and the same evil prevails to a serious extent in many others) that, during the period of six months, the number of 1,200 complaints of misdemeanors, or of the most trivial offences, have been preferred to the foudarry court, through the medium of these vakeels or agents. The complainants having sworn to the truth of their complaints, are permitted to execute a vakeelnamah, or written authority to another person to prosecute the charge, and return to their homes. I may venture to affirm, from the records I have inspected, that of those 1,200 complaints, more than one half have been utterly without foundation, and preferred merely with a view to harrass and distress the parties complained against, and the persons named as witnesses; and I do not believe that in the whole 1,200, the number of 100 have ever been prosecuted in person by the complainants to a conclusion, and the charge established. The number of persons who have been forced from their homes and families, either as dependants or as witnesses in these complaints, there is reason to believe, considerably exceeds 6,000.” From his subsequent letter of the 13th March, it appears, he had ascertained the number to be near 10,000.) “ Many of these persons (he adds) had been brought from the most distant parts of the district, and had probably left their lands untilled, their crops ungathered, or their families unprotected or unprovided with the means of subsistence in their absence.” He further states, “ That on the arrival of these persons at

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“ the station, where they are unfriended and unknown, they must see the vakeels  
“ or subordinate officers of the court, to induce them to become sureties for  
“ their appearance; otherwise they are detained in attendance at the station,  
“ until they are reduced to the utmost distress, and their families all exposed  
“ to the greatest extremities; and that when at length the cause is heard,  
“ (which, from the number of cases pending is not, probably, till after a lapse  
“ of some months) the complaint is probably found to be entirely false and  
“ malicious, and the complainant has disappeared from the time that he filed his  
“ complaint, and executed his vakeelnamah. Thus he escapes unpunished; and  
“ the court is rendered the instrument of oppression, and subservient to the gra-  
“ tification of the passions and resentments of individuals.”

158.—We collect from Mr. Blunt's letter, that in the city of Moorshedabad alone there were no less than 3,000 causes undecided in the criminal courts, which, from circumstances stated by him, he concluded were mostly misdemeanors or trivial offences.

Regulation III.  
1812.

159.—We find that a Regulation has been subsequently passed, declaredly for the purpose of restraining prosecutions of the above description, as having been “ ordinarily found to prove unfounded.” By this Regulation, the complainant is required to deposit in the hands of the nazir of the court at the sudder station, a sum equal to the maintenance of his witnesses for one whole month, before his complaint can be entered on the record, and to continue to make such advances at the expiration of every month for the ensuing one, as long as his witnesses are detained in attendance on the magistrate. Before, however, any process can be issued in such a case, the magistrate is required to examine the prosecutor as to the specific facts; and if he sees ground to distrust the truth of the charge, must summon the witnesses, or as many of them as he may judge proper for their examination, as to their knowledge of facts and circumstances, the witnesses being maintained also by the complainant during this preliminary inquiry, upon the result of which it depends whether the prosecution shall be admitted or not. It is further provided by the same Regulation, that complainants shall conduct their own causes in person, unless for substantial reasons shown to the satisfaction of the magistrate. These provisions are certainly calculated to discourage the institution of vexatious and unfounded charges; but they operate also to discourage the bringing forward all charges of misdemeanors and petty offences, whether they be true or false.

160.—What we have here stated in regard to “ calumny, abusive language, slight trespasses; and inconsiderable assaults,” hold equally good with regard to “ adultery, fornication, and rape,” which are judicially cognizable in the foudjarry department. The prosecutors in such cases are subject to the same impediments, the same heavy expenses and the same delays, before justice can be obtained. Here again we recognize a state of things which cannot fail to have an injurious effect upon public morals, and which, we think serves to illustrate the statement of Mr. Welland in his circuit report from the division of Bareilly, dated 21st October 1805, in which, after noticing the inattention shown to the laws and rites of marriage, he thus expresses himself: “ No care is  
“ paid by the legislature to enforce those laws, or to promote and encourage the  
“ object of them. Hence the loose connections which are formed between the  
“ sexes, and which give rise to direful enmities, attended with homicide and  
“ other criminal offences, and which occasion unhappiness principally among  
“ the inferior gradations of society.”

161.—The only effectual way of affording redress for such acts, and of restraining the perpetration of them, as well as of discouraging and preventing false and unjustifiable prosecutions in cases of that sort, is by the introduction of a much more numerous and extensive agency than now exists for the trial of such offences; or than can be furnished from the European line of our service. To our native subjects we must look for the supply of the deficiency so severely felt. We have long employed them in the administration of civil justice in its minor concerns; and the reasons are equally cogent, why we should, in the same manner, avail ourselves of their instrumentality in the affairs of criminal judicature. The reasons in both cases are founded in the necessity of things, in a foreign dominion like India; but we must, while we rest the principle on that foundation, at the same time express our conviction, that abstracted from this view  
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of the subject, there are considerations of general policy, which would strongly recommend a liberal admixture of native with European authority in the magisterial department of police, as in other departments of civil administration.

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162.—We therefore wish you to consider, in what manner this can most unexceptionably be accomplished, and particularly whether the native commissioners of a superior order, which we have proposed to establish for the administration of civil justice, might not also be authorized and required to act in the former capacity.

163.—We have, in the foregoing part of this despatch, recommended, that encouragement should be given to the settlement of disputes or complaints, respecting caste and moral discipline, in the accustomed modes which have prevailed in the country; that is, through the spiritual heads of tribes. Questions of marriage, adultery, fornication, and perhaps rape, would properly fall within their cognizance.

164.—In carrying into effect the instructions with which we have furnished you, for the modification and enlargement of the present system of civil judicature and police, or any of the suggestions we have thrown out for your consideration relating to the same subject, we by no means intend that measures of a general nature, extending to the whole country, should at once be adopted for that purpose. Our wish is, that this important business should, in the first instance, be entered upon and completed, in such zillahs only as from local considerations it shall be deemed most advisable to proceed upon it; and that the execution of this duty, which it must require much practical knowledge, judgment, zeal and ability, satisfactorily to discharge, should be confided to those of our servants who are best qualified for the undertaking.

#### CRIMINAL JUSTICE.

165.—There is no branch of judicial administration in which promptitude of decision is more necessary than that which is now under our consideration; and yet none in which the want of it is more felt. The length of time which elapses between the apprehension of an offender and his trial before the circuit judge, is an evil of very considerable magnitude, which it is of primary importance to remove as far as practicable; it operates not only with great injustice on the persons accused, but is attended with various other consequences, highly prejudicial to the morals of the people and to the due administration of justice, by the opportunities which it affords for imposing on the courts by fabricated defences and perjured testimony. The inconvenience to witnesses is also necessarily very considerable; but it is rendered still more serious by the necessity which they are under, of twice attending at the sudder station; first, on the previous examination before the magistrate, and secondly, at the time when the circuit court assembles; nor can we overlook the heavy expenditure which falls upon the government for the maintenance of witnesses, occasioned by this circumstance alone.

166.—These evils and inconveniences, as they concern both the people and the state, have been repeatedly represented by our judicial servants under your presidency, as pressingly to require some remedy.

167.—They have also been brought under notice by the select Committee of the House of Commons on East India Affairs, in their fifth report.

168.—The most effectual means that could, in our opinion, be applied towards remedying this serious grievance, would be, by transferring, as we have proposed in a former part of this despatch, the charge and administration of the police to the collector, with authority to decide on crimes, such as are at present entrusted to the zillah judge, in his capacity of magistrate; and by vesting the zillah judge with a criminal jurisdiction in cases of greater magnitude, but not of a capital nature, which might be brought before him on the commitment of the collector, in his magisterial character. In the exercise of such powers the zillah judge might be aided by the moolavee and pundit of his court, and he ought, invariably, to proceed to the trial of the offence immediately on the commitments. In cases of a certain magnitude, the sentence might undergo the revision of the court of circuit, as it now is, under similar circumstances, with regard to the sentences of the latter court, which are subject to the revision of the nizamat adawlut.

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The relief which the zillah judge would derive from the abridgment of his labours in the administration of the civil justice, and by withdrawing from his department the charge of the police, under the arrangement pointed out in the first head of this despatch, would, in our opinion, allow him time to afford efficient aid to the courts of circuit in the manner suggested; while those courts also, independent of that aid, would, by the reduction of the business before them, consequent upon those arrangements, (involving, as they do, a limitation of appeals from the zillah courts) have it in their power to render the administration of criminal justice in its higher department, not only more prompt, but at the same time enable them to acquit themselves of this more important duty, with far more care and circumspection than it is possible for them to do under existing circumstances; and this too with a diminished number of judges.

169.—At the principal cities it may be necessary, as it was in the year 1787, to continue the functions of judge and magistrate in the same person, but with the same extended power as is proposed to be given to the zillah judges.

170.—By a distribution of powers and authorities for the trial of public offences and crimes, on the principle we have here recommended, and by vesting a power in the natives to try some of the more petty misdemeanors, the witnesses in criminal prosecutions would be greatly relieved from that most severe inconvenience of giving two separate attendances at the judicial station.

171.—The principle of enlarging the powers of the zillah magistrate has very often been enforced by the judges on your establishment, and appears to have been particularly so by the acting judge of circuit for the division of Calcutta, on the first sessions of 1804, (a period when the necessity for the adoption of that principle was not so great as it now is, or at least so greatly felt.) Amongst other valuable observations on this subject, he remarks, that “another important advantage, “which would be derived from empowering the magistrates to try persons “charged with the lesser offences for which they are amenable to the courts of “circuit is, that the proceedings would be more accurate and satisfactory, and “the conviction of offenders more certain than they are at present;” that “the “delay of four or five months, which generally happens before the courts of “circuit take up the commitments of the magistrates, increases the difficulty “ten-fold, and often baffles the most laborious researches.”

172.—He adds, “the trouble and inconvenience to individuals, and the “expense to government, (and a most serious one we find it) from obliging “prosecutors and witnesses to come twice from all parts of the district, to give “their evidence at the sudder station, in all criminal trials now subject to the “cognizance of the courts of circuit, are certainly subordinate considerations; “but they ought to have some weight, if the great objects of certainty in judicial “inquiries, and if public example should be equally attainable, by requiring “their attendance only once.”

173.—In the preceding year we find the senior judge of the court for the division of Moorshedabad bringing under the notice of the nizamat adawlut the distress endured by witnesses waiting in attendance upon his court. After stating that there were near 500 attached to the calendar, (a number, we must observe, by no means uncommonly large at the present day, and often much exceeded,) he proceeds to observe, “these are mostly people of the lower order, “cultivators of the soil, who sustain great injury by being dragged from their “homes, and suffering long detention at the periods of harvest, or season of “cultivation; a detriment by no means compensated by the allowance of subsistence which they receive from government, whose expenditure on that “account is nevertheless greatly enhanced by the system now pursued: and the “clamours of indigent prosecutors and witnesses which assailed me daily on the “opening and closing of the court, has had considerable effect to prompt “this representation.”

174.—In the letter of Mr. E. Watson, acting judge of circuit for the Calcutta division, dated 11th September 1810, to the magistrate of the twenty-four pergunnahs, he observes, on the subject of what are called thannah confessions, that “it would be endless entering into a detail of the different modes in which confessions are fabricated and proved; that the usual course appears to be, first to “apprehend as many people as caprice may dictate, and then to select from “the

“ the number those individuals who are to confess, and determine on the purport  
 “ of their confessions; that the prisoners are taken out singly at night, and  
 “ subjected to every species of maltreatment, till they consent to subscribe  
 “ before witnesses to the contents of a confession drawn up for their signature  
 “ by the buckshee, or to learn it by heart and repeat it in their presence; and  
 “ that a darogah, who is sure of his post, will, with the utmost impudence, send  
 “ in a confession witnessed only by a few pykes, or other police dependants,  
 “ who were perhaps the very instruments by whose means it was extorted.”

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175.—In every case of decoity which came before Mr. Watson at the sessions, to which his letter relates, the proof rested on a written mofussil confession, given in evidence on the trial; and all these confessions bore, he says, the marks of fabrication. We are much satisfied with the orders that were issued by Mr. Watson for the prevention of the atrocious offence to which we have referred. The checks and restrictions provided for in those instructions, in order to render the frauds more difficult of execution, and more easy to detect, are very judicious; and if duly observed, must at least circumscribe the abuse. The evil, however, we fear will continue to prevail, until the inhabitants be brought to co-operate for the preservation of the public security.

176.—The number of prisoners confined for want of security under the discretion of the magistrates, is a matter which also forms a prominent feature of Mr. Watson's letter; and, from what is stated by this judge, as well as by Mr. Welland, the acting judge of circuit for the division of Dacca, in a letter to Mr. Secretary Dowdeswell, dated the 22d July 1811, we are led to entertain very considerable doubts whether this discretionary authority has not been exercised without that care and circumspection which are so necessary to prevent its becoming an engine of oppression and injustice. That its exercise has been attended with these effects in some parts of the country, appears from the letter of Mr. Watson, in which he states, that having, under the powers vested in him by Regulation IX. of 1807, inspected the proceedings of the magistrate of the twenty-four pergunnahs, in the cases of all the persons in confinement, under requisition of security for good behaviour, he found that many of these people had been confined for two years and upwards on insufficient grounds; among which number were persons “ doomed to the ignominy of a gaol, without any inquiry  
 “ whatever having been made into their general character, or whose character,  
 “ habits and means of livelihood, had been found, on inquiry, to be good or  
 “ unexceptionable, merely because their names were thrust into thannah confessions.” Others he found in gaol under requisition for security, not for their good behaviour, “ but simply (as the judge states it) for their appearance,  
 “ chiefly on the ground of their having been named in mofussil confessions.”

177.—We are informed by Mr. Welland, that at Backergunge, numerous prisoners were retained in confinement two and three years, for want of security for their future conduct; on which subject he appears to have made a representation to the nizamut adawlut; and that of 102 prisoners imprisoned on the same account, “ many had been continued ten and twelve years, and some even for  
 “ crimes, the punishment for which, on a full conviction; would have fallen short  
 “ of the period during which they had been continued in confinement, merely  
 “ on account of the suspicion attaching to them.” He further states, that  
 “ several prisoners under confinement on this account, have been known to de-  
 “ clare, that they would sooner suffer any defined sentence, whether from a ma-  
 “ gistrate or any of the superior courts, by which their punishment of imprison-  
 “ ment should be at once declared, even for a specified period of five or seven  
 “ years, than to be liable to this uncertain award.”

Crim. Cons.  
 6 August 1811;  
 N<sup>o</sup> 3, Para 9.

178.—We are naturally anxious, with these facts before us, that the undue and inconsiderate use of a power of the above description be guarded against, as far as practicable. The discreet and sober exercise of it should be pointedly enforced upon the magistrates; and it should be considered by the circuit judges a primary object of their duty at every gaol-delivery, to require from the magistrates, agreeably to the provisions of Regulation LIII. of 1803, a report of all persons who shall have remained in confinement for a year, under inability to give the security required, and in whose instances the magistrates may, with reference to their behaviour during confinement, deem the execution of a mochulka, or penal engagement, sufficient to admit of his release without security. It will then



N<sup>o</sup> 14.  
Judicial Letter  
to Bengal,  
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remain for the judge of circuit to exercise his judgment upon the cases brought before him, in the manner directed by the above-mentioned Regulation.

179.—We must here notice a practice observed by Mr. Butterworth Bayley, the judge and magistrate of Burdwan, with regard to the release of prisoners, which we cannot too highly commend. On the liberation of any person, after the expiration of a period of imprisonment, or on the discharge of any other person whose conduct, though suspicious, is not of that desperate character which would render his confinement absolutely essential to the public safety, he is sent to his village, and given over in charge to the gomastah, munduls, and chokedars, who are enjoined to afford him every means and opportunity of procuring an honest maintenance, but at the same time not to allow him to absent himself from his village at night, without giving notice of his intention; and in the event of his associating with persons of bad reputation, his ceasing to labour or to obtain a livelihood by creditable means, they are responsible for giving due information of the circumstance to the thannah.

180.—The operation of this plan, as is justly remarked by Mr. Bayley, “diminishes the heavy expense to which government would otherwise be exposed, by supporting in gaol an immense number of persons of dubious character; it gives them an opportunity of maintaining themselves and families by honest industry; while their labour adds to the prosperity of the country. It prevents them from becoming hardened rogues, by the contamination of a gaol, while at the same time the magistrate has the best practicable security for their conduct being observed and their persons being secured, whenever circumstances may render their apprehension necessary.”

181.—It constitutes one of the many advantages of an efficient village police, such as we have the satisfaction to find established in Burdwan, through the meritorious exertions of Mr. Bayley, that it furnishes the means of giving effect to the excellent plan to which we have adverted; and we look forward with the expectation of seeing it extended to the other zillahs under your government, as you are enabled to bring into action the authorities of the villages in aid of the general police of the country.

182.—We have already, in our judicial despatch of a former date, and also in our despatch in the same department, of 30th September 1814, paragraphs 6 and 12, expressed to you our general sentiments on the employment of goindahs. With reference to this subject, we must here particularly refer to the letter from Mr. B. Bayley, to which we have just alluded; from which we find that, through the aid he derived from the village officers in obtaining information of public offenders, and by an active and energetic control over the conduct of his immediate servants engaged in their apprehension, he had not found it necessary for some time to employ a goindah in the district, though he had been little more than a year in the charge of the police of Burdwan.

183.—We are satisfied that a good system of village police, superintended by an active and zealous magistrate, would render it very rarely, if ever, necessary to resort to an agency of so equivocal a character.

184.—In the foregoing instructions, our intention is to furnish an outline merely of the provisions which we think it expedient to make for the more speedy and effectual administration of criminal justice, leaving it to yourselves to fill up that outline with such rules as you may deem requisite, desiring only, that they may be as few and as simple as the case will admit of. We also desire, that an inquiry should be instituted into the existing regulations and forms in both the departments of police and criminal justice, with a view to the revision of the same, so as to combine, as far as be possible, the expeditious and effectual despatch of business, with regularity and correctness of proceeding. This inquiry will naturally connect itself with the examination of a similar kind, to be made into the forms of process observed in the zillah courts and the courts of appeal.

185.—We direct also, that in pursuing these investigations, which are of a general and comprehensive character, and which we doubt not will be conducted in a correspondent mode and spirit, that you at the same time direct your attention to the forms of protestation which witnesses are required to observe in giving

giving evidence in our courts of judicature. It is a matter which has frequently attracted our attention, in consequence of what has been thrown out by some of our judicial servants upon the subject, and particularly by Mr. Edward Strachey in his report, while acting judge of the division of Calcutta, dated the 1st September 1807, in which he observes, that "such is the terror of the oath, that no respectable person will appear in our courts as a witness, if he can help it; and that his own little experience enabled him to say, that it was common for families, sometimes whole villages, to fly at the apprehension of being named as witnesses;" and that "the people at large do certainly consider the taking of an oath by the Ganges water, to be a spiritual offence of the most horrid nature." He adds, "if the corporal oath in the form now used tend to banish truth from our courts, and if it is liable to the objections I have stated, I know of no reason why it should not be abolished altogether."

N<sup>o</sup> 14.  
Judicial Letter  
to Bengal,  
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186.—We wish you to ascertain, in how far this essential consideration is attended to by our judicial officers; and if the regulations of your code of justice should be defective or erroneous in this respect, the requisite amendments should be made therein, so as that the testimony of those cited before our regular tribunals, of whatever gradation, should be given in that mode most consistent with their ideas and prejudices, as well as most likely to be binding upon their consciences.

London, }  
9th November 1814. }

We are, your affectionate friends,  
(Signed) *W. F. Elphinstone.*  
*J. Inglis, &c. &c. &c.*

N<sup>o</sup> 15.—Extract from a Letter in the Judicial Department, from the Governor General in Council to the Court of Directors; dated 7 October 1815.

Para. 191.—WE avail ourselves of the present opportunity to acknowledge the receipt of your honourable Court's despatch in this department, dated 9th November 1814.

N<sup>o</sup> 15.  
Judicial Letter  
from Bengal,  
7 October 1815

192.—The arrangements suggested by your honourable Court, in the letter above noticed, involve not only a radical change in the system at present in force under this presidency for the administration of the police, but are calculated to introduce fundamental alterations in the general conduct of affairs in the judicial and revenue departments of the government.

193.—In order, therefore, that the measures suggested by your honourable Court may be considered with that deliberation which their importance demands, and that we may be assisted in submitting our final judgment to your honourable Court, by the experience and practical knowledge of the chief authorities in the revenue and judicial departments, we have forwarded copies of your honourable Court's despatch to the courts of sudder dewanny adawlut and nizamut adawlut, and to the superintendants of police, with instructions to report their sentiments on the expediency and practicability of adopting the several alterations (whether specifically suggested or generally alluded to by your honourable Court) for modifying the system at present in force for the administration of civil and criminal justice, and for the control and management of the police in the territories immediately dependant on this presidency.

194.—We have also transmitted copies of the above-mentioned despatch to the board of revenue and to the board of commissioners, with instructions to report their sentiments, generally, on the arrangements suggested by your honourable Court, and especially on the probable operation of those arrangements, upon the security and punctual collection of the public revenue.

195.—For the purpose of rendering the information directed to be furnished under the foregoing instructions as complete and comprehensive as possible, we have left at the discretion of the nizamut adawlut and the boards of revenue and commissioners, to call for the sentiments of the most able and experienced officers

N<sup>o</sup> 15.  
Judicial Letter  
from Bengal,  
7 October 1815.

\* Not yet received,  
April 1819.

respectively, subordinate to their authority, on any of the points noticed by your honourable Court.

196.—On the receipt of the required reports and information, we shall have the honour to submit to your honourable Court our sentiments\*, in detail, on the important questions which form the subject of your despatch of the 9th November 1814, now under consideration.

N<sup>o</sup> 16.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor General in Council; dated 17 March 1815.

Ceded and conquered Provinces.

Letter from, 2d October 1813.

(Para. 28.) On the appointment of assistant magistrates, whose numbers, in the event of a gradual improvement in the police, government hope may admit of reduction.

(76 to 84.) Reports on the state of the police for the division of Benares.

Para. 9.—THE sentiments and instructions contained in our recent despatch in this department, of the 9th November 1814, on the general subject of police, and on the consolidation of the offices of judge and magistrate, which we certainly consider to be a fundamental error, supersede the necessity of any particular reply to this and other paragraphs of the letter, we are now answering, as well as to many of the points which are brought under view in the reports of the judges of circuit, and superintendant of the police, now before us.

10.—Among the subjects treated of in these reports, we observe, without surprise, that the incursions of the banditti prevailed chiefly, as far as relates to Allahabad, in two pergunnahs, “where new property had been formed by purchase at public sales, on account of arrears of revenue, to the exclusion of the original proprietors,” and that the principal aggressors were ousted zemindars who had obtained cover and protection within the Vizier's territories, contiguous to their own former estates.

11.—The reports of the judges and of the collectors under your government, satisfy us that the sale of lands has been one great cause of those serious affrays which, even in districts situated in the interior of our possessions; and not in any way liable to the inroads of marauders from independent states, so often disturb their internal tranquillity and endanger the lives of their inhabitants.

13.—In your observations on the report of the third judge of circuit (Mr. C. Russell) on the termination of the second sessions for 1812, for the zillah of Juanpore, after noticing what is stated by that judge as to affrays for disputed lands, which so extensively prevail therein; and after justly representing that this is not the only evil arising from the delay in the decision of suits, you inform us, that with a view to the more expeditious administration of justice, you had addressed a letter to the sudder dewanny adawlut, calling their attention to the consideration of this important subject. We have read that letter, which does not, under present circumstances, require any remarks from us, more particularly after the full communication we have recently made to you on what we consider to be the defects in that branch of your internal polity, and the remedies calculated to remove them. We expect to be furnished by the earliest opportunity, after you shall have received it, with the answer of the sudder adawlut to the reference you have made to them, accompanied by your observations thereon.

N<sup>o</sup> 17.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor General in Council; dated 19 May 1815.

Letter from, dated 2 October 1813.

(Para. 28.) Government's expectation, that the number of assistant magistrates will rather admit reduction than require augmentation in future.

Para 6.—ALLOWING to your government, and to those employed under it, the credit to which both are entitled for the active and successful exertions which have, of late years, been made for improving the state of the police within the Bengal provinces, we are nevertheless strongly inclined to believe, that

no

no efforts which it is within the competence of the magistrate to employ, can permanently secure an efficient administration of that branch of government, in the populous and extensive territories subject to your authority, without such a modification of the present system, as we have stated to you in our judicial despatch of the 9th of November last, founded on the union of the office of magistrate with that of collector.

N<sup>o</sup> 17.  
Judicial Letter  
to Bengal,  
19 May 1815.

7.—Requires no reply.

(29.) Reference to the accounts furnished by the Calcutta magistrates, of expense of watering the roads near the government-house, charged to the public account.

8.—We approve of the manner in which our instructions, relative to the arrangement of the judicial accounts, have been carried into effect; and although, under this change of system, it might, at first, be difficult to institute a comparison of the expenditure of the former and present official years, in conformity with such change, yet we shall expect that, as the same obstacle will no longer exist after the first twelve months, the annual comparative report be resumed and continued on every future occasion.

(30, 31.) Reference to the accounts of the receipts and disbursements of the judicial department, for the official year 1812-13, prepared in the mode directed by the Court's despatch of 23 February 1813.

9.—The reports here brought to our notice bear creditable testimony to the vigilance and activity of the several magistrates within the division of Calcutta. We shall now make such observations on the police of the different zillahs, comprized within it, as have occurred to us on the perusal of those reports.

(32 to 42.) Communicating observations on the reports from the judges of circuit, on the state of the police for the division of Calcutta.

10.—With regard to the pergunnah of Bograi, in the zillah of Midnapore, which is thinly inhabited by a rude race of people, the officiating judge of circuit, (Mr. D. Campbell,) seems to think that your government are hardly aware of the distracted state of it.

11. The mischiefs prevalent in this pergunnah are attributed to persons denominated chowars. Mr. Hodgson (the magistrate) is stated to have been, for some time since, stationed in that turbulent pergunnah, for the purpose of ascertaining the extent of the existing evil, and of devising means for its suppression; and for apprehending the principal disturbers of the peace in that quarter; but of their result we have yet to be informed.

12.—In the zillah of Hooghly, as appears from the report of Mr. Shakespeare, the acting superintendant of police, of the 8th of September 1813, the number of decoities perpetrated in the last half year was much greater than usual, though not of so malignant and bold a character; to suppress which offence you very prudently directed the magistrate to repair to that part of the district where it was most predominant.

13.—It is stated by the superintendant, Mr. Blunt, with respect to Cuttack, that, although a less number of cases of murder or of homicide, distinct from other offences, appeared in the statements accompanying his report, than what were noticed in his former one, yet they were still of more frequent occurrence than in any other zillah of the division; and connecting, as he seems to do, these offences with the number of affrays attended with wounding, or with loss of lives, he adds, "I am not aware of the cause of the increased prevalence of this offence in Cuttack; but it is probable the offence may have fallen under the notice of the court of circuit, who, by means of local inquiries, may be better enabled than myself to ascertain the cause of its existence, and to suggest the best means of prevention." We do not find that the reports of those judges throw any light on this subject; and as it is one on which we are particularly desirous to be furnished with the fullest information that can be obtained, we direct that they, as well as the magistrate and collector, be supplied with an extract of the superintendant's report on the above subject, and that they be directed to report their sentiments thereon.

14.—The reports, both of the superintendant of police and of the late acting judge of circuit, on the completion of the second session of 1812, and 1st of 1813, in the zillah of Jessore, are very satisfactory as to the state of that zillah, not long since exposed to the most atrocious species of gang-robbery, as well as creditable to the acting magistrate, Mr. H. Oakley, and his assistant. We learn from the judge of circuit, that, up to the beginning of the year 1812, there were seldom less than from 150 to 200 witnesses in attendance at the

magistrate's

N<sup>o</sup> 17.  
Judicial Letter  
to Bengal,  
19 May 1815.

magistrate's catcherry; but that at the date of his report, there were only about twenty such witnesses, who will probably be at liberty to return to their families and occupations in the course of the day.

15.—Mr. Pattle, the second judge of circuit, in his report on the first quarterly session in the twenty-four pergunnahs; for 1813, having been so recently appointed to the office he holds, appears to us to have very correctly declined to give any decided opinion as to the efficiency of the police in those pergunnahs; but he speaks highly of the ability and success with which Mr. John Eliot had traced out and apprehended certain offenders tried at the sessions, and of the great order and regularity with which the gaol of Allypore is conducted under the superintendance of that gentleman.

16.—The superintendant of the police notices attempts at gang-robbery within the twenty-four pergunnahs, which had been defeated by the resistance of the watchmen, or of the inhabitants of the village attacked; observing, that “what-ever is defective in the state of the police within this jurisdiction, was to be ascribed to the want of reform in the subordinate establishments.”

17.—We find from the same report, that, in Hooghly, a resistance had also, by the same description of persons, been determinately and successfully opposed to a gang of decoits, in which one was killed and several severely wounded.

18.—We are fully satisfied, as we have before frequently declared, that, until the people can be brought to co-operate in aid of the purposes of the police, we cannot expect to see those purposes accomplished, and that co-operation obtained, by placing the subordinate branch of police in the villages on a proper footing; and we are well pleased to find, from your recent despatches, that this object engages your particular attention.

19.—The report of Mr. Campbell, relative to the district of Nuddeah, exhibits a most satisfactory contrast to the sanguinary and distressing details that formerly occupied the judicial representations from that zillah.

20.—The police in the district of Burdwan, under the very able and energetic management of Mr. Bailey, we have no doubt, well deserves the encomium passed upon it by Mr. Rattray, the officiating judge of circuit; from whose report on the first session of 1813, we learn, that the total number of persons of every description, under examination, up to the month of June, before the magistrate and his assistants, amounted to no more than ten in confinement, and to eleven on bail, making a total of twenty-one: Not less satisfactory are the facts stated in the report of the superintendant of the police of the 18th February 1813.

21.—In the 41st paragraph of your despatch, you speak of the comparative inefficiency of the police in the zillah of the jungle Mehals. We are, however, much pleased to find, that there is no longer any open resistance to public authority from large bodies of persons denominated chowars; and that robberies on the great western road have been effectually suppressed.

(43 to 53.) Remarks on the reports of the several judges of circuit for the division of Dacca.

22.—We have formerly observed that, with the exception of Mymensing and Buckergunge, the zillahs of this division, more especially Sylhet and Chittagong, have been much freer from the commission of heinous offences, than most other parts of the provinces of Bengal.

23.—It is, however, stated by Sir Robert Dick, the second judge, in his report on the second session of 1812, that, in Sylhet, “criminal offences had rather increased in the course of the last three years;” and that this also appeared to be the case of Chittagong, during the preceding twelve months. In this latter district, it is probably to be imputed, as the judge observes, to the disturbances which had been recently excited in the continental and southern parts by the Muggs and emigrants from Arracan. It may be not unreasonably accounted for in the former district, by the indisposition of the magistrate, or by the intrusion of robbers from other zillahs, whence they had been driven.

24.—Mr. Rees, the third judge, represents; that many of the robbers in Chittagong were classed as decoits, who did not properly come under that particular description; for that, although, as he says, their depredations had every feature of regular decoity, they were not perpetrated by systematic gangs, but by

by the individuals who wander about the hills and heavy jungles, destitute of all subsistence but what they may obtain by their depredations, and possessing no fixed places of abode. We also find, from the report of the same judge, respecting Mymensing, that many cases were in that zillah reported as decoities, that were not such, though evidently, on the magistrate's explanation, acts of robbery. It is certainly useful to discriminate, as far as possible, between the decoit and others who may betake to plundering practices. We are led to make this observation, because we find it stated by Mr. Kerr, the second judge of Bareilly, in his report of the 17th May 1813, that "the word *daka*, which, in its legal sense, means "gang-robbery, as defined in clause 1, section 3, Regulation LIII, of 1803," is, in the zillah of Moradabad, colloquially applied to every offence and to every crime.

N<sup>o</sup> 17.  
Judicial Letter  
to Bengal,  
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25.—Though it is stated by the second judge, as we have noticed, that criminal offences had increased within the past three years in Sylhet, we learn from the third judge on the second session of the following year, that he understood nearly a year had elapsed since the magistrate had received any report of the occurrence of a decoity, and that though, from the reports, burglaries appeared to be numerous, they were of a trifling nature, and so little loss sustained by the commission of them, as in the opinion of the judge to leave no inducement on the part of the persons whose premises had been broken into, to trace the offenders.

26.—We notice what is stated by the second judge, as to the practice long prevalent in this zillah\*, of inveigling away and selling slaves. When you have received the further explanation on this subject, which the nizamat adawlut had called upon Sir R. Dick to furnish, you will, of course, supply us with this information. He seems to think this practice peculiar to Sylhet; but this we greatly doubt, after having perused the report of the judge and magistrate of Dinagepore, respecting the selling of children by their parents, which we have particularly noticed in a former despatch from this department.

\* Sylhet.

27.—The following passage in the second judge's report, respecting Chittagong, we could not fail of reading with great pleasure: "I cannot avoid stating, that "not a single case of forgery or perjury came before the court, which is rather "an extraordinary circumstance at this station. I certainly did remark a much "less propensity in witnesses and others to prevaricate than on former occasions. I was told that these destructive crimes were actually becoming less "prevalent."

28.—Of all the zillahs in the division of Dacca, that of Mymensing seems most to abound with heinous offenders, both according to the reports of the third judge, and of the superintendant of the police; the latter of whom states that gang-robbery prevailed to a serious extent; that the police appeared the least perfect of any in the division; and that burglaries, thefts, &c., reported to have occurred, were so considerable as to make him feel assured that the full extent of such offences was not known to the police. The intimation you conveyed to the magistrate will, we trust, be productive of an increased activity and exertion for the suppression of offences within his district.

29.—In Buckergunge, likewise, where much is represented by the second judge to be still wanting to the attainment of an efficient police, many heinous crimes continue to be committed; and a case of decoity, attended by murder, is noticed by the officiating judge, Mr. Masters, the authors of which it behoves the local authorities to use their best endeavours to bring to condign punishment. In the same district, and in all the others of the Dacca division, burglaries and petty thefts are, in a greater or less degree, the prevailing disorders. For a decrease of such offences we look to the due enforcement of Regulation I. of 1811, which we learn has, in several zillahs, already begun to produce its desired effects.

30.—The second judge observes, with respect to Dacca Jelalpoore, "that the "happy cessation of the manner in which the goindah system was carried on, and "which was so general and harrassing in this zillah, has greatly contributed to "the satisfaction of the inhabitants; and that it was, at the same time, worthy "of remark, that cases of *real* decoity were then much less prevalent, there "having been one only in the course of the last eight months." A system which, pursued as it was in other districts, as well as Dacca Jelalpoore, con-

N<sup>o</sup> 17.  
Judicial Letter  
to Bengal,  
19 May 1815.

founded, to a great extent, the innocent with the guilty, we trust is now no longer conducted in that mode; and that a police founded on solid principles, active, and at the same time healing in its operation, calculated as well to prevent the commission of crimes as to lead to the discovery and punishment of the delinquents, will at length render it unnecessary to resort to the employment of goindahs, except in cases of extraordinary emergency.

31.—The gaols within the division of Dacca are represented in the reports before us to be, with some exceptions, perfectly suited to the necessary purposes of accommodation, and, in all their general arrangement, unexceptionable. We have not overlooked that part of the second judge's report, in which he speaks of the unwearied exertions of his junior colleague in inquiring into the case of almost every individual in the gaol of the city of Dacca, as to their treatment and grievances, to which the second judge attributes the circumstance of his not having received a single petition from any of those in confinement, which had never before happened during the four years he had been attached to the provincial court of Dacca. We trust that this duty is performed by the other judges of circuit in the different divisions, and that they make it also a particular object of their attention personally to examine into the causes for which prisoners are confined.

32.—Our attention has been particularly attracted by that part of Sir R. Dick's report, in which he states the principal grounds on which he ventures to point out some of the defects in the present system of your police. These remarks are contained in 17 paragraphs, from 27 to 43. After describing the three great obstacles to efficiency in this department to be intrigue, peculation, and wanton and deliberate falsehood, he represents the want of authority in the magistrate over his own immediate officers, the darogahs, to be such as to reduce him almost to perfect insignificance,—an inconvenience equally felt and adverted to by several other public functionaries, whose correspondence is among the documents appended to this letter, and which were particularly brought under view by Mr. J. Stuart, now one of the judges of the nizamat adawlut, in his report of the 5th February 1808, when provincial judge of the Benares division. Sir R. Dick animadverts on the necessity imposed upon the magistrate, of reference to the provincial court, on any negligence or misdemeanor of the inferior officer, and represents the case with which the latter may elude the accusation, by stifling the evidence or subjoining a host of contrary testimony, and thereby secure to himself an ultimate triumph and effectual independence of the magistrate, (para. 30). He thinks the present complicated and voluminous rules of office add greatly to this evil, and constitute “a shackled authority, virtually repugnant to the attainment of an efficient police,” (in India,) “where the means of counteracting the efforts of an European individual are so ready and abundant.” (para. 31.)

33.—In the 33d paragraph he thus writes: “The existing thannadaree system, (I mean the mode in which it is now generally carried into execution by the native officers,) has reached to such a degree of oppression, and is, in its effects, so injurious to the peace and happiness of the community, and being generally considered to occasion more harm in one day than it may casually prevent in another, that were it altogether repealed, the country would rejoice in the event, and hail it as the act of a beneficent government,” &c. &c. &c. The oppression here alluded to, he states to proceed from “peons, Burkundauzes, and all persons of that description, employed in the execution of any official process.”

34.—In para. 37, he observes, “that the existing laws have not yet obtained the extended benefits naturally expected to result from them, may be partly owing to their being so little known throughout the interior and remote parts of the several districts.” In para. 39, Mr. Dick conceives “the partial admission, in criminal cases, of the Mahomedan law, to the entire exclusion of the Hindoo penal code, as not calculated to reform or improve our Hindoo subjects, with whom a strict adherence to their own established customs is so essential in regulating their domestic habits, as well as their moral conduct, and much less likely to reconcile them to the government of a christian power.” . . . . . “I do not,” he says, “implicitly subscribe to the expediency, and still less to the justice of our Hindoo sub-  
jects,

jects being less entitled to the benefit of their own laws than the Mussulmans, whom they unquestionably excel in every point of morality, and acknowledged fidelity to our government."

N<sup>o</sup> 17.  
Judicial Letter  
to Bengal,  
19 May 1815.

35.—To most of the points adverted to in the report from which the foregoing extracts are made, we have pointedly referred in our judicial and revenue despatches to your government, as strongly calling for the application of a remedy.

36.—We have cited that passage of the second judge's report on the subject of the Mahomedan criminal law, which, under certain modifications, has been established throughout the British territories under your immediate authority, to the exclusion of the penal rules of the Hindoos, because, from inquiries in which we have recently been engaged, we are strongly impressed with a belief that, even in provinces which had been the longest subject to a Mahomedan power, previously to being annexed to the British dominions, the individual institutions of the conquerors had, by no means, generally superseded the native usages and rules for the correction and punishment of public offenders. We more particularly refer to those parts of the country, situated in the hills and jungles, which were in effect governed by the aboriginal chieftains, who were little better than tributaries to the nabobs of Bengal. This observation, we believe, will be found to apply, in a greater or less degree, to the more open and accessible parts of the provinces that were in the hands of great and powerful zemindars, in which the interference of the Mahomedan rulers would seem to have been chiefly confined to the concerns of revenue.

37.—In Cuttack, and in the conquered provinces obtained from the Mahrattas, we conclude that the Mussulman jurisprudence, either criminal or civil, had no establishment whatever, unless as applying to individuals of the Mahomedan faith, who might, as an indulgence, have been permitted to have the benefit of their own laws, upon the principle which has been adopted by our government at Bombay, in the territories under its administration.

38.—We are, therefore, desirous that you should supply us with the best information you can collect on the above points; and that you take measures for ascertaining the sentiments of your judicial servants, relative to the operation and effect of the Mahomedan criminal law within the territorial possessions on your side of India; requiring them, at the same time, to state what may be the defects or inconveniences experienced in the administration of this branch of the judicial system, whether as they concern the rules of evidence or of punishment, suggesting also such remedies as may appear to them suited to the nature of the case.

39.—The state of offences in this division, as exhibited in the reports, manifests an improvement in most of the zillahs. The commission of decoities in the zillah of Dinagepore, which had been alarmingly prevalent, appears, from the report of the superintendant of police of the 18th February 1813, to have greatly decreased in the last half year, although still accompanied with circumstances of atrocious cruelty; but, in his report of the 10th May of the same year, he represents this offence to have undergone an increase. We certainly require further experience before we can, with the third judge, consider decoity as nearly at an end in this zillah; but we trust that, through the continued exertions of the police, aided by an efficient village police, (the due establishment of which, we perfectly agree with Mr. Blunt, is indisputable to give stability to any improvement,) it will at no distant period be subdued in this and the other districts of the division.

(54 to 65.) Exhibiting reports on the state of the police for the division of Moorshe-dabad.

40.—It would be very satisfactory to us if the superintendants of police, and the judges of circuit, as well as the magistrates in general, when they have to report any particular increase of decoity in a zillah, would state what information they may be able to collect as to how far it may proceed from exertions made in other districts to trace and discover offenders.

41.—We find, from the subsequent report made by Mr. J. Shakespeare, the acting superintendant, of the 8th of September 1813, that the most serious decoities which had occurred in the zillah of Rungpore, during the first six months of that year, were said to be perpetrated by gangs residing on the northern frontier of the countries bordering on that district. You properly

commissioned



N<sup>o</sup> 17.  
Judicial Letter  
to Bengal,  
19 May 1815.

commissioned the magistrate to proceed to those parts of his zillah in which those crimes were most prevalent, to endeavour, by his personal efforts, to remedy the evil. We have observed, that a similar proceeding has generally, if not always, been followed by an advantageous result.

42.—Our attention has naturally been drawn to the account given by the magistrate of this zillah, in his letter to your secretary of the 30th June 1813, of the cruelties practised on our subjects by the Garrows, a people inhabiting the frontier of Rungpore, who, as the magistrate observes, “from the indiscriminate manner in which they murder all who come within their reach, without regard to sex or age; and, from their never being known to plunder, it would seem that the only object they have in view, in the perpetration of these atrocious acts, is to obtain the skulls of the slain; these they regard as trophies, which they carefully preserve, and suspend round their houses; and according to the number of human skulls possessed by any Garrow, is his rank and importance among his fellows.” According to the magistrate’s statement, the natives “attribute all the outrages which have happened to the sale of the estate, (the pergunnah of Carribaree) in the year 1809, previous to which event,” they assured him, “such excesses had never been heard of; that the Garrows respected, and were attached to, Mehend Narrain Chowdry, (the former possessor) whom they called their rajah, and looked up to as their chief (and who is said to reside, at present, among them); that they acknowledged and were kept in order by his authority; that they preferred their complaints to him, and peaceably submitted to any punishment or fines which he thought proper to impose on them. Such (he further states) is still the case with the Garrows inhabiting the mountains within the vicinity of pergunnah Mhoesparah, in the same zillah, and of pergunnahs Soosing and Sheerpore, in the zillah of Mymensing, who, restrained by the authority of the zemindar of those places, are never known to commit any violent outrages.”

43.—Mr. Puller, on those grounds, suggests, with some hesitation, that government should purchase the pergunnah in question from the present proprietor, and restore it to the family of the former zemindar. He is aware that this arrangement is liable to serious objections, arising both from the refractory and contumacious behaviour of the late zemindar, and also from the encouragement which its adoption might be thought to hold out to others whose estates may hereafter come to be sold under the Regulation for making good arrears of rent. Your secretary, in answer to this memorial from Mr. Puller, writes that “his Lordship in Council apprehends that insurmountable objections oppose the adoption of the proposition for purchasing the pergunnah, and restoring it to the former zemindar;” and that “the Governor General in Council has recently had occasion to ascertain that the price required for the estate by the present proprietor is excessive;” “but his Lordship in Council is extremely anxious that some *other means* should be adopted to prevent the incursions of the Garrows, and the horrible excesses committed by them.”

44.—Though we are disposed so far to agree with your government as to admit that there are strong obstacles to the adoption of the specific proposition submitted by Mr. Puller, we are not without an opinion that the owners of the pergunnahs immediately on the frontier of our territories, those, at least, who enjoy their estates by long and hereditary possession, may have it frequently in their power to check (as stated in the instance before us,) the inroads of the more turbulent natives beyond the boundary; as we know, from long and reiterated experience, how powerfully, when excited by anger or revenge, they can rouse the same borderers to acts of hostility and predatory incursions into our provinces. Almost every zemindar expelled from his estate for non-payment of rent, if living on the frontier, becomes a fugitive and a rebel. We could have wished that, in cases of this kind, some of the responsibility now laid exclusively on the land, had been attached to the person of the landholder.

45.—There is another part of the statement which appears to us to require some explanation. The magistrate writes, that “the pergunnah is represented as capable of being rendered very productive were peace and tranquillity restored; and that the family of the former zemindar, if again put in possession of the estate, would be both willing and able to pay a considerable revenue;” “whereas

“ whereas the pergunnah is, at present, attended with an annual charge to government of 565 rupees, the sum allowed to the proprietor in addition to the remission of the whole of the former jummah, as a compensation for the less of profit occasioned by the abolition of the sayer duties.” We are much at a loss to comprehend, from this representation to the magistrate, what is actually the tenure of this estate, for which the proprietor seems not only not to pay any rent, but to receive a small annuity, merely for being deprived of profits which, as a very late purchaser, he could not, as we conceive, ever have enjoyed under the existing regulations. If such be the fact, we are certainly not surprised at his demanding an excessive price, as your secretary’s letter mentions, for the cession of his bargain. But if the former zemindar stood in the same predicament of a remission of his whole jummah in compensation for sayer duties, we do not see how he could have incurred such arrears as to compel the sale of his estate for their discharge; and, if he were charged with a rent, and his lands were sold to make good the default of payment, we are equally at a loss to comprehend on what principle the new purchaser should be exonerated from all future payment; and why the remission, if just and equitable, was not conceded in favour of the original owner. On this article we require to be furnished with explicit information.

N<sup>o</sup> 17  
Judicial Letter  
to Bengal,  
19 May 1815.

46.—On the whole view of the subject, it strikes us as deserving of consideration, whether some use might not be made of the natural and hereditary influence of these proprietors of estates on the different frontiers, by giving them a sort of local jurisdiction as subsidiary magistrates, perhaps with the title of foudjars, immediately dependent on the magistrate of the zillah, but with a power so far superior to that of a common darogah, as to insure their attachment and services to government, by a flattering participation of police authority.

47.—The reports referred to in these paragraphs, represent the police in this division to be in a progressive state of improvement. We have been accustomed to contemplate the state of offences in the zillahs included within this division, with particular satisfaction, compared with the generality of other divisions, as being most free from the commission of heinous crimes; and the reports before us manifest a decided improvement in this important respect. The cases of decoity are confined to Behar and Tyrhoot, and they exhibit but two in each of those zillahs. The robbery in Shahabad, though not described as such, we should be disposed to consider, from its general character and circumstances, as coming under the former head of offences.

(66 to 72.) Noticing the reports on the state of the police for the division of Patna.

48.—We notice that in three zillahs of this division, on which the acting judge (Mr. Hubert Cornish) reported, trials were put off to the following session, in consequence, as he states, of the non-attendance of witnesses. This is a serious inconvenience to individuals, particularly to the accused. Whenever trials are postponed on this account, it is our desire that the judges should, in all such cases, state the fact in the reports.

53.—The observations contained in our judicial despatch of the 9th November last, on the general subject brought before us in these reports, supersede the necessity of any particular notice of them in this place.

(107 to 110, 112 & 113.) Referring to depending causes in the courts, on the 1st July and the 1st Dec. 1812, &c.

54.—We have also adverted, in our judicial despatch in the department of the ceded and conquered provinces, to the call which you made on the sudder dewanny adawlut, on the necessity of devising some means of expediting the business of the different courts, and we must here again remark, that, from every observation that it is in our power to make, upon the whole course of judicial proceedings in the several provinces under your presidency, we retain unaltered the conviction that, under the existing regulations, or any others founded on a similar basis, nothing short of relieving the zillah judge from the immediate charge of the police, and entrusting it to different functionaries, as directed in our despatch of the 9th November last, can suffice to insure a prompt decision of causes.

55.—We meant to suspend our opinion on your intended reform or abolition of the office of native commissioners, with certain exceptions, as alluded to in paragraph 112, until, by the expected information, you should have been enabled

N<sup>o</sup> 17.  
Judicial Letter  
to Bengal,  
19 May 1815.

Letter from, dated  
1 March 1814.  
(Para. 3 to 5.) General  
statement of  
the existing police  
in the division of  
Calcutta.

to come to a final resolution on that important question; but we have now, in some degree, provided for it in the despatch to which we have just referred.

64.—While we notice, with satisfaction, the testimony borne by the reports exhibited in elucidation of these paragraphs, to the general appearance of good order and tranquillity subsisting in the districts to which they severally refer, we feel, at the same time, no little regret in remarking the prevalence of conspiracies in the district of Hooghly, contrived for the purpose of convicting, by false and malicious evidence, innocent persons of heinous crimes.

65.—We hope, with Mr. E. Watson, the acting judge of circuit, who, in his report on the second session of 1813, particularly brings this subject under your view, that the serious examples which have been made under the second Regulation of 1807, for the punishment of perjury in the Hooghly district, will have a material effect in checking the offence in question.

66.—We observe that Mr. Watson, with a view to the more ready detection of guilt, hints at the expediency of modifying the Mahomedan law, in regard to evidence. We have, in a former part of the despatch, called upon you to collect the sentiments of our judicial servants, as to the general effect and operation of that branch of the existing laws, with the view of revising its rules, where they may be found to require it.

67.—The reports relative to the state of the police in Jessore and Nuddeah are satisfactory.

(6 & 7.) Police  
for the division of  
Dacca.

68.—The same observation applies to the three reports of Mr. J. M. Rees, third judge of circuit for this division, with regard to the actual state of the police in the two zillahs of Buckergunge and Dacca Jelapore, of the second session of 1813, and in his report on the city of Dacca for the months of September and October; from the latter of which we learn the good effects which have resulted in Dacca Jelapore, from the due enforcement of Regulation I. of 1811, for the suppression of burglaries; and we greatly approve of the endeavours of the magistrate, to make its provisions known among all ranks of the inhabitants. It is certainly of the first importance, that every possible publicity should be given in the different zillahs to the Regulations from time to time issued by your government; and we wish you to call the particular attention of the judges and magistrates to it.

69.—It is stated by Mr. Rees, that he invariably makes it a rule to pass sentence upon the prisoners in the most public manner, and to explain to them the enormity of their crimes; and that he had hopes, from the attention paid by the by-standers, that it had a good effect. It is a practice which cannot be too generally observed; and we strongly recommend that the judges do, in passing sentence on criminals, take the opportunities thus presented to them, in crowded courts, of explaining the provisions of such penal enactments as may have been recently passed by the government, and are but imperfectly known or understood by the community.

70.—It appears from a letter from Mr. J. Shakespeare, acting superintendent of police in the lower provinces, to Mr. W. W. Massie, magistrate of the zillah of Mymensing, that *one* decoity case with murder, *three* with deliberate torture, and *three* others with wounding, have occurred within the three months of July, August, and September 1813.

(18.) Relative to  
the sentiments of  
the Court of Direc-  
tors, as to rendering  
zemindars, &c. re-  
sponsible for plun-  
dered property.

80.—The communications which you received from the magistrates, and from the superintendent of the police, on the suggestion contained in para. 14 of our judicial despatch of the 2d June 1812, as to making the zemindars and other landholders responsible for property plundered, have satisfied us, that the adoption of such a measure would, at all events, be objectionable, unless the zemindars were to be employed in the administration of the police. Of the propriety of returning to the original native system, we have thrown out our general ideas in the judicial letter of the 9th November last; and, until we receive the sentiments of your government, and of the local authorities acting under it upon this point we shall feel ourselves unprepared to enter into any general discussion of the principle of making the zemindars answerable for stolen property. We shall here only add, that the superintendent of police

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in his report of the 5th July 1813, put the true construction upon our meaning as to the limited extent to which the principle should only be carried.

88.—We have examined with particular interest the plan originally suggested by Mr. W. Blunt, when superintendant of the police for the lower provinces, which you have adopted for improving the internal police and tranquillity of the cities of Moorshedabad, Patna, and Dacca, and; on a general view of the subject, we approve the same. Letter from, 23d March 1814. On the establishment of a subsidiary police in the cities of Moorshedabad, Patna and Dacca, as first brought to notice in para. 16 of the last judicial letter of the above month.

89.—The arrangement, the details of which we collect from Regulation XIII. 1813, appears to us well calculated to effect its important objects, and, combined with the moderation of the assessment, on each individual inhabitant, cannot, we should think, fail to satisfy the community that the measure is obviously designed for their advantage. See Reg. XIII 1813, Sec. 16, Clauses 4 & 5. Amount to be collected from proprietors of shops, not to exceed two annas per mensem; those of an inferior description, (as described) not to exceed one anna. No individual of the richest class to be taxed above four annas per mensem, the poor orders to pay nothing.

90.—In various documents with which you have at different times furnished us, we have incidentally remarked that the principal merchants and bankers, and probably all other opulent inhabitants of large cities or towns, seem habitually to have maintained private chokeydars for the nocturnal protection of their own premises, at an expense undoubtedly greater than that by which the whole mohulla will now be adequately protected. To such persons, therefore, the new chokeydarry system must be a considerable saving, while the smallness of the assessment can hardly be a burthen on the middle classes, who must, in a particular manner, experience the benefits of the arrangement; and any arrangement of this nature, which immediately effects their interests, must communicate its advantages to the lower orders of society.

91.—The only objection which it strikes us could have arisen in the public mind against this measure, and which we find, from the reports before us, has arisen, must have been the apprehension of its forming a basis of future taxation for the direct service of the state; and this you have in a great degree obviated, by leaving, as you with great propriety have done, both the collection of the funds and their expenditure to a committee of the principal inhabitants of each mohulla, who will thus, we hope, be gradually brought to feel a conscious satisfaction in lending their endeavours to purposes of general utility, and in connecting themselves with the success of the establishment.

92.—The precedent of a similar arrangement, attended with advantageous results, in the large and wealthy city of Benares, is not only important in the insurance of safety and tranquillity to the population, but as showing that the plan has no connection whatever with the introduction of a house-tax, to which, at least, in the manner in which that measure was introduced, the whole people had manifested so much indisposition.

93.—We highly approve of the cautions and conciliatory means adopted by you for the introduction of this system into the three cities in question, as well as of the conduct of the several individuals on whom this delicate task devolved. Mr. J. Shakespeare, the acting superintendant of police at Patna, and Mr. Impey, the judge and magistrate of Moorshedabad, have exhibited talents, energy, and discretion, under very trying circumstances, which entitle them to our good opinion; and we desire that this be communicated to them.

94.—You have not, as it appears to us, come to a final decision relative to the objections so strongly urged both by Mr. Shakespeare, at Patna, and by Mr. Impey, with respect to Moorshedabad, against the continuance of the office of cutwaul in either city.

95.—We wait the issue of your deliberations upon this point, upon which we have not been able to make up our minds.

96.—We have attentively perused the various papers relative to the tumult excited at Dacca, on the introduction of this chokeydarry system. The conduct of Mr. J. B. Elliott, the acting magistrate, at so difficult a crisis, appears to us highly meritorious; and we entirely concur in the favourable sentiments expressed by you in your letter to him with respect to it.

97.—The magistrates of the three cities have now under their control a <sup>Men.</sup> force\*, adequate, as we conceive, to every purpose of police; and, as its organization is represented to be complete, both in the arrangement of services and the mode of payment, habit will, we trust, soon bring all its parts into a system of regularity, which will only require such vigilance and steadiness, as it is the bounden duty of every magistrate effectually to exercise for its preservation; and without which the best possible arrangements must fail in the effectuation of their objects.

\* For Moorshedabad - - - 917  
 Patna - - - - - 719  
 Dacca - - - - - 793  
 being, on an average, about 3 chokeydars to each mohulla.

98.—We already learn, by the accounts you have received from the three cities in question, that offences have dwindled into comparative insignificance since the new police has been in activity; we must therefore conclude, that various large towns in our provinces, particularly those which serve as stations to the several magistrates, will become reconciled to proportionate sacrifices, in return for similar advantages.

99.—But we are not equally prepared to admit the facility, nor, perhaps, the propriety, of its extension to the villages, on the principle on which it has been introduced into great cities. On this part of the subject a preliminary question presents itself:—What is become of the ancient and once universal system of village pykes and watchmen, who derived their chief support from the chakeran lands? In most provinces we know these institutions are not wholly become obsolete, particularly in Burdwan; and we have repeatedly, within these few years, and particularly in our recent despatch in this department of the 9th of November last, called your attention to the subject. These lands, allotted for the subsistence of these guardians of the peace, have been, we however fear, mostly alienated, on or before the introduction of the permanent settlement, or since that period; and that the extreme scantiness of their actual stipend, where the pykes, &c. have retained their footing, has, as we have stated in the above-mentioned despatch, frequently compelled them to combine with the very plunderers whom it was their office to oppose and to denounce. It will therefore be strictly necessary, in carrying your new plan into the villages, to make the most accurate inquiries into the state of the several chakerany lands, and to resume them wherever they may have been illegally alienated, so as to render them applicable to their legitimate uses. But this resource may not, and probably will not, in the lower provinces, be found available to any great extent. We conceive that lands now waste, but capable of cultivation, may be found, a due proportion of which might, under arrangements to be made with the zemindars, be allotted for the maintenance of chokeydars. We are strongly of opinion, and this we have expressed to you in our despatch from this department of the 9th of November last; that, in all practicable cases, the village police officers should, agreeably to the general practice of Indian governments from the most ancient times, be maintained, *in part*, by territorial appropriations held rent-free. What other emoluments it may be proper to afford them, as a fair remuneration for their services, should be supplied by a fixed contribution from the villages, to be levied in a mode the least inconvenient to the inhabitants, and the most consonant with their own ideas. For this purpose it will be highly requisite that full communication be had with the resident inhabitants of the villages upon this subject, as well for explaining to them the object in view, as for ascertaining their feelings and sentiments as to the most unexceptionable method of accomplishing it.

100.—It is also highly necessary, in order to prevent the villages from being doubly burthened for the same purpose, to ascertain whether they may not already, in some clandestine form or other, be still taxed for the maintenance of the public police of the village, though the funds thus raised may be misapplied to purposes of private advantage. Whenever this may be found to be the case, the inhabitants should be relieved by such contributions being made to form a part of the general levy for the maintenance of the police.

N<sup>o</sup> 18.

N<sup>o</sup> 18.—Extract from a Letter in the Judicial Department, from the Governor General in Council to the Court of Directors; dated 2 August 1816.

Judicial Letter from Bengal, 2 August 1816.

Para. 7.—THE unsettled state of pergunnah Bograee has long engaged our anxious and serious attention. We propose to communicate to your honourable Court, in a separate despatch, full information regarding the grounds and results of the special measures which we have deemed it expedient to adopt for the restoration of tranquillity in Bograee, and we therefore refrain from entering into any details on the subject in this place.

Letter to, dated 19 May 1815.

(Paras. 10 & 11.) Remark on the distracted state of pergunnah Bograee, in Midnapore.

8.—We have received much satisfaction from the approbation expressed by your honourable Court in this paragraph, of the measures which we adopted for suppressing the crime of decoity in Hooghly.

(Para. 12.) Approve measures adopted for suppressing the crime of decoity in Hooghly.

9.—A copy of this paragraph, with an extract from Mr. Blunt's report, have been forwarded to the Calcutta court of circuit, with directions to call upon the magistrate of Cuttack for any information he may be able to furnish on the subject noticed by your honourable Court. We shall communicate the result by a future opportunity.

(Para. 13.) Notice the frequency of murders in Cuttack, and direct that the judicial and revenue authorities be furnished with an extract from Mr. Blunt's report, and required to furnish their sentiments thereon.

12.—We entirely concur with your honourable Court in the sentiments expressed in these two paragraphs, regarding the necessity of encouraging that spirit of active and effectual co-operation on the part of the village watchmen, and of the mass of the inhabitants, which may tend to secure a combined system of resistance to public offenders.

(Paras. 17 & 18.) Observations on resistance shown by village watchmen in opposing decoits in Hooghly; and express satisfaction at intended organization of subordinate police establishments.

18.—The more recent information with which your honourable Court has been furnished regarding the state of the police of these districts, precludes the necessity of our adverting to the subject in this place.

(Para. 28 to 30.) Remark on the prevalence of public offences in the districts of Mymensing and Bucker-gunge.

19.—The provisions of the existing Regulations, and the special rules which have been enacted for the better management of the gaols throughout the country, provide for the redress of grievances preferred by the prisoners in confinement; and the judge of circuit is especially enjoined at each gaol-delivery to inspect the gaols, and to receive and pass orders on the petitions presented by the convicts.

(Para. 31.) Observations on the state of the gaols within the division of Dacca. Notice inquiries made by the circuit judge into the treatment under causes of confinement of prisoners, and trust that the same duty is performed by the judges of circuit in the other divisions.

20.—Your honourable Court cannot have failed to remark the anxious solicitude constantly manifested by government, to provide, by every means in its power, that due attention be paid to the health, cleanliness and reasonable comforts of the prisoners; and we feel assured, that if the performance of this important duty had been neglected, either by the judges of circuit or magistrates, such inattention would have been duly noticed to government, by the court of nizamut adawlut.

21.—With reference to the sentiments expressed by your honourable Court in these paragraphs, provisions have been inserted in a Regulation recently enacted, by which the magistrates are vested with authority to appoint and remove their police officers without the previous sanction of the court of circuit. We shall have occasion to draw the particular attention of your honourable Court to the general provisions of that Regulation in our next despatch; and we consider it sufficient to express, in this place, our firm persuasion that the authority thus conferred on the magistrates will tend not only to prevent, in a material degree, the abuses alluded to by your honourable Court, but to facilitate the successful execution of the important duties of police which are now entrusted to the magistrates.

(Para. 32 & 33.) Notice Sir R. H. Dick's report on stated defects in the present system of police.

(Para. 34 to 38.) Remark on inconvenience experienced from the existing practice of the judicial courts, arising from the adoption of the Mahomedan law decisions in criminal cases. Require reference to the several judicial officers, and the transmission

(Para. 48.) Require that whenever trials are postponed on account of the non-attendance of witnesses, that an entry be made in the report to that effect.

(Para. 53 to 55.) Refer to a former despatch for an opinion on the subject of depending causes, and for their sentiments on measures which should be adopted for expediting the business of the several courts.

(Para. 69.) Remark on the importance of giving all possible publicity to the Regulations enacted. Recommend that the judges in passing sentences be directed to explain the recent penal enactments.

(Para. 80.) On the objections offered against rendering zemindars responsible for plundered property; await a reply to their despatch, of the 9th November 1814, previously to deciding

(Para. 88 to 93.) Express satisfaction at the introduction of the subsidiary police arrangements into the cities of Moorshedabad, Patna and Dacca. Notice with approbation the conduct of Mr. Shakespeare and Mr. Impey; and direct that their sentiments be communicated to those gentlemen.

(Paras. 94 and 95.) Await the deliberation of government, on the expediency of abolishing the office of cutwaul, in the cities of Moorshedabad and Patna.

(Para. 96.) Approve the conduct of Mr. J. B. Elliott, while acting magistrate of the city of Dacca, in allaying the tumult excited by the inhabitants,

(Para. 97 to 100.) Consider the force employed under the magistrates of Moorshedabad, Patna and Dacca cities, as adequate to all purposes of police; and from the decrease of offences conclude that the inhabitants of the principal stations would be benefited by the introduction of the chokeydarry system; with general remarks on that subject.

22.—We have referred a copy of these paragraphs to the court of nizamat adawlut, with instructions to obtain from our most experienced judicial officers, their sentiments on the points noticed by your honourable Court.

of information on this branch of the judicial system.

27.—A copy of this paragraph has been transmitted to the nizamat adawlut, with directions to circulate the orders of the Court, for the information and guidance of the several courts of circuit.

30.—The sentiments expressed by your honourable Court, in these paragraphs, refer to a branch of the subject of your honourable Court's letter, dated 9th November 1814. We are at present engaged in ascertaining the opinions of our most experienced civil servants, on the subject of the important alterations proposed by your honourable Court to be introduced in the administration of the judicial and revenue officers of this government; we refrain therefore from entering upon a consideration of the points in question, until we shall have it in our power to address your honourable Court fully on the subject of the letter above referred to.

33. A copy of this paragraph has been forwarded to the court of nizamat adawlut, with directions to instruct the several courts of circuit carefully to attend to the suggestions of your honourable Court.

40.—We defer our remarks on the subject of this paragraph until we shall be enabled to reply, in a comprehensive form, to your honourable Court's letter of the 9th November 1814. on the subject.

42.—We have derived much pleasure from the perusal of these paragraphs, communicating the satisfaction experienced by your honourable Court, on the introduction of the subsidiary police establishments into the cities of Patna, Dacca and Moorshedabad.

43.—Your honourable Court will have observed that, under the rules provided by Regulation XIII. of 1814, the office of cutwaul at the cities of Dacca, Moorshedabad and Patna has been abolished, for the reasons therein specified.

44.—We have forwarded a copy of this paragraph to Mr. J. B. Elliott, for that gentleman's information, on the occasion of introducing and carrying into effect the chokeydarry system.

45.—The full, and, we trust, the very satisfactory information which we had the honour to communicate to you in our letter of the 28th February last, regarding the successful introduction of the chokeydarry arrangements at the several stations at which the magistrates ordinarily reside in the lower provinces, and the other measures which we propose to adopt in the further extension of that system, precludes the necessity of our offering any further remarks on that subject on the present occasion.

N<sup>o</sup> 19.—Copy of a Letter in the Judicial Department, from the Vice President in Council to the Court of Directors, dated 29 November 1814.

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England trading to the East Indies.

Honourable Sirs,

Para. 1.—WE have the honour to transmit to you a copy of the under-mentioned papers:—

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| <p>Civil Cons.<br/>12 March 1814.</p>               | <p>Report of the Chief Secretary, dated 20 February 1814.<br/>Minute of the Governor General.<br/>D<sup>o</sup> - - of Mr. Edmonstone.<br/>D<sup>o</sup> - - of Mr. Seton.</p>  |
| <p>Civil Cons.<br/>9 July 1814.<br/>13 August —</p> | <p>Correspondence with the Sudder Dewanny Adawlut.</p>  |
| <p>19 Nov. 1814.</p>                                | <p>Report of the Chief Secretary, dated 17 October 1814.<br/>Seven Regulations.<br/>Minute of Mr. Seton.<br/>D<sup>o</sup> - - of Mr. Edmonstone.<br/>D<sup>o</sup> - - of the Vice President.<br/>Letter from the Chief Secretary to Government to the Secretary to the Governor General.<br/>D<sup>o</sup> - - from the Secretary to the Governor General to the Chief Secretary to Government.</p> |

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2.—Those documents contain a full discussion of the defects at present experienced in the administration of civil justice in the territories dependent on the presidency of Fort William, and of the means proposed to be employed for the removal of those defects.

3.—We must necessarily refer your honourable Court to the documents themselves for full information on this interesting subject; but it may be convenient to state, in this place, some of the leading principles by which we have been governed in the performance of this duty.

4.—Of those principles, there is none to which we attach greater importance than the complete and absolute separation of the judicial and revenue departments. The sound policy of that arrangement is fully recognized in the following extract of a letter from your honourable Court, dated the 14th February 1812:—"This new regulation for distributing our civil servants into distinct lines of duty, by making separate departments for the judicial and revenue branches of office, has our approbation. This arrangement will, we doubt not, lend its beneficial aid towards insuring to us a constant succession of servants qualified by education, and matured by experience, for conducting our judicial business; while it is well calculated to give to our courts of justice, that which it is so desirable they should at all times possess, a weight of talent, a regularity of exertion, and a general consistency of administration. We fully concur in the arguments contained in the Governor General's able minute on this subject, that some additional aid was necessary to qualify young men for so extensive and responsible a duty as that of judge and magistrate, as well by keeping their minds uniformly directed to this pursuit, as by providing them with adequate instruction at the outset. The first object, we are satisfied, can never be well attained but by the distribution of our servants into separate lines of employment."

5.—The simplification of the proceedings of the different courts of civil judicature has likewise engaged our particular attention, in the formation of the above-mentioned arrangements. To this object, your honourable Court also appear to attach great importance, as is particularly manifest from the observations on this subject contained in your despatches of the 14th Sept. 1808, and 2d June 1812.

6.—A third principle of the depending arrangements is the observance of the strictest economy, or rather a fixed resolution not to exceed the expenses at present incurred on account of the judicial establishments. From the frequent injunctions of your honourable Court to observe the strictest economy in all our arrangements,



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arrangements, we anticipate your entire approbation with respect to this question.

7.—Descending to the consideration of the subordinate parts of the plan, your honourable Court will observe, that it embraces a revision of the rules established for the guidance of the native commissioners; of those at present in force regarding the native pleaders, and of the provisions respecting the admission of persons to sue as paupers; which will, we conceive, be productive of considerable pecuniary advantage to government.

8.—A work so general and comprehensive naturally suggests many reflections, which might be introduced in this place; but, not to swell this despatch beyond what necessity prescribes, we shall confine ourselves to a discussion of those points which are not particularly noticed in the accompanying documents.

9.—The litigious disposition of the natives of this country is a common topic of observation, and we shall not deny, that to a certain extent it forms a part of their character. But the remark, we apprehend, has been often hazarded without much attention to cause and effect. If an individual conceive that any part of his rights is withheld, or has been usurped by another, such person, whether he be black or white, will naturally seek the recovery of it, until his mind shall be satisfied that the claim is unfounded, or that the recovery of it is hopeless.

10.—Supposing a man in England, or in any other kingdom of Europe, to be placed in the predicament above noticed; neither he nor his opponent ordinarily experiences any difficulty in obtaining the legal information requisite to enable them both to judge on whose side the right lies; and the affair, generally speaking, is adjusted accordingly. The legal information to which we here advert, is sometimes founded on express provisions of the law, but much more commonly on judgments already passed in analogous cases. But in these provinces, and we believe we may add throughout our possessions in India, the community is entirely deprived of that advantage. The diversity of the law, composed as it is of the Hindoo and Mahomedan codes, with numerous additions made by the British legislative power of this country, tends in some measure to create the difficulty above described. But a much more serious obstacle to the attainment of the required information arises, as we conceive, from the want of fixed and established principles in the conduct of the business of the courts of judicature, and in the consequent want of uniformity in the decisions of those courts. The natural consequences of these incongruities are, that persons desirous of obtaining information regarding the judgments of our courts, and of applying them by the rules of analogy to their own cases, find contradictory decisions; and have consequently no resource left, but to try the matter through the whole course established for the conduct of judicial proceedings.

11.—With these impressions it does not appear to us that the multiplication of tribunals, especially of inferior tribunals, is at all calculated to remove the evil. On the contrary, such an augmentation would, in our judgment, only tend to render more general the incoherencies which already exist in matters of this nature. We conceive it impossible that in this, or in any other country, the government should maintain courts competent from their numbers to the trial of the endless disputes and differences which arise among individuals in all the complicated concerns of private life; and that it is only by the establishment of general principles, which, if finally fixed and settled, would be gradually divulged, that the mass of litigation can ever be kept within any reasonable bounds.

12.—It will naturally be asked, whether the regulations now framed under our directions, are calculated to produce these salutary effects. That they may not be productive of those effects immediately, and to the extent desired, we can readily suppose; but that they will tend gradually and naturally to that end, we are fully persuaded.

13.—In the courts of the native commissioners, the mischief arose, not from want of capacity in that class of officers, but from the difficulty of finding persons in that rank of life; fitted, by their moral character, for the discharge of judicial functions, so inadequately remunerated. By the operation of the present arrangements, their situations will be rendered somewhat more lucrative and respectable;

respectable; from which we may naturally expect a more pure and consistent administration of justice in those tribunals. But the rule from which we anticipate the most substantial advantage with respect to the native commissioners, is that which cuts off all pecuniary intercourse between them and the parties in suits; it being provided that the former shall receive the fees to which they may be entitled, through the medium of the zillah and city court.

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14.—In framing the above-mentioned Regulations, it was originally proposed that all suits exceeding in amount or value the sum of 1,000 rupees, should be tried, in the first instance, by the provincial courts, which, by reducing the number of tribunals competent to try cases above that sum, would naturally have tended to establish uniformity of decision; and, by a necessary consequence, those principles of right and wrong, which are at present in so very unsettled a state, or which at least are so imperfectly known to the community. The advantage which the judges of those courts would have had of uniting and consulting together, would have further tended to produce that effect. But it was conceived that the provincial courts would have been overwhelmed by the number of causes which would have flowed into them, from the unqualified adoption of that rule. It has consequently been determined, that causes under 5,000 rupees shall be liable to be tried, as at present, in the first instance by the zillah and city courts; but that they shall be removable (a course of proceeding strictly conformable to the principles of English law,) to the provincial court, according as the leisure of the judges or other circumstances may render necessary and proper.

15.—A correspondent rule has been adopted with respect to the sudder dewanny adawlut, by which suits exceeding in amount or value the sum of 5,000 rupees (the limitation established on appeals to His Majesty in Council) are removable from the provincial courts to the sudder dewanny adawlut. Considering the greater degree of deliberation observed in the proceedings of that court, and the more extensive knowledge possessed by its judges, of sound and legal principles, it would be naturally our wish to avail ourselves, to the greatest possible extent, of their services in the accomplishment of the important objects above noticed. But, in the present state of the business of that court, it cannot be expected that the rule above noticed should operate to any considerable extent. Still, however, it may be of use, even in the present state of things, in bringing cases of peculiar interest, intricacy or importance, in the first instance before the sudder dewanny adawlut; but, if the state of the public business should hereafter admit of it, we conceive, that substantial advantage would arise from the trial in the first instance by the sudder dewanny adawlut, of some of those cases of primary magnitude and importance, in which, not only the interests of individuals, but those of government may be involved, and which may, in their operation, possibly affect the general commercial or agricultural interests of the country.

16.—There are no provisions in the accompanying Regulations from which we ultimately anticipate more solid benefit, than those cited in the margin, which enact, that no person shall be promoted to the office of a zillah judge and magistrate, unless he shall have served a certain time as a register, or in some regular judicial situation; that in like manner no person shall be appointed to the office of a judge of any of the provincial courts, who shall not have served a certain time as a zillah or city magistrate, or in some correspondent situation; and finally, that no person shall be appointed to fill the important office of a judge of the sudder dewanny adawlut and nizamut adawlut, who shall not have previously served the required time, as a judge of one of the provincial courts.

Section 5, Regulation XXIV.  
Section 2, and 4, Regulation XXV.

17.—In all other professions, in all the mechanical arts, and indeed in most of the ordinary occupations of life, previous study and practice, adapted to the particular line of life which any person may propose to follow, are deemed indispensably necessary to fit him for the proper and efficient discharge of its functions. But in this service, we have been accustomed to see persons called to fill the arduous situation of a judge, without any previous preparation whatever for the discharge of its serious and awful duties. Some of those persons, indeed, had, at distant intervals, held the situation of register, but not unfrequently collectors (who had never possessed that advantage) and persons taken

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from other branches of the service, were chosen to fill appointments of that description, who had never turned their thoughts, at least with a view to any practical purpose, to any judicial proceedings in their lives; in other words, it seems to have been expected, that this most important duty, which, above all others, demands the union of practical experience with that species of knowledge which is the fruit of study, should be efficiently performed by men who had not, from their former habits and occupations of life, made the slightest progress in acquiring either one or the other. The consequences were such as might have been expected: the proceedings in the civil court were loose, vague and diffuse; the decisions incoherent and contradictory. In the criminal department, the new made magistrates, not knowing how to act themselves, unavoidably reposed in the officers of police, and those of their general establishment, a degree of confidence which never can be safely entrusted to the natives of this country. Hence the numerous crimes and disorders with which almost every district was desolated about the year 1807, and which have, on former occasions, been fully detailed to your honourable Court.

18.—About the period above noticed, a different order of things began to be established in this country. Among other arrangements, a resolution was passed which, as already noticed, has received the unqualified approbation of your honourable Court, to render the revenue and judicial branches of the service quite distinct and separate. The operation of that resolution could, with reference to the legitimate claims of individuals, be only gradual; but during the last two or three years it has very generally taken effect; and we do not hesitate to assert, that the judicial offices were never so ably and efficiently filled as at the present moment. The practical proofs, indeed, of the justness of this remark, are to be found rather in the criminal than in the civil department. Particular circumstances existed to render the talents of those officers less operative in the latter than in the former branch of their public vocations. Their attention, for the most part, has been so incessantly occupied with the duties of the police and the administration of criminal justice, that it was impossible for them to devote an adequate portion of time to the discharge of the duties of the civil side of their court. The rules also established for the administration of justice in civil cases required a very general revision, which has been effected in the regulations which we have now the honour to submit to your honourable Court. But notwithstanding these adverse circumstances, the beneficial effects arising from the superior qualifications of the judicial officers have not been confined to the criminal department. Their influence has been felt in every branch of the public business. In illustration of this remark, we shall only quote the following letter from the judge and magistrate of the district of Nuddeah; of that district which, a few years past, was the scene of every outrage and atrocity which could disgrace human nature, and heap misery and desperation on the heads of the well-disposed and unoffending part of the community.

“ To George Dowdeswell, Esquire, Chief Secretary to Government Judicial  
“ Department, Fort William.

“ Sir,

“ In consequence of the deputation of Mr. Chapman (assistant judge and  
“ magistrate of this district) to Jessore, I discharged on the first instant all the  
“ native officers entertained under the orders of government of the 24th April  
“ 1811, for the use of the assistant magistrate at this station, as I consider that  
“ the present state of the police of the district does not require the further  
“ services of that officer.”

“ I beg leave to submit to government that there are at present 50 regular  
“ suits, and 350 appeals, depending in the court of the assistant judge; and  
“ although probably my other avocations may not admit of my being able to  
“ dispose of these suits with the expedition that might be desirable, yet I trust  
“ I shall be able to prevent any considerable arrear, without submitting govern-  
“ ment to the additional expense of an assistant judge and his establishment;  
“ I therefore beg to be informed, whether it would be proper for me to  
“ discharge the native aumlah of the assistant judge, who receive allowances of  
“ 200 rupees per month, or to retain them until his Excellency the honourable  
“ the Vice President in Council may be pleased to nominate another person to  
“ officiate for Mr. Chapman.

“ Zillah Nuddeah, }  
“ 25 October 1814.” }

“ I have, &c.

(Signed) “ W. Paton, Judge and Magistrate.”

19.—We might here advert to the considerable saving of expense which has regularly attended the re-establishment of good order in that district; first, by the abolition of the office of assistant magistrate, and now, by that of the assistant judge, both having been heretofore deemed indispensably requisite; but it is impossible to dwell on points of that nature, at a moment when we are contemplating the re-establishment of tranquillity, the security of life and property from daring and atrocious violence, and the prospect of a regular and speedy investigation of civil claims, in lieu of the accumulated evils to which the district in question was recently a prey.

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20.—It will be apparent, we presume, from all that has been said, that the primary object of the present arrangements is to provide for the administration of justice, especially in cases of magnitude and importance, by persons possessing, from previous study and practice, the necessary qualifications for the discharge of that solemn duty. It is not by multiplying tribunals, especially petty tribunals, that this object can be accomplished; they would rather aggravate (as already noticed), the evils and inconveniences which have hitherto existed. With respect to practical knowledge, it is manifest that the necessary information can only be acquired by a regular and undeviating progression through the different courts. That species of knowledge, which is the result of study and reflection, will of course differ materially in the several individuals employed in this branch of the public service; but hitherto, even those who were most anxious to fit themselves by those means, for the efficient discharge of the duties confided to them, have been unable to devote an adequate portion of their time to that purpose. The arrangements now established at the different zillahs and cities, and the augmentation of the number of judges of the provincial courts, will, we trust, tend considerably to the accomplishment of this most desirable object.

21.—We might add many reflections to what has been already stated, on a subject above all others copious and interesting; but the information contained in the minutes of the different members of government, and in the reports and letters (copies of which accompany this despatch) combined with the provisions of the Regulations themselves, probably supersede the necessity of more remarks from us in this place. To provide against the delay hitherto experienced in the administration of civil justice; to reduce within proper limits the vague and diffuse proceedings of the courts employed in the discharge of those duties; to establish fixed and defined principles of jurisprudence, on which individuals may at all times, with little expense and trouble, obtain information for the purpose of applying them to their own concerns, is certainly not a light and easy task: it is one, indeed, from which we might shrink with feelings of despondency, had we not seen, during the last seven years, a still more arduous task effected in the reform of the police.

22.—We are not aware that there is any ambiguity in what we have above stated regarding the course which should, in our judgment, be pursued, with a view to the establishment of an improved system of judicature in this country. We are particularly anxious, however, to guard against the possibility of the slightest misconstruction of the observations, so frequently repeated, regarding legal knowledge and principles. By these expressions, we mean, not the subtleties, formalities and technical language, which an English barrister might, and which an English attorney certainly would be disposed to introduce into the courts of this country, but a sound discriminating judgment, rendered such by study and practice; a mind stored with those principles of right and wrong, which are equally applicable to the affairs of all men, in all quarters of the globe; in a word, the *recta ratio*, on which the interests of individuals and the general prosperity of the country so essentially depend. With only a moderate share of leisure, and a mind duly impressed with the importance of the object, no person could experience any difficulty in acquiring the species of information to which we here allude; and if to that advantage he added an accurate knowledge of the languages and of the manners of the people (qualifications equally, if not more important, than even a knowledge of legal principles) we discern nothing which should prevent the establishment of as pure and prompt an administration of justice here, as characterizes the best governed countries in Europe. To confine the judicial officers strictly to one line of duty, and not to overload them with  
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business, are, as we conceive, the principal means which should be employed for the attainment of that great object.

We have the honour to be, honourable Sirs, your most faithful humble servants,

Fort William,  
29th November 1814.

(Signed) *G. Nugent.*  
*N. B. Edmonstone.*  
*Arch<sup>d</sup> Seton.*

Chief Secretary's REPORT, dated 20th February 1814.

ACCORDING to the existing arrangements, the provincial courts of appeal and circuit consist each of three judges. Considering the important nature of their functions, it is essential to the happiness and prosperity of the country, and to the character of the British nation, to inquire how far those judges are, by their number, competent to the regular and efficient discharge of the duties confided to them; and how far the temporary aid, which government is so often called upon to furnish, in order to forward the business of those courts, is adapted to the end desired. The following is the actual state of the six provincial courts above-mentioned.

Calcutta Division	- -	{ Two permanent judges. One acting - - - D <sup>o</sup> .
Dacca Division	- - -	{ Two permanent judges. One acting - - - D <sup>o</sup> .
Moorshedabad Division		{ Two permanent judges. One acting - - - D <sup>o</sup> .
Patna Division	- - -	{ Three permanent judges. One acting - - - D <sup>o</sup> .
Benares Division	- -	Three permanent judges.
Bareilly Division	- -	{ Two permanent judges. One acting - - - D <sup>o</sup> .

From the foregoing review it appears that a necessity exists, at the present moment, for employing the services of an acting judge at each of the above-mentioned courts, with the exception of Benares. This necessity, which no human power can control, ordinarily arises from the indisposition of some of the judges of those courts, which compels them to seek relief by a relaxation from official duty, and, generally speaking, by a voyage to sea. For instance, Mr. Bird, first judge of the provincial court at Dacca, Mr. Smith, second judge of the provincial court at Moorshedabad, and Mr. Ross, third judge of the provincial court at Bareilly, are now absent at sea for the re-establishment of their health. The first-mentioned gentleman has been absent seventeen months, the second twelve months, and it is presumable that the absence of the third will not be of shorter duration than that of either of the two others.

The succedaneum usually, or indeed universally, applied in cases of this nature, is to appoint one of the zillah or city judges to officiate for the absentee in the provincial court. This occasions a necessity for nominating another person (ordinarily of the class of assistant judges or registers) to officiate for the former; and again, of nominating a third person to officiate in the room of such assistant judge or register. The operation of this inconvenient and complex system, in point of expense, will be stated as distinctly as the nature of the case will permit, in the sequel; but, previously to entering further into the discussion of the subject, I wish to offer some remarks regarding the efficiency of the provincial courts, even with the aids above noticed, to discharge the numerous and important duties assigned to them.

The officers of this class are both judges of the court of appeal and of the court of circuit. In the former capacity they can discharge some of the duties of the civil court singly; but the attendance of two judges is indispensably requisite for the performance of others. The circuits are required to be performed twice in each year, and the time ordinarily required for the execution of that laborious duty is from eight to ten months. Exclusively of these duties, the sessions are required to be holden monthly at the stations of the provincial courts, which also materially interfere with the conduct of the business of the civil court.

The

The circumstances above stated would of themselves, I apprehend, sufficiently demonstrate how incompetent even three judges must be to the discharge of the important duty of trying and deciding on original suits, and on appeals from the zillah and city courts. The number of depending causes has consequently gradually increased. On that ground, a fourth judge was some time past appointed to officiate temporarily as a judge of the provincial court at Patna. The number of causes, however, remaining undecided in the several provincial courts on the 30th June last, notwithstanding the means employed for reduction of their number, was as follows:—

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Bareilly	-	-	-	-	-	122.
Benares	-	-	-	-	-	426.
Calcutta	-	-	-	-	-	917.
Daeca	-	-	-	-	-	999.
Moorshedabad	-	-	-	-	-	282.
Patna	-	-	-	-	-	900.

The inconvenience here noticed has been long and forcibly impressed on my mind; and I should have submitted my sentiments on the subject to the consideration of government at a much earlier period, had I been at all prepared to suggest any remedy to this serious, and I am afraid increasing evil.

After the maturest deliberation on this subject, it appears to me absolutely impossible that the duties of provincial courts should be in any respect efficiently discharged, without the appointment of a fourth member to each of them. I should still, however, hesitate in submitting this suggestion, did I not think that, by an alteration, and, as I firmly believe, by an improvement of the constitution of those courts, and of the zillah and city courts, the object in view may be accomplished, not only without increase, but even with some reduction of the public expenditure.

Heretofore all suits, whatever might be the amount or value of them, were instituted, in the first instance, in the zillah or city courts; and the provincial courts were only courts of review or appeal. By Regulation XIII. 1808, it was enacted, that all suits, the amount or value of which might exceed 5,000 rupees, should be instituted, in the first instance, in the provincial courts. By the operation of this plan all parties were gainers. The zillah and city courts were relieved from a portion of the labour to which they had been subject. The provincial court had only to hear and decide the suits, without being embarrassed by the prolix proceedings of the zillah and city courts; and the sudder dewanny adawlut, in the cases appealed to that court, had only the proceedings of one, instead of two inferior tribunals, to peruse.

The suitors themselves were still greater gainers; for as almost all causes of the above description were appealed to the provincial courts, the labour and expense of the suitors were greatly abridged, by rendering the cases triable, in the first instance, by the provincial courts.

It is by an extension of this principle that I should hope that the foundations of reform might be laid, not only in the provincial courts, but even in the zillah and city courts, without increase of expense to government. With that view I beg leave to suggest, that all suits, the amount or value of which may exceed 1,000 rupees, be instituted, in the first instance, in the provincial courts. The only objection which I can anticipate to the adoption of this plan is, that individuals who may have suits to institute, not of very large amount or value, and who may consequently be supposed to be, generally speaking, persons of inconsiderable substance, will be exposed, as well as the defendants in such suits, to a comparatively heavy expense, by the necessity imposed of instituting suits of that description in the provincial instead of the zillah and city courts. That it may be productive of that effect in certain cases, cannot well be denied; but the objection will carry little weight with it, if we reflect on the large number of causes of this description which are appealed from the zillah and city courts to the provincial courts. In all cases of this nature it is manifest, as already noticed, that the expense to the suitors must be greater than if the suits had been instituted, in the first instance, before the latter tribunals.

But were the objection more extensive in its practical operation than I conceive it to be, it would not restrain me from recommending the adoption of the plan under discussion.

The plan in question involves a very important principle, applicable not only

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to this but to every other state, which is, the comparative advantage of administering the justice of the country through the medium of numerous and inferior tribunals, or of concentrating all causes of any importance, as far as the geographical extent of the country will permit, in one and a higher tribunal.

If we look at the institutions of our own country, which bear any sort of analogy to those which form the subject of this report, we shall find that it has been the invariable policy of government to draw all causes of any importance to the courts of law in Westminster Hall, and to the Court of Chancery. This may have happened in some degree, perhaps, from the trouble and expense attendant on numerous provincial tribunals. I apprehend, however, that it arose at least in an equal degree from the obvious expediency of establishing and maintaining uniformity in the judgments of the courts; an effect difficult to be produced, when the tribunals are numerous and dispersed throughout the country. If we consider our zillah and city courts with reference to this object (than which none can be of greater importance in a populous and opulent country) they must appear peculiarly ill calculated for the promotion of it. Superintended as each of those courts is, by a single judge, frequently young and inexperienced, with little or no means of communicating with persons of greater knowledge and more settled legal habits, it were in vain to look for those fixed and uniform principles of adjudication which should bind the country at large into one regular, consistent, and well known system of judicature.

Exclusively of their character as judges of the zillah and city courts, the persons holding those situations are invested, likewise, with the powers of magistrate within the same local limits. Much as has been effected of late years, in the reform of the police, it cannot be denied that the discharge of those duties by the magistrates, often clashes with their functions as civil judges. They are often, indeed, reduced to the dilemma of either allowing the business of the civil courts to stand still, or the peace of the country to be seriously and extensively disturbed. Even the ordinary duties of the criminal department leave these officers little time for the discharge of the functions of the civil courts. The justness of this observation will be manifest, if it be considered, that at the present moment there are ten assistant judges (of which institution I shall have occasion to speak more particularly hereafter) exclusively employed in the discharge of the duties of the latter tribunals. The annexed statement (Appendix, A.) will show the immense number of causes depending on the 30th June last, in the courts to which these remarks allude.

It may, perhaps, be asked why, with the sentiments which I profess to entertain on the above subject, I have proposed that only such causes as exceed 1,000 rupees should be instituted in the provincial courts in lieu of the zillah and city courts, instead of suggesting, in regard to the latter, a complete separation of the powers of judge and magistrate. To this I would reply, that such a separation might be felt as a real grievance by the very poor inhabitants of each district who might have suits to institute for small sums, but who could not quit their ordinary occupations for the length of time necessary to prosecute the case before a more distant tribunal. I am aware, indeed, that many of the suits inferior in value to 1,000 rupees, are often appealed to the provincial courts, but it may naturally be concluded, that the practice is less frequent, as the means of the parties are less abundant, and the value of the time on which their immediate subsistence may depend, greater. Another consideration of importance is, that as persons holding those situations will gradually rise to the offices of provincial judges, it is essential that they should have the means of acquiring some experience, in civil as well as criminal matters, in a subordinate situation.

I come now to treat of the means by which the plan above suggested may be carried into effect, without additional expense to government. The provincial courts, as above noticed, are six in number; and it is proposed to add a fourth judge to each of them. Considering the actual and growing importance of those offices, I believe that no person possessing any knowledge of the expenses of living in this country, would suggest that the salaries of persons called to fill such situations should be fixed at less than 35,000 rupees per annum. The aggregate expense will consequently be 2,10,000 per annum. By the operation of the proposed plan, the duties and responsibility of the zillah and city judges will be materially diminished. Their salaries may consequently be, as I conceive, in some

some degree reduced. Still, however, I would not propose, that the salaries of those in the ceded and conquered provinces and Benares should be reduced below 30,000 rupees per annum; nor the salaries of those in Bengal, Behar and Orissa below 28,000 rupees, in cases in which they at present exceed that sum. The saving arising from these retrenchments would be 51,000 rupees.

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It has been above observed, that whenever a necessity occurs for appointing a person to officiate temporarily as a judge of any of the provincial courts, one of the city or zillah judges is ordinarily taken for that purpose; that one of the assistant judges or registers is in like manner nominated to act for such zillah or city judges; and that in cases admitting of it, another person is selected to officiate for the assistant judge or register. The persons so employed regularly receive an extra allowance, not indeed exceeding the additional expense, trouble and responsibility to which they are subjected by these means, but which is nevertheless of some importance in the aggregate: for instance, Mr. Cornish (judge and magistrate of Rajeshahy) having been nominated to officiate as a judge of the provincial court at Patna, received an extra salary of rupees 500 per month. Mr. H. Shakespear again, (judge and magistrate of Jessore) having been nominated to officiate as judge and magistrate at Rajeshahy, draws an extra salary of rupees 400 per month. These arrangements of course created a necessity for employing some person to act as judge and magistrate at Jessore, during the absence of Mr. Shakespear. Mr. Oakeley, the assistant judge at that station, was accordingly directed to act in that capacity, but under other circumstances, the office\* of assistant judge might have been abolished at that station, as had been specifically recommended by the sudder dewanny adawlut.

\* Salary, 1,000 rupees per mens

The same effect, nearly, is experienced, as already stated, in every case in which a person is nominated to officiate temporarily as a judge of a provincial court. The expense incurred by government on this account is scarcely reducible to an accurate calculation; but it may be stated by computation at the sum of 84,000 rupees per annum.

It will naturally occur, that by appointing a fourth judge to the provincial courts, and thereby obviating the necessity which at present so frequently occurs of nominating persons to officiate temporarily in that capacity, (a necessity which, under the present system, is more likely to increase than diminish,) the expense stated in the preceding paragraph, will be saved to government.

It has been already stated, that there are at present ten assistant judges. Those officers receive each a salary of rupees 1,000 per month; and the expense of their establishments may be taken on an average at rupees 250 per month. Under the plan proposed to be adopted by instituting all suits, the amount or value of which may exceed 1,000 rupees, in the first instance in the provincial courts, it is manifest that the office may be altogether abolished. The saving which will arise from that source will, on the grounds already stated, amount to rupees 1,65,000 per annum.

I am not aware, that in the foregoing observations I have taken credit for a single rupee which will not be actually saved to government. Those savings, collectively, will be found to stand as follows: (See Appendix, A. a.)

By the reduction of the salaries of some of the zillah judges and magistrates	Rupees.
By the saving of extra allowances	51,000
By the abolition of the office of assistant judge	84,000
	1,65,000
Total rupees	3,00,000

It has been above stated, that the expense attendant on the appointment of a fourth judge to each of the provincial courts, would be two lacs and ten thousand rupees per annum, which deducted from the sum stated in the preceding paragraph, would appear to leave a saving to government of rupees 90,000. It may be naturally expected that some augmentation will be required to the establishments of the provincial courts under the operation of the plan now proposed to be adopted. On the other hand, there is reasonable ground to believe that the establishments of the zillah and city courts, which are forty-four in number, will, under the same plan in each instance, admit of reduction. The effect of these alterations, in point of expense, cannot be immediately determined, but it is presumable that it will not either way be considerable.



N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

It would be premature to consider the arrangements of detail which will be necessary for carrying the above-mentioned plan into effect, until it shall have been determined to adopt the principle on which the whole must rest. There are, however, two points which will prove such principal features in the plan, supposing it to be ultimately adopted, that I deem it advisable to offer a few words on each of them in this place.

On the first establishment of courts of circuit, it was determined that the senior judge should always remain fixed at the principal station, and that the duties of the circuit should be discharged by the second and third judges. The duties of the circuit fell so exceedingly heavy, by these means, on the two latter, that it is within my own recollection, that the persons possessing all the requisite qualifications, not unfrequently declined the office of a judge of the provincial court. These considerations suggested the expediency, or rather created the necessity, of rendering the senior judge liable to proceed on the circuit, in common with his colleagues. At the same time it cannot be denied, that substantial advantages attended the arrangement which before existed, of confining the senior judge to the principal station. By these means greater regularity and uniformity were established in the conduct of the business of the court of appeal. By attending without interruption to the discharge of that duty, he preserved unbroken, the chain of occurrences and series of proceedings in the different cases depending. Should a fourth judge, therefore, be appointed to the courts of circuit, I would by all means recommend that the senior judge be fixed at the principal station, as was heretofore the case, for the purpose of conducting the business of the court of appeal, occasionally holding the sessions at such station.

The other point to which I have above adverted, is the general question of appeals. The object seems to have been to afford to the suitors the benefit (if such it be) of a double trial in each case, that is, that the suits tried in the first instance by the registers and native commissioners should be appealable to the zillah and city courts; that the suits tried by the zillah and city judges should be appealable to the provincial courts; and that the suits tried by these last-mentioned courts should be appealable to the sudder dewanny adawlut. But are we quite certain that, by thus encouraging the suitors to look to the decision of another tribunal than that before which the suits are tried in the first instance, and thus keeping alive a spirit of litigation throughout the country, we confer any real benefit on its inhabitants? If again the zillah and city judges are not competent to decide finally on the cases which are brought before them in the first instance, on what principles do we render them courts of appeal from inferior tribunals? It will no doubt be said, that the cases which they decide in the latter capacity are inferior in amount or value to those which they try in the first instance, and which are appealable to the provincial courts. But it is evident that as much patience, as much ability, and as much learning may be frequently required to decide rightly a case of 50 rupees, as one of much larger amount; that both cases may involve precisely the same question of right or wrong; and that an error committed with respect to the former may, by the precedent which it establishes, be just as mischievous as it would be in regard to the latter. It may be urged, perhaps, that my argument would suggest an extension of the right of appeal to all cases indiscriminately, rather than a restriction on that right, as it at present exists. To this there is but one reply, viz., that the thing is impossible with our present establishments, and that it would still be so if those establishments were increased threefold.

But, exclusively of the regular appeals, that is, of such as the parties in suits can demand as a matter of right, special appeals are allowed, by which any cause, of whatever amount or value, may, at the discretion of the judges, be brought before the higher courts. The professed object of these special appeals is, to correct any manifest error in the judgments of the inferior tribunals: but every appeal proceeds on the assumption of error in the inferior court; and it is not easy to conceive how such error shall be manifest, at least in ordinary cases, until the cause has been re-tried. The consequence of all this is, that a very large portion of the time of the provincial court, and I believe also of the sudder dewanny adawlut, is occupied in perusing papers, not with a view of deciding on the cases under consideration, but of determining whether the special appeal, which the natives are ready enough to solicit, shall be admitted or otherwise.

I am

I am not prepared to state in what manner these defects, for such they appear to me to be, in the administration of civil justice, should be corrected. But, if on consideration of the principles to which I have above adverted, and connecting with them the arrears which have now accumulated in almost all the courts, it shall be deemed advisable materially to restrict the right of appeal, it does not appear to me that any great difficulty will arise in framing proper rules for that purpose.

N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1814

Should the propositions which I have now the honour to submit be adopted, I would strongly recommend, that it be explicitly declared that acting judges will not be appointed, even in the absence of any of the permanent judges of the provincial courts. The fact is, that the expense with which arrangements of that nature, and which, as we have already seen, extends in each instance through three or four gradations, is the least of the evils with which they are attended. The inconveniences, indeed, which arise from withdrawing the zillah and city judges from their regular stations, are so obvious, that they can require little explanation. Much time is lost in travelling from one part of the country to another; causes are left by those officers, in the investigation of which different degrees of progress had been made, to be taken up at a great expense of time and trouble by their successors, who can have no previous knowledge of the subject. Thus, two officers are compelled to travel over the same ground, although the business might be performed much more expeditiously and efficiently by one. Arrangements of an important and comprehensive nature are likewise frequently interrupted by this change of officers in the department of police. Arrangements of that nature often depend, almost exclusively, on local information; an advantage which temporary officers can never but very imperfectly enjoy. To sum up the whole:—The charge of a district, by these means, frequently devolves, not from choice, but necessity, to young and inexperienced men who cannot, from the nature of things, possess the qualifications so indispensably required in a person invested with the responsible character of a judge and magistrate.

On these grounds it appears essential that it should be clearly understood, that acting judges will not, either in the case above noticed, or indeed in any other case, be appointed. By these means, the judges of the provincial courts will have every incentive to prevent arrears of business, or if such arrears should unavoidably arise from the temporary absence of any of their members, to clear them off as speedily as possible.

I entertain a confident expectation that, by the adoption of the present plan, of which I have only attempted to give the outline, the administration of justice will be materially simplified and expedited. At the same time, I cannot venture to assert that even four judges will be able to dispatch the business of the different provincial courts, with the promptitude which is of course desirable. It should be held in mind, that the jurisdiction of each of those courts includes from six to nine zillahs or cities, and embraces a population of perhaps not less than five or six millions of people. Experience only can determine whether the arrangements proposed will be productive of the objects in view, to the desired extent. If not, there will be no alternative, but to incur some additional expense for the support of the judicial establishments, or leave the administration of justice imperfect.

Should the propositions which I have now the honour to submit be adopted, a question will arise as to the mode of carrying them into effect. The plan supposes that six additional judges will be appointed to the provincial courts. Those persons must generally, if not entirely, be selected from among the zillah and city judges. The persons who may be so selected will, in many instances at least, be those who at present hold the superior zillah and city judgeships. The proposed reduction of salary at those stations may, consequently, immediately take effect, without subjecting any individuals to the privation of any part of the allowances formerly received by them. With respect to the remaining stations, it may probably be deemed sufficient to carry the proposed reduction into effect, according as vacancies may occur at those stations respectively.

With respect to the assistant judges, six of them will be required to supply the places of those who may be promoted to the provincial courts; the remainder may be usefully employed in the charge of districts, until the numerous

N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

arrangements, consequent on the present plan, shall have been actually carried into effect.

The expense stated in the above calculation to arise from extra allowances granted to temporary officers, will, of course, cease of itself.

Willing as I am to hope that substantial advantages will arise from the adoption of the above plan, its effect must still remain very imperfect, unless means be at the same time adopted to abridge the proceedings of the courts of judicature, and to impose restrictions on the incessant references at present made from one court to another.

With regard to the former, it cannot be denied, that the proceedings, that is, both the pleadings and depositions, are loose, vague, and prolix to the last degree. This point some time past attracted the notice of the honourable the Court of Directors\*, and their observations on the subject are particularly entitled to attention, as they had relation to appeals depending before the King in Council, where the defects of which I speak in our judicial proceedings seem also to have been noticed. The instructions here noticed are annexed (Appendix, B.) to this report.

\* Letter dated  
14 Sept. 1808.

With regard to the latter point, it seems to have been the design of those who, some years past, framed the Regulations, that every order which might be passed by a judge and magistrate should be liable to be revised, and consequently reversed by the provincial courts; and that their decisions again should undergo the same ordeal at the sudder dewanny adawlut, and nizamat adawlut. *Expedit reipublicæ ut sit finis litium.* This maxim, however, seems to be entirely lost sight of under this government; and the consequence is, that the courts are so overloaded with business, that the delay attendant on the decision of cases, goes far to defeat the primary object for which those courts were established.

Both the above points were noticed in the order to the sudder dewanny adawlut and nizamat adawlut, of the 17th July last; but no reply has yet been received from them on the subject. A copy of that letter is annexed (Appendix, C.) to this report.

Supposing my present propositions to be adopted, it will be naturally asked in what mode I would suggest that they should be carried into effect; that is, to whom the task of revising the existing Regulations, with reference to the different points above noticed, should be committed. I am prevented from undertaking the task myself, not only by the other avocations of my office, which scarcely leave me a moment's leisure, but likewise by the want of that minute knowledge of the course of proceeding in the different courts, which is essential to the proper execution of it. I could name, however, a person who, I have little doubt, would undertake the duty cheerfully, and would, I am quite satisfied, execute it with ability; that gentleman is Mr. Bayley, the judge and magistrate of Burdwan. By giving his undivided attention to it, during a short residence in Calcutta, he would be able to perform the duty with every advantage which the nature of the case will permit. No particular inconvenience will arise from his temporary absence from Burdwan, as the district is in excellent order, and his place would be efficiently and ably supplied by the assistant judge, Mr. Halhed.

I beg leave to annex to this report (Appendix, D.) an extract of a letter from the senior judge of the provincial court at Bareilly, containing remarks strongly illustrative of the truth of some of the foregoing propositions.

It will be observed, that in the foregoing discussion, I have said nothing of the courts of sudder dewanny adawlut and nizamat adawlut. I have been restrained from offering any observations on the subject, by various considerations; but chiefly from an unwillingness to encroach on the province of others. The judges of those courts must, themselves, be the best qualified to discuss their own competency to transact the public business brought before them, with due regularity and expedition. On this subject, therefore, I shall do little more than observe, that a necessity exists at the present moment of employing two acting judges to those courts, viz. Mr. Colebrooke and Mr. Rees. No particular inconvenience may be experienced from so employing the services of the first-mentioned gentleman, except that they are confined to the criminal department, the duties of the civil court being deemed incompatible with Mr. Colebrooke's situation as a member of the Board of Revenue. The case is different with respect to Mr. Rees, who, (if I may use the expression) is borrowed from the provincial court at Calcutta,

Calcutta, which again creates the necessity of employing an acting judge \* in the latter court; an acting judge and magistrate at Benares; and, (to render the chain complete,) an acting assistant judge at that city. The following is a statement of the undecided causes and trials depending before the courts of sudder dewanny adawlut and nizamut adawlut on the 30th November last.

N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

\* Mr. Watson  
judge and magis-  
trate of Benares.

Civil causes - - - - - 320.  
Criminal trials - - - - - 194.

20th February 1814.

(Signed) G. Dowdeswell,  
Chief Secretary to Government.

Appendix (A.)

Causes depending before the zillah and city courts on the 30th June 1813.

Agrah - - - - -	12
Allahabad - - - - -	281
Allyghur - - - - -	226
Backergunge - - - - -	308
Bareilly - - - - -	220
Behar - - - - -	477
Benares City, Judge and Assistant Judge - - - - -	799
Beerbhoom - - - - -	292
Bhaugulpore - - - - -	248
Bundecund - - - - -	116
Burdwan, Judge and Assistant Judge - - - - -	1,586
Cawnpore - - - - -	277
Chittagong - - - - -	843
Cuttack - - - - -	50
Dacca City - - - - -	341
Dacca Jelalpore - - - - -	306
Dinagepore - - - - -	586
Etawah - - - - -	90
Furruckabad - - - - -	97
Goruckpore - - - - -	581
Hooghly - - - - -	655
Jessore - - - - -	715
Juanpore - - - - -	430
Jungle Mohauls - - - - -	257
Midnapore - - - - -	596
Mirzapore - - - - -	398
Momensing - - - - -	542
Moradabad - - - - -	149
Moorshedabad City - - - - -	679
Nuddeah - - - - -	332
Patna City, Judge and Assistant Judge - - - - -	676
Purneah - - - - -	1,243
Rajeshahy, Judge and Assistant Judge - - - - -	333
Ramghur - - - - -	127
Rungpore - - - - -	150
Sarun, Judge - - - - -	270
Seharunpore - - - - -	113
Shahabad - - - - -	58
Sylhet - - - - -	241
Tipperah - - - - -	100
Tirhoot, Judge and Assistant Judge - - - - -	1,581
Twenty-four Pergunnahs, Judge and Assistant Judge - - - - -	1,291
Total - - - - -	18,624

Appendix (A. a.)

Memorandum.

Zillah judges of 32,000 to be reduced to 30,000. Allahabad, Bareilly, Cawnpore, Etawah, Furruckabad, Goruckpore, Morabadad, Agra, Allyghur, Bundecund, and Seharunpore; 11 judges, at 2,000 each	Rupées. 22,000
City judge at Benares 32,000, already ordered to be reduced to 30,000, and which may be immediately effected by the proposed changes to be reduced to 28,000	4,000
	Zillah

N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

Zillah and city judges of 30,000 to be reduced to 28,000. Dacca city, Moorshe- dabad city, Patna city, Burdwan, Dinagepore, Hooghly, Nuddeah, Rajeshahy, 24 Pergunnahs, Behar, Sarun, and Mirzapore; 12 judges, at 2,000 each	Rupees. 24,000
Midnapore judge, 29,000, to be reduced to 28,000	1,000

Reduction of Salaries - - - 51,000

Officiating officers:—Provincial judges, Calcutta, Dacca, Moorshedabad, Patna, Bareilly, at 500 each; city judge, Benares, 500; assistant judge, Benares, 12 per day; zillah and city judges, Dacca, 400; Jessore and Sylhet, 500; Moor- shedabad, 6 per day; Rajeshahy, 400; acting register, estimated at 6 per day, estimated	84,000
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Abolition of Assistant Judges :

At Bundelcund, Burdwan, Goruckpore, Jessore, Nuddeah, Patna, Purneah, Rajeshahy, Tirhoot, and 24 Pergunnahs, and assistant magistrate at Benares; 11, at 1,000 per month each, estimated	1,32,000
Establishments and other expenses attendant on the appointment of the assistant judges and magistrates, estimated on an average at 250 rupees per month each	33,000
	1,65,000
<b>TOTAL</b> - - -	<b>3,00,000</b>

Appendix (B.)

Extract of a Letter from the honourable the Court of Directors, in the Judicial Depart-  
ment; dated 17 September 1808.

(8.) Requests that  
some measures may  
be adopted for expe-  
diting the decision  
of appeals preferred  
to His Majesty in  
Council.

Para. 8.—“ WE coincide in the opinion you express, that it would tend to the admini-  
stration of justice in the East Indies, if decisions could be obtained more expeditiously  
“ on appeals to His Majesty in Council. We are not, however, aware of any measures of  
“ a public nature that can be adopted in this country for the attainment of that object.  
“ Delay arises, in some measure, from the nature of the tribunal to which this appeal is  
“ made; but it is also to be imputed, in no inconsiderable degree, to the very great length  
“ of the pleadings in the courts abroad. We direct that the attention of the different courts,  
“ subject to our government, should be called to this point; that so far as shall be consistent  
“ with justice and the established regulations, they may discourage and prevent all un-  
“ necessary repetition and amplification in their records. The inconveniences resulting  
“ from useless length are too manifest to require to be stated.”

Appendix (C.)

To the Register of the Sudder Dewanny Adawlut.

Sir,

Judicial  
Department.

Para. 1.—I AM directed by the right honourable the Governor General in Council to ac-  
knowledge the receipt of your letter of the 28th ultimo, together with the statements men-  
tioned to accompany it, regarding the suits decided in the year 1812, and the number  
depending at the expiration of that year.

2.—The Governor General in Council observes, with regret, the increased number of causes  
depending on the 31st December last, in the sudder dewanny adawlut, in the provincial  
courts of appeal before the zillah and city judges, including the assistant judges, and in the  
courts of the registers, and of the head native commissioners.

3.—To this augmentation in the number of undecided suits in all the principal tribunals,  
and even in the courts of the registers and sudder aumeens, can only be opposed a reduction  
in the number of suits depending before the mofussil commissioners.

4.—The foregoing remarks are not intended to throw the slightest reflection on any of the  
judges of the courts above-mentioned, the duties of which, as far as a judgment can be  
formed, from the documents now submitted to government, appear to have been discharged  
with great attention and diligence; at the same time they evince strongly the necessity of  
resorting to some means for the purpose of lightening the business of the courts. If this  
be not done, it is to be apprehended that the object for which they were instituted, must,  
from the delay incident to the decision of causes, be in a great measure defeated.

5.—The Governor General in Council apprehends, that this delay does not so much arise  
from the number of regular suits instituted and decided in the different tribunals, as from  
the extraneous and superfluous matter introduced into the proceedings; from the production  
of evidence, both oral and documentary, often superfluous in itself, and often quite foreign  
to the matter at issue; from the mass of miscellaneous business; and lastly, from the labour  
arising from special appeals.

6.—It

6.—It would require an accurate knowledge of the course of proceeding observed in the different courts of civil judicature, under our own constitution, to judge what checks could be established with respect to the two first-mentioned points; but where it is observable that the business is regularly increasing, notwithstanding the aids afforded by the appointment of assistant judges and other means, it appears to his Lordship in Council to be a subject well deserving of every inquiry which can be made regarding it.

N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

7.—With respect, however, to the two latter points, that is, the miscellaneous business and the special appeals, as they both necessarily grow out of the Regulations established for the internal administration of this country, it may be hoped that a due consideration of such of the provisions as have any relation to those questions, may suggest means of abridging the labours of the courts with respect to both those points.

8.—It is no doubt, theoretically speaking, very desirable that every individual who may conceive that he has suffered in his property from the errors of inferior tribunals, should have the means of submitting his case to the higher courts, who, from their experience, and from the talents of the judges, may be best qualified to decide on the contested point. But all experience shows that great restrictions must be established upon the exercise of that principle. If this be not done, the time of the superior tribunals will be necessarily engaged with references from the inferior tribunals, regarding matters of small importance, instead of being occupied in investigating and deciding causes of magnitude, for which they are primarily constituted.

9.—Without entering into the numerous details which these questions embrace, it is conceived that the labour of the superior courts, arising from miscellaneous business and special appeals, might be abridged in two different modes; that is, by declaring, by specific enactments, that all decisions and orders of a certain description passed in the inferior courts shall be final, or by augmenting the expense to the litigants, or by both of those means. These remarks are in substance applicable to the criminal, as well as the civil business; his Lordship in Council having reason to believe that much of the time of the courts of circuit is occupied, as the Regulations at present stand, with a review to the proceedings passed by the zillah and city magistrates, in cases, the final decision of which should rest with the latter.

10.—Of course, it is not intended, in recording these observations, to offer any final opinion respecting the proposed abridgment of the labour of the superior courts, still less to determine, exactly, in what mode that very desirable object can be effected; but the Governor General in Council requests that the sudder dewanny adawlut will take the subject generally into their consideration, with reference to the gradual accumulation of business, the expediency of reducing the establishment of the court of sudder dewanny adawlut and nizamat adawlut, and the provincial courts at Patna and Dacca, to their proper standard, and the necessity of limiting the number of assistant judges; and that they will report the result to government. In the 8th paragraph of your letter, in speaking of the miscellaneous business of the sudder dewanny adawlut, it is observed, "that a general notion of this duty may be given by stating, that with the exception of appealed causes, it involves the consideration of every question that can be brought before the court respecting the proceedings of six provincial courts, and forty-two zillah and city courts, exclusive of the foreign settlements." This passage tends strongly to confirm the apprehensions above expressed, that the time and attention of the superior courts are too much diverted from the hearing and deciding of cases of magnitude, to matters of small importance, which should be left to the final adjudication of the inferior tribunals.

11.—The observations contained in your letter, respecting the causes depending in the several provincial courts of appeal, do not appear in general to require any reply. With respect to the provincial court at Calcutta, it is observed, that "unless government shall be pleased to appoint a fourth judge to officiate in that court, the frequent occurrence of heavy sessions for the twenty-four pergunnahs, and the great length of time during which two of the judges must be successively absent on the periodical circuits, will protract any material diminution of the great number of causes depending in the court in question."

12.—Two of the judges on the regular establishment being now at Calcutta, and an officiating judge on the circuit, it does not appear to government to be necessary to afford any further aid at present to that court. Should the ensuing circuit, however, commence previously to the completion of that in which Mr. Rattray is at present engaged, some further arrangements may be requisite.

13.—The remarks of the court respecting the state of the business depending in the several zillah and city courts, do not appear to require any particular reply.

14.—A person will be shortly appointed to officiate as register of the zillah court in Goruckpore.

15.—The Governor General in Council is desirous of receiving, as soon as circumstances may admit, the report promised by the sudder dewanny adawlut, respecting the mofussil native commissioners, in order that this institution may be reformed; or that it may be shown that the abuses with which it is so generally supposed to be pregnant, have no real existence.

16.—The detailed report which accompanied your letter is returned enclosed.

Council Chamber  
17th July 1813. }

I am, &c. &c.  
(Signed) G. Dondeswell,  
Secretary to Government.

## Appendix (D.)

N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

Extract of a Letter from the Bareilly Provincial Court; dated 20 January 1814.

Para. 2.—THE present appears to me not an improper occasion to submit, for the consideration of his Excellency the right honourable the Governor General in Council, a few remarks on the nature of the duties of these courts; the dispersed situation of the three judges attached to them; and the serious obstruction to the prompt administration of justice, caused by the courts being left so large a portion of each year, with only one judge to preside therein.

3.—With regard to the duties: 1st, In its appellate capacity, the provincial court has to receive, hear and determine all appeals received from the decisions of the zillah courts, nine in number; but no single judge (as has very wisely been provided by the Regulations,) can reverse or even alter a decree passed by a zillah judge, whilst the zillah decrees frequently appear to require reversal or amendment. It has also to confirm or reject all nominations to ministerial offices in the zillah courts made by the judges of those courts; but, as has been decided by the sudder dewanny adawlut, on a reference submitted by me when I was senior judge at Patna, and alone at the sudder station, a single judge of the provincial court cannot even confirm, much less disapprove, of any such nominations. 2d, In its original jurisdiction, the provincial court has to take cognizance of all civil suits within the division, exceeding in amount the sum of 5,000 rupees, and to forward to the sudder dewanny adawlut all appeals from its decisions thereon. These duties can certainly be performed by a single judge; but when only one judge is present at the head station, he must either neglect others to attend to them, or suspend them to attend to others; and thus, in one branch or other, public justice must necessarily be retarded. 3d, As stationary court of circuit, the provincial court has to try all persons committed or held to bail each month for trial by the magistrate of Bareilly; to receive, hear and determine all appeals from the orders or sentences of the several magistrates in the division, or of their assistants; and to confirm or object to all nominations to police or ministerial offices made by the former; but no single judge of the provincial court can either confirm or set aside any such orders, sentences or nominations. Now, within these last three years, appeals from the orders and decisions of the magistrates or their assistants, under section 23, Regulation IX. 1807, have become very frequent; and when it is considered how many zillah foudary courts, and how many police stations there are in the whole division, it may easily be conceived how greatly the determination of all these matters must be obstructed by only one provincial judge being present at the head station.

4.—Having pointed out the principal of the multifarious duties required by the existing code of Regulations from the provincial courts, and how large a proportion of those duties a single judge is not competent to perform, I now proceed to the dispersed state of the judges themselves. In September 1812, Mr. Ker, the second judge, set out on the circuit for the second sessions in that year, leaving me alone in charge at the head station. In January last, I set out on the circuit for the first sessions of 1813, leaving Mr. Ross, the third judge, in charge. Mr. Ker returned in June, and Mr. Ross set out a month after, on the second sessions for 1813, leaving Mr. Ker in charge. I returned in November last; and on the 4th instant the second judge set out on the circuit for the first sessions of the present year, and in all likelihood, he will not have finished the duties of that circuit before September or October next. Mr. Elliott, who has been appointed to officiate for Mr. Ross, is now at Meerut, and probably will not have finished the circuit two months before the 1st of July next, when, if no order to the contrary be received, I must again set out to hold the second sessions for the present year, although I only returned to Bareilly in November last, after an absence of near ten months.

5.—Thus the three judges are likely to be always following one another in rotation, but seldom meeting any two of them at the head station more than two months in the year; for there are eight zillah stations to be visited every circuit; the business at each, instead of diminishing, is gradually increasing, and the space to be travelled over exceeds a thousand British miles; so that ten months seems the shortest possible period in which a circuit of this division can be completed, without leaving undone some of the business properly belonging to it. To give government an idea of the magnitude of the circuit duties, and of the length of time required to perform them, I shall just mention, that notwithstanding the utmost practicable expedition in travelling, and in hearing the regular trials and other cognizable matters brought before me, it took me nine months (including my special deputation to Sindause across the Chumbul) to finish the gaol-deliveries for only four districts, Cawnpore, Furruckabad, Etawah, and Agra; and that in that time, besides much English correspondence and miscellaneous matters, I concluded the trials of 467 culprits committed or held to bail for trial, and read the magistrates proceedings, and passed orders on 397 cases of persons confined by the magistrates until they should furnish security for their future good behaviour, most of whom had been long in prison, without being noticed by my predecessors on the circuit. It is already known to government that I returned from Agra, in conformity to an order from the nizamat adawlut. Had I proceeded to the remaining four stations, Coel, Meerut, Saharunpore, and Moradabad, I probably should not have got through the whole circuit before the end of April next, a period of fifteen months and a half from leaving Bareilly.

## MINUTE of the Governor General; March 12th 1814.

IN calling the attention of the Board to the uncommonly able exposition laid before us by the chief secretary, I feel that no praise of mine can add to the applause which so masterly a performance must command. I am not on that account to forbear doing justice to the plan. The simplicity and perspicuity with which the propositions are stated, might at first sight lead one to think the authorizing such a system a matter of no labour. Particular circumstances enable me to have a better conception of its difficulties, and thence to appreciate what Mr. Dowdeswell has achieved. Inquiry and reflection on the state of our judicial establishment, soon after my arrival here, had convinced me that some alteration was urgently necessary; but my mind had worked much on modes of remedying what appeared to me to be the defects. The information which I gathered in a recent short excursion, augmented my anxiety. Still, I was sensible that my notions about the manner of effecting a beneficial change, were crude and doubtful. The present plan completely supersedes them; I recognize in it precisely the correction which I wished to offer; but which I had not been able to fashion. Persuaded that the operation of this system will be of important advantage, I earnestly recommend that the suggestions be adopted and acted upon immediately; assuring myself that the sentiments of the honourable Company and of this country will ratify the estimation which I attach to this judicious arrangement.

(Signed) *Moir.*

N° 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1814:  
Minute of the  
Governor General.  
N° 3.

## Mr. EDMONSTONE'S Minute.

I HAVE great pleasure in according my entire and unqualified concurrence in the Right honourable the Governor General's recognition and applause of the spirit and public zeal which has induced Mr. Dowdeswell to apply the powers of his mind and the lights of his judgment and experience, to the formation of a plan for the relief of the judicial establishments from the burthens with which they are now oppressed, without any additional expense; and of the knowledge, ability, and industry which he has displayed in the prosecution of that important object. The value of Mr. Dowdeswell's services, and the essential aid which the administration derives from his extensive information, judgment and talents, have been recently acknowledged on our proceedings. The justice of that acknowledgment is eminently supported by the report which he has now submitted to our consideration.

Mr. Edmonstone's  
Minute.  
N° 4.

2.—I do not profess a sufficient acquaintance with the details of the judicial branch of the administration, to enable me to enter into a discussion of every measure proposed by Mr. Dowdeswell for the accomplishment of the object to which his report is directed. Several of those measures, indeed, are necessarily dependent upon the result of future inquiry and deliberation; but I can have no hesitation in expressing my entire concurrence in the outline of the system of reform suggested by Mr. Dowdeswell, and approved by the Governor General, and in adopting the opinion of his Lordship, that it should be carried into effect without delay, reserving only for future decision such points of detail as depend upon the inquiry and deliberation, of which also the most efficacious means have been suggested.

3.—The arrangement proposed by Mr. Dowdeswell may be substantially stated, as follows:

1st. That a fourth judge be appointed at each of the six provincial courts, with a salary of at least 35,000 rupees per annum.

2d. That no acting or officiating judges of the provincial courts be hereafter appointed under any circumstances.

3d. That the senior judge of the provincial court remain constantly at the station of the court, to conduct the business of the civil court, and occasionally to hold the monthly gaol-deliveries at the sudder station, whilst the other judges proceed upon the duties of the half-yearly circuits.

533.

4th. That



N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

4th. That all civil suits for an amount or value exceeding 10,000 rupees, be instituted and tried in the first instance in the provincial courts.

5th. That the ten assistant judges, now employed in different zillahs where there has been the greatest accumulation of business, or where other special circumstances appeared to call for the appointment of an assistant judge, be discontinued, and that the office of assistant judge be abolished, as no longer requisite, under the proposed transfer of causes exceeding 1,000 rupees to the provincial courts.

6th. That as the duties and responsibility of the zillah and city judges will be materially diminished under this plan, their salaries be reduced, but not below 30,000 rupees per annum in the upper provinces, or 28,000 in the lower provinces, where they now exceed these sums.

7th. That the regular and special appeals which are allowed by the existing regulations from inferior to superior civil courts, be considerably restricted, with a view to diminish the business of the courts, and to expedite the final determination of civil causes.

8th. That restrictions be also established, for the same purpose, on the numerous and miscellaneous references now allowed; on the application of parties or otherwise, from one civil court to another.

9th. That the proceedings of the courts of civil judicature be, as far as practicable, abridged, and means adopted to amend the pleadings and depositions which are at present loose, vague and prolix.

10th. That Mr. Bayley, judge and magistrate of Burdwan, be employed at the Presidency to revise the existing Regulations upon the several points noticed, and to prepare, for the consideration of government, new rules adapted to the execution of the several measures proposed.

1st Ar.

4.—The object of this general plan is twofold. The augmentation of instruments for the conduct of judicial proceedings, and the reduction of the business of the courts; both co-operating to remedy the grievous evil of the enormous and alarming accumulation of causes in the several courts, which the powers of those courts, as at present constituted, with respect both to the number of judges and to the details of process, are utterly unable to reduce or prevent. A collateral but still very important end of the proposed arrangement is, to correct the evils arising from what may be termed the acting or officiating system, which is absolutely unavoidable, under the present constitution of the courts. The plan proposed, also, involves the additional essential advantage of a reduction of expense, more than adequate to the salaries of the new appointments.

5.—From all that I have had an opportunity of learning, either in the exercise of my public functions, or in communication with persons better informed, I am satisfied that no practicable modification of the existing system of judicial process, would enable the courts to prevent that accumulation of causes which at present defeats the ends of justice; and that it is indispensably necessary to aid the effect of such a modification, by adding to the effective strength of those courts, in the manner proposed. I have no hesitation, therefore, in expressing my conviction of the necessity of appointing a fourth permanent judge to each of the six provincial courts, as suggested in the first article of the plan, with a salary of 35,000 rupees per annum.

6.—The arrangement will admit of the additional advantage of rendering the senior judge stationary, as proposed under the third head. That the latter is highly important, has always been acknowledged; and the measure of requiring the senior judge to take his tour of duty on the circuit, has been exclusively the result of necessity. The benefit of his remaining permanently at the sudder station, in a judicial point of view, is of course common to all the provincial courts; but it will be especially experienced at those stations, viz. Benares and Moorshedabad, where the senior judge is vested with political functions.

7.—In further support of the necessity of the augmentation of the number of judges of the provincial courts, it is sufficient to exhibit the following statement of the causes depending before those courts on the 30th of June 1813 and 1st of January 1814, respectively.

Causes.

ADMINISTRATION OF JUSTICE IN BENGAL.

Causes depending 30th June 1813.		Causes depending 1st January 1814.	
Bareilly	122	Bareilly	95
Benares	426	Benares	431
Calcutta	917	Calcutta	957
Dacca	999	Dacca	1,023
Moorshedabad	282	Moorshedabad	308
Patna	900	Patna	800
	<u>3,646</u>		<u>3,614</u>
Average	607	Average	602

N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
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	Increase.	Decrease.
Bareilly	27	—
Benares	5	—
Calcutta	40	—
Dacca	24	—
Moorshedabad	26	—
Patna	—	100

8.—It will be seen from this statement, that, in the course of six months, notwithstanding the appointment of a fourth judge at Patna, out of 3,646 depending causes, a reduction of 32 only has been effected, and that in four of the courts there has been an increase of depending causes in that interval of time. With the exception then of such causes as, from peculiar circumstances, may obtain a priority of hearing, it is evident that an interval of years must elapse between the institution of a suit and its final decision, an evil which may almost be said to amount to a denial of justice. That such a reduction of labour can be effected by a modification of process, and limitation of appeals, as would enable the courts to bring up this heavy arrear of causes before the lapse of a considerable term of years, is not to be expected. The additional assistance proposed, therefore, would appear to be indispensably necessary, under any practicable reduction of judicial labour in the investigation and decision of causes.

9.—The importance of the second proposition, namely, that no acting or officiating judges of the provincial courts be hereafter appointed under any circumstances, is rendered sufficiently manifest by the observations contained in Mr. Dowdeswell's report. A qualification may, however, be necessary, with a view to provide for possible contingencies. Whilst the established judges of the provincial courts can, by any personal exertion, perform their appointed duties, civil and criminal, no officiating judges of those courts should, under the proposed arrangement, be allowed. But exigencies may arise from sickness, infirmity, absence, or other cause, in which the temporary appointment of some other person, to execute a part of the prescribed and indispensable duties, may be unavoidable; and it seems expedient, therefore, to leave an opening for the discretion of the Governor General in Council, to make such provision as may be necessary in those cases. But all that was intended by Mr. Dowdeswell's proposition, I believe, is, that some inconvenience should be borne at the station at which such contingency may occur, in preference to withdrawing persons from other stations, and thereby occasioning serious interruption to public business at the places thus deprived of the services of the proper officers.

10.—The reasons on which Mr. Dowdeswell has founded his fourth proposition, that all civil suits for an amount or value exceeding 1,000 rupees, be instituted and tried in the first instance in the provincial courts, certainly appear to me to be conclusive; but my knowledge of judicial affairs is too defective to warrant my entering into a discussion of this important branch of the general plan, in a judicial point of view. That it will augment the duties of the provincial courts in proportion as it relieves those of the city and zillah courts, may perhaps be apprehended; but it is with a view to this relief, in a great measure, that a fourth judge is proposed to be added to each of the former courts. The reduction of labour expected to arise from the limitation of appeals and miscellaneous

N<sup>o</sup> 19.  
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laneous references, and from an abridgment of the proceedings and amendment of pleadings and depositions, as suggested in the 7th, 8th and 9th propositions, are likewise calculated to keep the business of those courts within reasonable limits. The relief of the city and zillah courts is however indispensable; and the transfer of duties to the provincial courts, which the proposed arrangement must occasion, only furnishes an additional argument in proof of the necessity of appointing a fourth judge to each of those courts.

11.—As the restriction of causes cognizable by the city and zillah courts, and the other arrangements suggested in the 4th, 7th, 8th and 9th propositions, will of course form the objects of inquiry and deliberation intended by the employment of Mr. Bayley, which is suggested under the 10th head, no observations regarding them are necessary, even if I were qualified to offer any worthy of attention.

12.—The practicability of abolishing the office of assistant judge, until a considerable reduction of the arrears of causes depending in the zillah and city courts shall have been effected, might at first sight appear doubtful. But a considerable part of the causes will be immediately transferred to the provincial courts. I understand that it was not Mr. Dowdeswell's intention that the arrangements some time since adopted at Monghyr, Ghazipore, Malda, and more recently at Shah-Jehānpore, should be abolished; but on the contrary, that it was his intention to recommend that they should be placed on an uniform footing, and that similar arrangements should, in case of actual necessity, be adopted in other parts of the country. It cannot be denied that officers appointed on the principle of those arrangements, uniting both civil and criminal jurisdiction in their own persons, are calculated to contribute more to the well-being of the country than the assistant judges, not only from the possession of those double powers, but from their residence in those parts of the country where the presence and control of an European agent are so essentially requisite.

13.—Considering the extreme necessity of relieving the city and zillah courts in the utmost practicable degree, I venture to suggest the revival of a question which I am aware has repeatedly been discussed and finally decided in the negative; I allude to the measure of vesting the collectors of revenue with judicial powers, to a limited extent, for the trial, in the first instance, of summary suits relative to arrears and exactions of rent, and other causes connected immediately with the revenue branch, in which government may not be concerned; likewise the right of possession of disputed lands, leaving of course the right of ownership to be regularly tried in the ordinary courts. I understand that much difference of opinion exists upon this question, and that some of the best judicial authorities are favourable to the arrangements. Perhaps it may be found, that, under proper limitations, the objections may be so mitigated, as to be overbalanced by the advantage of relieving the existing burthens on the city and zillah courts. The convenience and the benefit arising from entrusting the collectors with the powers of investigation in disputed accounts relative to rents and revenue, are acknowledged by the Regulations which prescribe a reference to the collectors in cases of this description.

14.—On the subject, generally, of the existing judicial system, it is not a new remark, that, by aiming at the perfection of justice, we have greatly compressed its substance. By the abridgment of process, the limitation of appeals, and other modifications suggested by Mr. Dowdeswell, some theoretical advantages may be sacrificed, but more practical and substantial justice will, in all probability, be secured, by abandoning the pursuit of that which experience has shown to be unattainable.

15.—The sixth proposition, which relates to the reduction of the salaries of the zillah and city judges, appears to me to be unobjectionable; whilst, on the other hand, it is of material importance, with a view to provide for the additional charges of the new system. The loss will be ultimately compensated to the judicial officers, by their earlier elevation to the superior offices of judges of the provincial courts, which must be the consequence of the augmented number of those officers.

16.—With regard to the 10th proposition, I have only to signify my entire concurrence, both in the duty proposed to be performed, and in the selection of Mr.

Mr. Bayley to execute it. A fitter and more competent person could not, perhaps, be chosen. I conclude that it will be proper, and that it is intended that he should communicate with the judges of the sudder and nizamut adawlut, in the execution of the important duties to be assigned to him.

N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1314.

17.—Mr. Dowdeswell has only slightly adverted, for the reasons which he has stated in the concluding part of his report, to the necessity of some permanent arrangement in the sudder dewanny and nizamut adawluts. A considerable relief in the business of those courts, may of course be expected to arise from the arrangements proposed with regard to the provincial, the city and zillah courts; but, as it is found that the assiduous labours of four judges, including the officiating judge, Mr. Rees, who, as Mr. Dowdeswell observes, is only borrowed from the provincial court of Calcutta, added to the assistance which Mr. Colebrooke is enabled to afford in the criminal department, are inadequate, under the present judicial system, to the multifarious and extensive business of those courts, it cannot be expected that any practicable degree of relief, arising from the meditated modifications of the judicial system, will preclude the necessity of permanently employing the services of a fourth judge. Adverting to the actual state of the business of those courts, and to the vast extent, variety and importance of their duties, no prospect exists of restoring Mr. Rees to his situation in the provincial court, without the nomination of a fourth judge, the charge of which appointment is, in the mean time, nearly incurred, as the officiating judge draws 1,000 rupees per mensem, in addition to his salary as third judge of the provincial court (35,000 rupees per annum), and an extra salary is paid to his locum tenens in that court; and in the same manner, a gradation of appointments and charges exists down to the office of register, as shown in Mr. Dowdeswell's report. On the grounds, therefore, of the evident necessity of retaining the services of a fourth judge in the sudder dewanny and nizamut adawluts, and of the urgent necessity of abrogating the system of acting or officiating officers of the courts, I feel satisfied of the propriety of rendering that office substantive and permanent.

Orig.

18.—Mr. Dowdeswell's report exhibits a saving of expense, by the adoption of his plan, of 90,000 rupees per annum; but taking into calculation the salary of the additional judge of the sudder dewanny and nizamut adawluts, the account will stand thus:

		Rupees.
Saving as above	- - - - -	90,000
Salary of the fourth judge	55,000	
Deduct extra allowance, at present drawn by Mr. Rees	12,000	
		<hr/> 43,000
Actual saving	- - -	<hr/> <hr/> 47,000

This sum is obviously more than sufficient to provide for the additional expense to which government may be subject, on account of the class of officers noticed in the 12th paragraph of this minute, considering the limited scale, both in point of expense and numbers, on which they will be employed.

19.—Although I have entered more diffusely than was perhaps absolutely necessary, into a consideration of the different heads of the plan under discussion, I could still wish to offer some general remarks, which are suggested by the important and interesting nature of the subject. It is chiefly because we have aimed at too much, as I conceive, that we have effected so little. We have been unwilling to repose the slightest confidence or authority in the officers of the lower gradations, uncontrolled by superior power. The consequence is, that the higher courts are so overloaded with business, that they cannot move under it. It is not difficult to imagine one of the provincial courts, and ultimately the sudder dewanny adawlut or nizamut adawlut, engaged for hours in a case, not equal in value or importance to the sum of ten rupees; while causes of the greatest importance, not only to the individuals concerned, but also to the credit of government, and not unfrequently to the agricultural or commercial interests of the country, are standing still. The influence of this

N<sup>o</sup> 19.  
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from Bengal,  
29 Nov. 1815.

system is felt from the lowest Bengal writer in the magistrate's office, to the chief judge of the sudder dewanny adawlut and nizamat adawlut; the day being too short to prepare and consider all the trivial cases which, in other countries, are decided summarily and without appeal. What is the consequence of this state of things? The fixed and regular establishments being utterly inadequate to the discharge of such heavy duties; we have an assistant judge in one district, and an assistant magistrate in another; an occasional fourth judge of appeal and circuit at Patna, and two acting judges in the highest tribunal in the country, beyond the jurisdiction of the supreme court of judicature. But these narrow expedients appear to me equally unworthy of the extent, the population, and the riches of the country, and of the increasing resources (for increasing they are, notwithstanding the present financial difficulties,) of government. I shall not occupy the time of the Board with remarks, which to enlightened minds must appear superfluous, respecting the importance of a due administration of justice to the community, and in its general effects to the state itself. But we do little in providing against a denial of justice, unless we at the same time guard against the delay of it. With these impressions, I should have found it difficult to resist, as far as my own opinion went, any suggestion for the improvement of the administration of justice, even if it had involved some additional expense to the state. It is calculated, therefore, to afford more than ordinary gratification, that, by the operation of the plan under discussion, this most important object is likely to be effected without any additional burthen on our resources.

March 12th 1814.

(Signed)

*N. B. Edmonstone.*

Mr. SETON'S Minute; 12th March 1814.

Mr. Seton's  
Minute.  
N<sup>o</sup> 5.

I HAVE perused with particular satisfaction Mr. Dowdeswell's clear, able, well-reasoned report, containing suggestions for the practical improvement of the judicial system; as also the minutes of the right honourable the Governor General, and of Mr. Edmonstone, recording their concurrence in the justness of those suggestions, and their sense of the meritorious conduct of that highly intelligent public officer, to whose beneficial exertions this government has already been so frequently indebted.

In Mr. Edmonstone's comprehensive examination of the plan, and the important advantages to be expected from its adoption, that gentleman has entered so fully into the subject, that, thinking as I do, it is only necessary for me to express my entire acquiescence in his sentiments, as well regarding the judicious nature of the plan itself, as the eminent merits of the proposer; the whole of whose public life has been one unceasing and successful effort to improve the several branches comprised in the important department under his able and vigilant charge; viz. those of revenue, police, and the administration of justice.

I consider, as one of the most desirable parts of the plan in question, is not only providing for the disposal of the present immense and unmanageable arrear of judicial business, but its also preventing the prospective advantage of guarding against the future recurrence of that most serious evil. The provisions of the 4th proposition (suggesting that all civil suits exceeding in value 1,000 rupees, be henceforth instituted in the provincial courts,) by affording great relief to those of the zillahs and cities, will powerfully tend to the prevention of that accumulation of business which has proved so pernicious. Nor am I aware, that it is likely to be attended with much additional labour to the provincial courts; as I understand a very large portion of suits of this description, although now instituted in the first instance in the lower provinces, finds its way, nevertheless, into the provincial courts in an appealed form.

I shall take this opportunity to declare my entire concurrence in the justness of the suggestion contained in the 13th paragraph of Mr. Edmonstone's minute, respecting the expediency of reverting to the measure of empowering the collectors to hear and decide summarily, in the first instance, certain suits relating to arrears of rent due from assessed lands (for I understand the suggestion to be confined to lands of that description;) their decisions, however, being subject to revision in the judicial department, in the event of either party being dissatisfied.

fied. It appears to me, that from the thorough knowledge which collectors must possess of revenue accounts, and of the different relations with each other, of persons who are likely to be parties in such suits, from the zemindar to the ryots, a great facility of investigation would be afforded to those officers whose time, moreover, is much less occupied than that of the judges.

N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
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On this last ground I am also disposed to think, with Mr. Edmonstone, as stated by him in the same (the 13th) paragraph of his minute, that it would be advisable to empower the collectors to hear and try summarily, and in the first instance, suits relating to dispossession of land; but it would first be expedient to ascertain how far the provisions of the 6th Regulation of 1813, which were intended as a support and aid to those of the 49th Regulation of 1793, are found sufficient to produce the salutary effect of evincing to the community the danger as well as the futility of a person's forcibly dispossessing another of land to which he may deem himself entitled. Few things can be so fatally injurious to the police, as the continuance of that lawless pernicious practice, from its evident tendency to excite a spirit of revenge, and to give rise to frays which, from the inveteracy of the parties, stimulated by self-interest, frequently end in bloodshed; and nothing seems so likely to prevent it, as the speedy investigation of the suits to which it gives rise, and, on proof of the dispossession being established, the immediate ejection and punishment of the dispossessor.

Judicial Department,  
the 29th November 1814. }

(Signed) Arch<sup>d</sup> Seton.

(True Copies.)  
(Signed) G. Dowdeswell,  
Chief Secretary to Government.

CORRESPONDENCE with the Sudder Dewanny Adawlut, &c; dated 30 June 1814.

To his Excellency General Sir George Nugent, Bart. and K.B., Vice President in Council, &c. &c. Fort William.

Honourable Sir,

Para. 1.—WE have the honour to submit to your Excellency in Council the following report and statements:

Sudder Dewanny  
Adawlut;  
dated 30 June 1814

N<sup>o</sup> 1.—A detailed report of civil causes depending in the court of sudder dewanny adawlut, and in the several provincial zillah and city courts, on the 1st January 1814.

N<sup>o</sup> 2.—An abstract statement of ditto.

N<sup>o</sup> 3.—A comparative statement, showing the increase or decrease in the number of causes depending in the sudder dewanny adawlut and provincial courts, as well as before the judges and assistant judges of the zillah and city courts on the 1st July 1813 and 1st January 1814.

N<sup>o</sup> 4.—An abstract statement of the number of suits decreed on trial, or dismissed on nonsuit, or adjusted by the parties during the year 1813.

N<sup>o</sup> 5.—An abstract of causes decided by the sudder dewanny adawlut, from the 1st July to 31st December 1813, required for transmission to the honourable Court of Directors by section 18, Regulation XVIII. 1793.

2.—It appears from these statements that the aggregate number of original suits and appeals depending on the 1st January 1814, was as follows:

Sudder dewanny adawlut	-	-	-	-	-	-	318
Provincial courts	-	-	-	-	-	-	3,691
Zillah and city judges	-	-	-	-	-	-	17,644
Zillah assistant judges	-	-	-	-	-	-	2,262
Ditto registers	-	-	-	-	-	-	8,432
Sudder commissioners	-	-	-	-	-	-	22,181
Mofussil ditto	-	-	-	-	-	-	84,743

TOTAL - - 1,39,271

N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

3.—The above statement, compared with the number of causes depending on the 1st January 1813, as stated in the fifth paragraph of our register's letter to the chief secretary, under date the 28th June 1813, shows the following increase or decrease in the number of depending causes on the 1st of January 1814, compared with the preceding year :

		INCREASE :			
(a)	1814 - - -	318		54.	Sudder Dewanny Adawlut - - - 54 (a).
	1813 - - -	264			
(b)	1814 - - -	3,691		55.	Provincial Courts - - - - - 55 (b).
	1813 - - -	3,636			
(c)	1814 - - -	19,906		123.	Zillah Judges and Assistant Judges 123 (c).
	1813 - - -	19,783			
(d)	1814 - - -	22,181		1,680.	Sudder Commissioners - - - 1,680 (d).
	1813 - - -	20,501			
(e)	1813 - - -	8,963			
	1814 - - -	8,432		531.	Registers - - - - - 531 (c).
(f)	1813 - - -	89,259			
	1814 - - -	84,743		4,516.	Mofussil Commissioners - - - 4,516 (f).
(g)	1813 - - -	1,42,406			
	1814 - - -	1,39,271		3,135.	TOTAL - - - - - 3,135 (g).

4.—The number of suits decreed on trial, or dismissed on nonsuit, or adjusted by the parties in 1813, was as follows :

1.—Sudder Dewanny Adawlut :			
Decreed or dismissed	-	-	72
Adjusted	-	-	0
			<u>72</u>
2.—Provincial Courts :			
Decreed or dismissed	-	-	1,093
Adjusted	-	-	95
			<u>1,128</u>
3.—Zillah and City Judges and Assistant Judges :			
Decreed or dismissed	-	-	7,608
Adjusted	-	-	832
			<u>8,440</u>
4.—Registers :			
Decreed or dismissed	-	-	6,613
Adjusted	-	-	1,138
			<u>7,751</u>
5.—Sudder Commissioners :			
Decreed or dismissed	-	-	21,097
Adjusted	-	-	3,785
			<u>24,882</u>
6.—Mofussil Commissioners :			
Decreed or dismissed	-	-	1,12,822
Adjusted	-	-	32,830
			<u>1,45,652</u>
TOTAL			<u>1,87,925</u>

5.—The above statement, compared with that given for the year 1812, in the fourth paragraph of our register's letter, of the 28th June, 1813, exhibits the following result :

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1.—Sudder Dewanny Adawlut:

1812.	Decreed or dismissed	-	-	-	-	53
1813.	- - Ditto	-	-	-	-	72
						<u>19</u>
					Increase in 1813	- - 19

No adjustments by parties in either year.

2.—Provincial Courts:

1812.	Decreed or dismissed	-	-	-	-	654
1813.	- - Ditto	-	-	-	-	1,033
						<u>379</u>
					Increase in 1813	- - 379
1812.	Adjusted by parties	-	-	-	-	87
1813.	- - Ditto	-	-	-	-	95
						<u>8</u>
					Increase in 1813	- - 8

3.—Zillah and City Judges and Assistant Judges:

1812.	Decreed or dismissed	-	-	-	-	7,377
1813.	- - Ditto	-	-	-	-	7,608
						<u>231</u>
					Increase in 1813	- - 231
1812.	Adjusted by parties	-	-	-	-	837
1813.	- - Ditto	-	-	-	-	832
						<u>5</u>
					Decrease in 1813	- - 5

4.—Registers:

1812.	Decreed or dismissed	-	-	-	-	6,092
1813.	- - Ditto	-	-	-	-	6,613
						<u>521</u>
					Increase in 1813	- - 521
1812.	Adjusted by parties	-	-	-	-	1,454
1813.	- - Ditto	-	-	-	-	1,138
						<u>316</u>
					Decrease in 1813	- - 316

5.—Sudder Commissioners:

1812.	Decreed or dismissed	-	-	-	-	20,026
1813.	- - Ditto	-	-	-	-	21,097
						<u>1,071</u>
					Increase in 1813	- - 1,071
1812.	Adjusted by parties	-	-	-	-	4,546
1813.	- - Ditto	-	-	-	-	3,785
						<u>761</u>
					Decrease in 1813	- - 761

6.—Mofussil Commissioners:

1812.	Decreed or dismissed	-	-	-	-	1,09,511
1813.	- - Ditto	-	-	-	-	1,12,822
						<u>3,311</u>
					Increase in 1813	- - 3,311
1812.	Adjusted by parties	-	-	-	-	37,239
1813.	- - Ditto	-	-	-	-	32,830
						<u>4,409</u>
					Decrease in 1813	- - 4,409

6.—The



N<sup>o</sup> 19.  
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6.—The foregoing comparison shows that the increase of depending causes, stated in the third paragraph, has not arisen from a smaller number of decisions in the past year than in the preceding year; but, on the contrary, that the courts in which more causes were depending at the end of 1813 than at the end of 1812, decided respectively more suits and appeals in 1813 than 1812; consequently, that the augmentation of undecided causes in 1813, must originate in the institution of a greater number of new suits and appeals in the year 1813, than the number determined or adjusted within the same period.

7.—Assuming the number of causes decided on investigation, dismissed on nonsuit, or adjusted by razeenamah in 1813, as a criterion by which to judge how soon the number of causes depending in the several courts on the 1st January 1814 might be expected to be brought to a determination, the result would be as follows; but the result is, of course, liable to be altered by any alteration in the constitution or jurisdiction of the several courts, during the present or ensuing year.

1.—Sudder Dewanny Adawlut:

(h) 1813. Determined - - - 72  
1814. Depending - - - 318. - - - Nearly 4  $\frac{1}{2}$  years (h).

2.—Provincial Courts:

(i) 1813. Determined - - - 1,128.  
1814. Depending - - - 3,691. - - - Somewhat more than 3  $\frac{1}{2}$  years (i).

3.—Zillah and City Judges and Assistant Judges:

(k) 1813. Determined - - - 8,440.  
1814. Depending - - - 19,906. - - - Something less than 2  $\frac{1}{2}$  years (k).

4.—Registers:

(l) 1813. Determined - - - 7,751.  
1814. Depending - - - 8,432. - - - Little more than one year (l).

5.—Sudder Commissioners:

(m) 1813. Determined - - - 24,882.  
1814. Depending - - - 22,181. - - - Less than a year (m).

6.—Mofussil Commissioners:

(n) 1813. Determined - - - 1,45,652.  
1814. Depending - - - 84,743. - - - About seven months (n).

8.—Having thus given a general view of the original suits and appeals depending in the several descriptions of civil courts, at the commencement of the present year, we proceed to offer such observations as appear requisite on the increase of causes in the sudder dewanny adawlut and provincial courts, and before the judges of the zillah and city courts.

9.—The number of appeals decided in the court of sudder dewanny adawlut during the past year, has exceeded the average decision of preceding years; yet we are sensible that seventy-two civil judgments in a twelvemonth, (of which eleven were summary, thirteen in cases of special appeal, and forty-eight in causes regularly appealed from the amount or value,) must still appear very inadequate, if allowance be not made for the various and extensive duties of the judges who compose the courts of sudder dewanny adawlut and nizamat adawlut, besides the trial and decision of civil causes. These duties were fully stated in the eighth paragraph of our register's letter of the 28th June 1813, accompanying the annual statements for 1812; and we shall only add in this place, that 588 criminal trials (including a much larger number of prisoners) have come before the court of nizamat adawlut for determination during the year 1813 (o).

(o) January	-	26
February	-	46
March	-	50
April	-	45
May	-	70
June	-	68
July	-	55
August	-	74
September	-	25
October	-	9
November	-	66
December	-	54

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10.—Of the 318 appeals depending on the 1st January 1814, 13 are summary appeals (under section 8, Regulation XI. 1801, and the 13th clause of section 10, Regulation V. 1803) preferred in 1813; and one of the same description, instituted in 1812; the residue consist of regular appeals, demandable, on performance of the prescribed conditions in all suits, for an amount or value exceeding 5,000 sicca rupees, tried and decided in the first instance by the provincial courts, under the provisions of Regulation XIII. 1808; or of discretionary special appeals

appeals under section 10, Regulation XI. 1805, in particular cases, not open to the regular appeal; when on the face of the decree, or from any information before the sudder dewanny adawlut, the decision of the provincial court may appear erroneous or unjust; or from the nature of the cause, as stated in the decree or otherwise, it may appear of sufficient importance to merit a further investigation in appeal. The appeals, regular and special, depending on the 1st January last, and the periods of their admission respectively, were as follows:

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1808.	Regular	2	Special	3
1809.	Ditto	20	Ditto	8
1810.	Ditto	34	Ditto	10
1811.	Ditto	56	Ditto	12
1812.	Ditto	45	Ditto	8
1813.	Ditto	96	Ditto	10
<b>TOTAL</b>		<b>253</b>		<b>51</b>

11.—On examination of the number of appeals depending, admitted, and determined in the court of sudder dewanny adawlut during the last twelve years, we find them to have been as follows:

Depending 1st January of each year.	Admitted in each year.	Determined in each year.
1802. . . . . 110	26	41
1803. . . . . 95	39	68
1804. . . . . 66	37	51
1805. . . . . 52	58	31
1806. . . . . 79	65	67
1807. . . . . 77	84	60
1808. . . . . 101	58	55
1809. . . . . 104	60	25
1810. . . . . 139	77	18
1811. . . . . 198	102	45
1812. . . . . 255	64	53
1813. . . . . 266	124	72
1814. . . . . 318		

12.—It appears from the above statement that the number of depending appeals has annually accumulated during the last six years; that this accumulation has proceeded in part from the greater number of appeals admitted during this period (viz. 485, exceeding by 176 the 309 admitted from 1802 to 1807); and partly from the number of causes determined in that last six years (viz. 268), being 50 less than the number determined from 1802 to 1807 (viz. 318). The increase in the number of appeals admitted may be ascribed in some measure to the admission of special appeals, since the enactment of section 10, Regulation XI. 1805; but has been chiefly occasioned by an extension of the jurisdiction of the sudder dewanny adawlut to the ceded and conquered provinces, in 1803 and 1805; and by the original jurisdiction vested in the provincial courts under Regulation XIII. 1808, which has naturally augmented the number of appeals from these courts. The decision of a less number of civil causes since 1808 has, we believe, been principally owing to the time of the judges having been more occupied in the criminal court; by the additional number of trials referable under Regulation VIII. 1808, Regulation I. 1811, and other Regulations enacted during the last six years. We can at all events assert, with confidence, that the stated diminution in the number of decisions passed by the civil court, has not been occasioned by any relaxation in the personal labours of the judges of the court; which have been equally directed, before and since the year 1808, to the trial and decision of civil causes, as far as the pressure of other more urgent duties would admit.

13.—But from whatever cause the annual accumulation which has taken place may have proceeded, it appears indispensably requisite to provide against the continuance and augmentation of so obvious and serious an evil, by such means as your Excellency in Council may deem the most eligible for that purpose.

14.—The discretion vested in the courts of circuit by Regulations XI. and XV. 1814, recently enacted, will, we hope, materially reduce the number of criminal

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trials referrible to the nizamat adawlut, and thereby enable the judges to devote a larger portion of their time to the civil court. With the same view, we shall also, in the sequel of this address, suggest a reduction of the miscellaneous business of the sudder dewanny adawlut, by a transfer of part of it to the provincial courts. Still, however, it may be requisite to provide against a further accumulation of appeals in the court of sudder dewanny adawlut, either by relinquishing or restricting the special appeals now authorized, in cases not regularly appealable, from the amount or value adjusted or disallowed by the decrees of the provincial courts; or by raising the present standard for regular appeals. We shall therefore submit our sentiments upon this alternative.

15.—With respect to special appeals, the entire number admitted by the sudder dewanny adawlut in the three last years (1811, 1812 and 1813) has been thirty-four only, bearing a proportion of less than one-eighth to the aggregate number of appeals admitted during the same period, (viz. 290) and although the number of applications presented for such appeals was much more considerable (exceeding 400 in the three years), we conceive that the disposition to prefer groundless applications of this nature may be materially checked, by making it a rule to levy the stamp duty prescribed by section 13, Regulation I. 1814, whether the appeal be admitted or not, unless there appear to be strong grounds of equity for returning it, or part of it, on consideration of the amount, and the particular circumstances of any case in which the discretionary appeal applied for may not be allowed. Considering, therefore, the importance of reserving to the sudder dewanny adawlut a discretion to admit occasional appeals from the decisions and orders of the provincial courts, in cases not open to regular appeal, when, on the face of the decree or order of any provincial court, there may appear to be evident ground for it, to correct a manifest deviation from the Mahomedan, Hindoo, or other system of law applicable to the case; or from some Regulation in force, or from established usage or judicial precedent; assuming all the facts, as stated in the decree or order; or though such error may not appear; where the decision may involve some point of a general and important nature, not before determined by the superior court; we feel unwilling to propose any qualification of the existing provisions for a special appeal to the sudder dewanny adawlut, beyond such as may be consistent with the essential object of maintaining, in all the civil courts, uniform principles of decision, and a due observance of the laws and regulations in force. The utmost we can venture to suggest on this head is, that special appeals be declared not admissible upon matters of fact only (an adequate judgment upon which can never be formed without examination of the evidence), and that it be left to the provincial courts to determine, finally, whether there appear to be sufficient ground for a special appeal to them from decrees and orders of the zillah and city courts, not regularly appealable to the provincial courts; restricting the admission of special appeals to the court of sudder dewanny adawlut to cases in which sufficient grounds for them may appear on the face of decrees or orders passed by the provincial courts.

16.—To enable your Excellency in Council to determine what limitation it may be proper to establish for the regular appeals to the sudder dewanny adawlut, we have caused a particular examination of the amount or value adjudged or disallowed by the decrees of the provincial courts in the whole of the appealed causes depending on the 1st January 1814, the result of which is as follows:—

1st.—Causes not exceeding 5,000 rupees, including special appeals, summary appeals in cases of nonsuit, and suits tried in the first instance by the provincial courts, for an amount or value exceeding 5,000 rupees, but in which the amount adjudged or disallowed by these courts did not exceed that sum

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2d.—Causes exceeding 5,000 and not exceeding 10,000 Rupees; viz.

Not exceeding	6,000	- -	61
	7,000	- -	31
	8,000	- -	25
	9,000	- -	12
	10,000	- -	13

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3d.—Causes

3d.—Causes exceeding 10,000 and not exceeding 40,000 Rupees; viz.

- Not exceeding	15,000	- -	37
	20,000	- -	16
	25,000	- -	15
	30,000	- -	9
	35,000	- -	4
	40,000	- -	4

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4th.—Causes exceeding 40,000 Rupees; viz.

- Not exceeding	45,000	- -	2
	50,000	- -	3
	55,000	- -	1
	60,000	- -	3
	65,000	- -	2
	85,000	- -	1
	90,000	- -	1
	1,00,000	- -	1
- Exceeding	1,00,000	- -	8

85.

22

TOTAL depending 1st January - 318

17.—Taking the above statement as a proportionate standard or estimate of the general amount or value in causes now appealable to the sudder dewanny adawlut, if the future limitation of regular appeals were fixed at 8,000 or 10,000 rupees, it might be expected, to reduce the number of regular appeals in a proportion of nearly one-half in the former case, or more than a half in the latter, subject to an allowance for the higher valuation of landed property established by section 14, Regulation I. 1814, supposing this valuation to be applied to the standard for appeals.

18.—As suits for an amount or value exceeding 5,000 rupees must, under the provisions of Regulation XIII. 1808, be tried in the first instance in the provincial courts, we have felt much hesitation in suggesting any limitation of appeals to the sudder dewanny adawlut, beyond that already established by the rules in force; but on full consideration of the subject, with the actual number of depending appeals, and the absolute necessity of providing against a further accumulation, we have thought it incumbent upon us to submit the question, as the only apparent remedy for a growing evil of magnitude, to the judgment of your Excellency in Council; at the same time it may be necessary to provide, that in all suits tried originally by the provincial courts, and not open to a regular appeal to the sudder dewanny adawlut, the judgment shall be passed by at least two concurring judges of the provincial courts.

19.—It has occurred to us, that the existing rules for the trial of civil causes, ultimately appealable to the King in Council, under the 21st section of the statute 21 Geo. III. cap. 70, may admit of a modification, to provide for the trial of such cases, in the first instance, by the sudder dewanny adawlut, on grounds corresponding, in part with those which led to the provisions of Regulation XIII. 1808. Under those provisions, all regular suits, for an amount or value exceeding 5,000 sicca rupees, and, consequently, appealable to the sudder dewanny adawlut, are made cognizable in the first instance in the provincial courts, which are empowered “whenever a witness, whose evidence is required by a provincial court, may reside at such a distance from the station of the provincial court as to render his attendance at such station inconvenient, or from any cause it may be deemed improper by the provincial court to summon a witness to that court, to cause the deposition of such witness to be taken by the judge of the zillah or city in which the witness may reside.”

20.—Two objects were proposed by this arrangement, one to expedite the final determination of contested claims to large estates or other valuable property, by cutting off one stage of appeal, the other to relieve the zillah and city courts, which before had cognizance of these causes in the first instance, from a part of their too extensive duties. The first of these is equally applicable to

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suits for amount or value equal to 5,000 *l.* viz. according to the present rate of exchange, sicca rupees 40,000, which being appealable to His Majesty in Council, under the 21st section of the statute 21st Geo. III. cap. 70, will be brought to a more speedy determination than at present, if tried in the first instance in the court of sudder dewanny adawlut, with a provision for the local examination of witnesses, similar to that contained in section 9, Regulation XIII. 1808. Under the recent addition of the fourth judge to each of the provincial courts of appeal and circuit, it may be expected, that the duties of the civil court at the provincial stations will be more regularly and adequately performed than heretofore. A comparison of the present arrear of business in the provincial courts and sudder dewanny adawlut, affords also no ground for proposing to relieve the former by adding to the business of the latter. The second reason above-mentioned, on which the transfer of original jurisdiction from the zillah and city courts to the provincial courts was partly founded, cannot therefore be applied to a similar transfer from the provincial courts to the sudder dewanny adawlut.

21.—But notwithstanding this circumstance, considering the importance of bringing causes for sicca rupees 40,000 and upwards to a speedy decision, the great delay which now unavoidably occurs in the ultimate determination of such causes, the overburthened files of the provincial courts, in which suits of this description heard in regular order cannot be expected to reach the determination of their first trial within at least three years, and the little, if any, addition of time which will be required for an original trial of such suits in the sudder dewanny adawlut, with the aid of the local courts to examine witnesses; beyond what is now required for the trial of the same causes in appeal, we are induced to suggest, for the consideration of your Excellency in Council, the expediency of transferring the original trials of the causes referred to from the provincial courts to the court of sudder dewanny adawlut.

22.—We shall add only on this point, that with a view to meet the convenience of parties, in preferring suits amounting to rupees 40,000 or upwards, an option might be given for the institution of them, on the prescribed stamped paper, either in the sudder dewanny adawlut, or in the local zillah, city, or provincial court. The local court which may receive it merely acting ministerially, and transmitting the plaint with its accompaniment to the sudder dewanny adawlut.

23.—A further modification of the existing rules for appeals which has occurred to us, relates to the regular appeals now allowed to the provincial courts, in cases tried in the first instance by the registers of the zillah and city courts, and subsequently heard in appeal by the judges of those courts. It is provided by section 8, Regulation XLIX. 1803; and by a corresponding provision in section 6, Regulation VIII. 1805, for the upper provinces, that “if the judges decrees reverse or alter the registers decision, and the amount or value adjudged or disallowed by the decree of the judge, exceed one hundred sicca rupees, a further appeal shall lie to the provincial court, under the prescribed rules for appeals to that court.”

24.—An inquiry made in one of the provincial courts (that of the Calcutta division), shows that eighty-five appeals of this description were admitted in the  
 1811 - 13 years 1811, 1812, and 1813\*, besides ten admitted in the first four months of  
 1812 - 39 the current year. It will therefore, in some measure, reduce the business of the  
 1813 - 33 provincial courts to exonerate them from those appeals; and as a second appeal  
 85 in such cases does not appear indispensably requisite (the decision of the judge  
 naturally bearing more weight than that of his register), we are of opinion, that  
 in all suits for an amount or value not exceeding 500 rupees, tried originally  
 by a zillah or city register, and heard in appeal by the judge, the determination  
 of the latter might be declared final, whether in affirmation of the register's  
 decree or otherwise, reserving only a discretionary appeal to the provincial court  
 on the points noticed in the 15th paragraph of this report.

25.—Whether any other modification should take place in the existing rules for regular appeals to the provincial courts from the decree and orders of the zillah and city courts, is a point on which we do not feel ourselves competent to offer an opinion, without knowing the full extent of the general arrangements in the judicial departments, civil and criminal, now under the consideration of government, and the original jurisdiction which it may be judged expedient to fix for the several civil courts, on a view of the actual number of causes depending

in the zillah, city, and provincial courts respectively. We shall however, in the sequel, state our general sentiments on the subject.

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26.—With a view to contract, as much as possible, the miscellaneous business of the sudder dewanny adawlut, and thereby enable the judges to devote more of their time to the trial of civil causes, we beg leave to recommend that the control over the zillah and city courts, in the appointment and removal of the native commissioners, sudder and mofussil, which is now vested in the sudder dewanny adawlut, under the provisions of Regulation V. 1814, and VIII. 1809, be transferred to the provincial courts, the judges of which, under the augmentation of their number by Regulation V. 1814, will not, it is presumed, find this additional duty too much for them, especially as it will be divided between six courts.

27.—For the same reason we are of opinion that it would be expedient to vest in the several provincial courts, the power of appointing and removing the native pleaders attached to the zillah and city courts within their respective divisions, as well as those attached to their own courts respectively. This duty now rests exclusively, under the Regulations in force, with the court of sudder dewanny adawlut; and the perusal of reports, proceedings and papers relative to the stated misconduct and proposed removal of pleaders, often occupies the time of the judges, which might be otherwise employed.

28.—The cauzies of cities, towns and pergunnahs being nominated by the zillah and city judges, under the provisions of Regulation XXXIX. 1793, (extended to Benares by Regulation XLIX. 1795, and re-enacted for the upper provinces by Regulation XLVI. 1803,) and the reference usually made to the cauzyool coozāat under those Regulations (though since modified by section 10, Regulation V. 1804, and section 4, Regulation VIII. 1809) being of no practical utility, the control of the zillah and city judges, in the appointment and removal of these officers, might likewise, we think, be transferred from the sudder dewanny adawlut to the provincial courts, by whom the names of any persons appointed to the office might be communicated, through the register of the sudder dewanny adawlut, to the cauzyool coozāat and his sunnud, obtained in each instance as at present.

29.—We do not mean to include in the above proposition, the law officers of the zillah or city courts, or those of the provincial courts. Under section 10, Regulation V. 1804, and section 4, Regulation VIII. 1809, these officers, Mahomedan and Hindoo, are nominated by the zillah, city and provincial courts, and confirmed by the court of sudder dewanny adawlut, who also sanction their removal; but considering the nature of the office, and that it may often be desirable to appoint to it well qualified persons, who from the services of their fathers or other relatives have a claim on the government for employment, or may be considered entitled to a preference from high qualifications obtained at any of the public colleges patronized by government, we conceive it would be expedient to reserve the nomination and appointment of the law officers of all the courts, of judicature to the Governor General in Council, who could, of course, exercise his discretion, in desiring the judges of the several courts to nominate, for his approbation, proper persons to fill vacancies, whenever it might be deemed requisite.

30.—With the relief suggested in part of our present miscellaneous duties, which may be executed with more facility by the provincial courts, and with a reduction of the number of trials referable to the nizamat adawlut, under the provisions of Regulations XI. and XV. 1814, we trust it will be in our power, if not to decide speedily the entire number of civil causes now depending in the sudder dewanny adawlut, at least to prevent any further accumulation of appeals, supposing the standard for regular appeals to be fixed as suggested in the 17th paragraph, and the provision for special appeal to be restricted to cases of the nature described in the 15th paragraph.

31.—It may be proper to add, that in the proposed modification of the existing rules for appeals, we do not mean to include the summary appeals in cases of delay, informality, or other default, provided for by section 9, Regulation II. 1801; clause 12 of section 12, Regulation IV. 1803; section 26, Regulation XLIX. 1803; and section 11, Regulation II. 1805. The proceedings in these cases (which are prescribed in section 26, Regulation XLIX. 1803,

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and might be shortened by an omission of the notice to respondents when their attendance may not appear necessary,) occupy very little time, whilst the summary appeal provided for is highly useful in preventing or remedying hasty nonsuits or dismissals for default. The principle of section 11, Regulation II. 1805, which allows a summary appeal to the provincial courts in "all cases wherein the judges of the zillah and city courts may refuse to admit, hear and determine an original suit preferred to them on the ground of delay, informality, or other default in preferring it, or having admitted the suit, may dismiss it on the ground of some default, without investigation of the merits of the cause," should, we think, be extended to the sudder dewanny adawlut, with respect to original suits preferred to the provincial courts, and not admitted or dismissed after admission on any of the grounds stated.

32.—We are aware that a future increase of the number of regular appeals to the court of sudder dewanny adawlut may be expected, not only from a greater number of decisions being passed by the provincial courts, as now constituted, but also from the enhanced valuation of landed property, established by section 14, Regulation I. 1814. That valuation is indeed at present restricted to the valuation of property, for the purpose of levying the stamp duty prescribed by section 13, on the institution of suits in the civil courts: but we conclude the same valuation will be extended to the standard for appeals as well as to the fees of pleaders, as these have been hitherto regulated by the valuation of property, adopted for the institution-fee; though, considering the very different proportion which the public assessment must bear to the rent produce of different estates, we submit to the consideration of your Excellency in Council, whether a valuation of malgoozarry lands, formed on an estimate of the net profit to the landholder, (after deducting charges of management, and the revenue payable by him,) for a certain number of years, ten, perhaps, where the assessment is variable, and fifteen, where it is permanently fixed, would not be a more equal general rule than that prescribed in the first clause of section 14, Regulation I. 1814.

33.—At all events, the above-mentioned rule cannot be applied to any suits for malgoozarry land, except those for entire estates, distinctly assessed, or defined fractional portions of such estates. All other malgoozarry lands, forming undefined portions of estates, as well as leases or other limited assignments of land, under tenures of every description, as well as houses and the other property mentioned in the third clause of section 14, Regulation I. 1814, will still be valued as heretofore, according to the rule contained in section 3, Regulation IV. 1793, and section 3, Regulation III. 1803, viz. according to the nearest estimate that can be formed of the actual value to the claimant of the property claimed by him.

34.—We do not, therefore, apprehend that the increase of appeals under the operation of section 14, Regulation I. 1814, (supposing the valuation therein described, with any modification of it which may appear advisable, to be extended to the standard for appeals,) will be considerable. Nor can we, at present, calculate upon such an addition of appeals to the sudder dewanny adawlut, from a greater number of decisions being passed by the provincial courts, as to warrant our proposing a limitation of the regular appeals beyond that suggested in the 17th paragraph; but should a further limitation hereafter prove necessary to prevent a continued accumulation of undecided appeals, we shall not hesitate to recommend it, under a full sense of the injurious consequences to individuals, and obstruction to the ends of justice, resulting from such accumulations.

35.—The late addition of a fourth judge to each of the provincial courts, renders it unnecessary to offer any proposition for reducing the number of original causes and appeals now depending in those courts. Your Excellency in Council will observe, however, from the accompanying statements, that the arrear is very heavy in some of the provincial courts, particularly in Dacca, Calcutta and Patna\*. Although, therefore, the proposed restriction of special appeals, with the discontinuance of regular appeals in cases not exceeding 500 rupees, when the zillah or city judges may reverse or alter the decrees of their registers, and the transfer to the sudder dewanny adawlut of original suits for sicca rupees 40,000 and upwards, (if these arrangements should meet the approbation of your Excellency in Council,) may be reasonably expected, with the addition of effective strength given to the provincial courts, to prevent any further accumulation of undecided causes in those

\* Dacca - 1,023.  
Calcutta - 957.  
Patna - 900.

those courts, (supposing their present jurisdiction, with respect to the original suits, to continue as at present,) we cannot entertain any sanguine hope that the large arrear now depending will be immediately or speedily reduced.

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36.—Under this view of the actual state of three, at least, of the provincial courts (and in the Benares and Moorshedabad courts the arrear is also considerable\*), we could not suggest any immediate transfer of original jurisdiction from the zillah and city courts to the provincial courts, even if this measure were not otherwise objectionable. But, independent of the obstacle arising from the present arrear of business in the provincial courts, it appears to us highly desirable to maintain the present gradations of original and appellate jurisdictions, if practicable, as providing for an easy and regular appeal to the provincial tribunal in all suits for an amount or value exceeding 500 rupees, and thereby securing, besides regularity and deliberation in the first instance, either a single judgment acquiesced in by the parties, or the concurring sentence of two judges in appealed cases, viz. the decree of a judge of the provincial court affirming the decision of the zillah or city court, or the decree of two judges of a provincial court reversing or altering the decision of the zillah or city court. The convenience of parties and witnesses in suits of small amount is also promoted by the present original jurisdiction of the zillah and city courts; and, if it should be deemed requisite to have the concurring judgment of two judges of the provincial courts in deciding finally a cause tried by them in the first instance, the additional occupation of the time of the provincial courts, which must attend such an arrangement, opposes a strong impediment against the adoption of it; whilst the business already belonging to the provincial courts is so much in arrear.

\* Benares - 408.  
Moorshedabad, 303.

37.—The most that we could propose at present, if any arrangement of this nature were deemed necessary for the relief of the judges of the zillah and city courts, would be a provisional rule, empowering the provincial courts to receive, (either on their own requisition, or by order of the sudder dewanny adawlut,) any original causes exceeding 1,000 rupees, which may have been long depending in any of the zillah and city courts within their respective divisions, and which can be brought to a more early termination, by removal to the provincial courts. We have, however, already expressed our incompetency to form a conclusive opinion upon the future jurisdiction of the provincial courts, without more exact information of the intended arrangements respecting the zillah and city courts.

38.—With respect to the number of depending suits and appeals before the judges and assistant judges of the zillah and city courts, although the statement exhibited in the 7th paragraph is more favourable than that given of the suits and appeals depending in the provincial courts, it is obvious that this result is in a great degree ascribable to the aid afforded by the assistant judges, of whom no less than ten were employed at the close of 1813; viz. in the cities of Benares<sup>1</sup> and Patna<sup>2</sup>; and in zillahs Bundelcund<sup>3</sup>, Burdwan<sup>4</sup>, and Goruckpore<sup>5</sup>, Nuddeah<sup>6</sup>, Purneah<sup>7</sup>, Rajeshahy<sup>8</sup>, Tirhoot<sup>9</sup>, and the 24 Pergunnahs<sup>10</sup>.

39.—Two of this number, Mr. G. French, the assistant judge at Goruckpore, and Mr. C. R. Martin, assistant judge at Tirhoot, have been recently promoted to judgeships in other zillahs. Mr. Clarke, late assistant judge at Rajeshahye, has returned to Europe; and an arrangement proposed to supply his place has been disapproved by government, on the ground stated in the chief secretary's letter of the 13th ultimo, viz. as "likewise eventually to be annulled on the introduction of the depending general arrangements." The assistant judge at Bundelcund, Mr. R. B. Gardiner, was appointed to officiate during the absence of the judge on duty, and we conclude he will be now discontinued, as Mr. Wauchope is returned to his station. The actual number of assistant judges, therefore, exclusive of Mr. Gardiner, is six only; and the number of causes depending in the courts where the year employed was, on the 1st January last, as follows:

		1.—Burdwan:	
(a) Appeals from register	189	Before judge and assistant	
D <sup>o</sup> - sudder aumeens	1,265	judge - - - - -	1,639 (a)
D <sup>o</sup> - mofussil com-		Before register - - - -	312
missioners - - -	1		<hr/>
Original suits - - -	184		1,951
			<hr/>
			Appeals



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(b) Appeals from register	132	} 1,361
D <sup>o</sup> - sudder aumeens	318	
D <sup>o</sup> - mofussil com- missioners - - -	299	
Original suits - - -	612	

(c) Appeals from register	213	} 1,263
D <sup>o</sup> - sudder aumeens	841	
Original suits - - -	209	

(d) Appeals from register	193	} 793
D <sup>o</sup> - sudder aumeens	246	
Original suits - - -	354	

(e) Appeals from register	195	} 527
D <sup>o</sup> - sudder aumeens	213	
Original suits - - -	119	

(f) Appeals from register	78	} 464
D <sup>o</sup> - sudder aumeens	271	
Original suits - - -	115	

2.—Twenty-four Pergunnahs :	
Before judge and assistant judge - - - - -	1,561 (b)
Before register - - -	375
	<u>1,936</u>

3.—Purneah :	
Before judge and assistant judge - - - - -	1,263 (c)
Before register - - -	362
	<u>1,625</u>

4.—Benares City :	
Before judge and assistant judge - - - - -	793 (d)
Before register - - -	548
	<u>1,341</u>

5.—Patna City :	
Before judge and assistant judge - - - - -	527 (e)
Before register - - -	195
	<u>722</u>

6.—Nuddeah :	
Before judge and assistant judge - - - - -	464 (f)
Before register - - -	361
	<u>825</u>

\* Since this report was prepared, the assistant judge at Purneah, Mr. Monckton, has been transferred to Tirhoot.

40.—In zillahs Tirhoot, Goruckpore and Rajeshahy\*, from which the late assistant judges have been removed, the number of causes depending, on the 1st January, was as follows :

(g) Appeals from register	447	} 1,521
D <sup>o</sup> - sudder aumeens	616	
D <sup>o</sup> - mofussil com- missioners - - -	41	
Original suits - - -	417	

(h) Appeals from register	21	} 402
D <sup>o</sup> - sudder aumeens	110	
D <sup>o</sup> - mofussil com- missioners - - -	147	
Original suits - - -	124	

(i) Appeals from register	54	} 331
D <sup>o</sup> - sudder aumeens	146	
Original suits - - -	131	

Tirhoot :	
Before judge and assistant judge - - - - -	1,521 (g)
Before register - - -	180
	<u>1,701</u>

Goruckpore :	
Before judge and assistant judge - - - - -	402 (h)
Before register - - -	28
	<u>603 †</u>

Rajeshahy :	
Before judge and assistant judge - - - - -	331 (i)
Before register - - -	368
	<u>699</u>

41.—In zillah Jessore, where Mr. Oakeley was formerly appointed assistant judge, but afterwards directed to officiate, and is now confirmed as judge, the number of depending causes on the 1st January was,

(k) Appeals from register	153	} 794
D <sup>o</sup> - sudder aumeens	211	
D <sup>o</sup> - mofussil com- missioners - - -	46	
Original suits - - -	384	

Before the judge - - -	794 (k)
Before register - - -	272
	<u>1,066</u>

42.—And in zillah Chittagong, where an assistant judge was formerly employed, but not in 1813, the number of depending causes at the end of that year was,

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(1) Appeals from register . 230	} 1,605		Before the judge - - -	1,605 (1)
D <sup>o</sup> - law officers - 127			Before register - - -	180
D <sup>o</sup> - land and other				
commissioners - - 40				
Original suits - - - 1,208				<u>1,785</u>

43.—On inspection of the foregoing statement, a striking circumstance is, the large proportion of appeals depending before the judges from the decisions of the sudder aumeens, or head native commissioners. By section 9, Regulation XIII. 1810, the judges of the zillah and city courts are authorized and required, “whenever the number of appeals from the decisions of the mofussil native commissioners may be such as cannot be speedily heard and determined by themselves, to refer such appeals for investigation and decision to the sudder aumeens appointed under section 9, Regulation XLIX. 1803, or to the law officers empowered to act in that capacity.” The decision of the sudder aumeens on the appeals so referred to him, is declared final, unless the judge see ground to admit a special appeal. But all suits tried, in the first instance, by the sudder aumeens, are appealable to the judge, and no provision is made by the Regulations in force for referring such appeals to the register. They are, consequently, left to accumulate, until they can be heard by the judge, or by an assistant judge.

44.—With a view to provide for the more speedy determination of such appeals, we are of opinion, that the zillah and city judges should be authorized and required to refer them to their registers, in the same manner as they are authorized and required by section 9, Regulation XIII. 1810, to refer appeals from the decisions of the mofussil native commissioners to the sudder aumeens, and, under a similar provision, that the decree of the register shall be final, unless the judge see ground to admit a special appeal.

45.—In some instances, the number of appeals from the decisions of the sudder aumeens, may be more than a single register can hear and determine, with the other suits referrible to him; especially where a large arrear of such appeals has accumulated; as in Burdwan, Purneah, Tirhoot, and the twenty-four Purnannahs.

46.—In such cases an assistant register, with the same powers as are vested in the register of the zillah and city courts, might be appointed, if such an appointment appear preferable to that of assistant judge, though considering the moderate salary fixed for assistant judges, and the very great benefit derived from the occasional employment of them, under the provisions of section 2, Regulation XLIX. 1803, we cannot but express an anxious wish that these provisions, with the modification of them, sanctioned by government on the 22d January last, for the purpose of enabling persons holding the offices of assistant judge and magistrate to reside at a station distinct from that of the judge and magistrate, may still remain in force.

47.—Till made acquainted with the sentiments and determination of government on this point, we feel diffident, under the intimation conveyed in the chief secretary’s letter of the 13th ultimo, of proposing the continuance of any of the present assistant judges. The statement above submitted, of original suits and appeals depending in the zillah and city courts most in arrear, will, however, enable your Excellency in Council to pass such orders on the subject as may be consistent with the general arrangements in contemplation.

48.—On the 2d of October last, the chief secretary transmitted to our register an application from the judge of Allahabad, for the appointment of an assistant judge in that zillah, on the declared ground “that the decision of regular civil suits in the zillah has been for many months at a stand,” and that the judge sees “no prospect of leisure being afforded for the execution of this duty.” We have also the honour to submit (N<sup>o</sup> 6) the copy of a letter addressed

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to our register by the judge of Juanpore, under date the 15th January last, applying for the appointment of an assistant judge, in consequence of the heavy pressure of foudarry business in that zillah, which has prevented much attention being given to the duties of the civil court. The arrear of original suits and appeals depending in these zillahs on the 1st January last was as follows:

(m) Appeals from register	78	} 282	Allahabad:		
D <sup>o</sup> - native commis-				Before the judge - - -	282 (m)
sioners - - - -	54			Before register - - -	118
Original suits - - -	150			<u>400</u>	
(n) Appeals from register	117	} 422	Juanpore:		
D <sup>o</sup> - sudder aumeens	55			Before the judge - - -	422 (n)
D <sup>o</sup> - mofussil commis-				Before register - - -	111
sioners - - - -	40				<u>533</u>
Original suits - - -	210				

49.—For the reason already mentioned, we submit the above applications and statement to the consideration and decision of your Excellency in Council.

50.—The number of suits depending before the registers and native commissioners, as stated in the second and third paragraphs of this report, does not appear to call for any particular remark, except that we see no reason for altering the present jurisdiction of the registers for the trial of causes not exceeding 500 rupees, referred to them by the zillah and city judges, beyond what has been suggested in the 44th paragraph, for enabling them to try appeals from the decisions of the sudder aumeens. We shall again advert to the native commissioners, sudder and mofussil, after noticing other suits cognizable in the zillah and city courts, besides the regular suits which have been specified.

51.—These consist principally of summary actions for arrears of rent, or for the trial of disputed demands of rent, under the provisions of Regulations VII. 1799; V. 1800; XXVIII. 1803; V. 1812; and VII. 1813; and summary suits for the recovery of the possession of land in cases of forcible dispossession, under the provisions of Regulations XLIX. 1793; XIV. 1795; V. 1798, section 7; XXXII. 1803; II. 1805, sections 5 and 13; and VI. 1813.

52.—The judges of the zillah and city courts have been instructed (by a circular order issued on the 3d of February last) to send, with their monthly reports of decided causes and half-yearly reports of depending causes, separate statements of the number of summary suits decided and depending before them at the same period, under the following distinctions:

1. Relative to land rents.
2. Relative to possession of land.
3. Miscellaneous.

53.—But the reports of causes depending on the 1st January last are confined to regular suits, with the following exceptions: the judge of the 24 pergunnahs, beside the regular suits already noticed, specifies 1,100 depending summary suits instituted under Regulation VII. 1799, and 1,807 instituted under Regulation V. 1812: he also mentions 496 of the former description, and 203 of the latter, as having been decided "up to December 1813." The judge of Nuddea, in his report of depending causes, notices 583 summary suits as depending on the 1st July 1813; 137 instituted from that date to the end of December 1813; 408 decreed on trial, and 18 dismissed on nonsuit by the judge and assistant judge within the same period, and 294 depending on the 1st January 1814.

54.—On the 31st July last, the chief secretary, by desire of the Governor General in Council, transmitted to us an extract from the proceedings of government, on a suggestion from the Board of Revenue, of the expediency of empowering the collectors and their assistants to decide upon the cases referrible to them under Regulation V. 1812, subject to the regular suit provided for by section 23 of that Regulation, instead of their adjustment being reported to the judge for his revision and determination under section 21, Regulation V. 1812, and

and the former rule therein referred to, which has been re-enacted for the upper provinces in section 2, Regulation VII. 1813.

55.—The Board of Revenue (in their letter to government dated 13th July 1813) observe, that they were “induced to offer this suggestion from a conviction of the serious consequences which would result from any considerable delay in the conclusion of the summary inquiries into demands of rent by the landholders from their tenants, more especially with reference to the rules contained in sections 15 and 16 of Regulation V. 1812, by which the tenant is enabled to stay process of distraint, on giving security, and executing a bond to institute a suit for the trial of the demand.” And they add, “we apprehend that the time of the judges is so fully occupied by other business, that even with the facility afforded by the previous investigation of the collectors, that degree of dispatch which causes of the description alluded to so frequently demand, cannot in general be expected.”

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56.—The Governor General in Council, on consideration of the above proposition, observed (31st July 1813,) that he was not prepared to pass any final decision on it; and added, “it is possible, that by thus establishing a court to a certain degree independent of the zillah or city judge, a collision of authority might arise, which might be productive of inconvenience and embarrassment. It likewise occurs to his Lordship in Council, that under an arrangement of this nature, the collectors might require considerable additional establishments, to enable them to enforce the judgments passed by them. Even supposing the arrangement in question to be in ordinary cases adopted, considerable restrictions must be established on its operation with respect to suits originating in mehals held khas, or in land attached, or in estates managed by the collector in behalf of female minors and other disqualified landholders, in all which cases the collectors must themselves be considered, in a certain degree, parties in the suits.”

57.—Under these circumstances, his Lordship in Council deemed it advisable to refer the suggestion of the Board of Revenue, with the above observations upon it, to the court of sudder dewanny adawlut, and was pleased to desire our report “whether, on a full consideration of the subject, we would recommend that the provision suggested by the Board of Revenue, for empowering the collectors and their assistants to pass decisions on the cases referred to them, under Regulation V. 1812, should be adopted, or any other modification of the existing rule should be established.”

58.—Previously to offering a final opinion, as required, the present chief and second judges of the court beg leave to refer to the sentiments already expressed by them in the resolutions of the court of nizamat adawlut, under date the 27th June 1812, on a suggestion from the third judge of the Dacca court of circuit (Mr. J. M. Rees), similar to that now submitted by the Board of Revenue. The majority of the court (Mr. Stuart reserving his opinion for farther consideration of the question) stated, they were “not aware of any objection to the adoption of the suggestion referred to; on the contrary, the measure proposed appears to be highly expedient, as likely to promote the speedy determination of the cases referred to the collectors under the rules above noticed, whilst the option of preferring a regular suit in the civil court by all persons who may consider themselves injured under the collector’s adjustment, removes all objection against empowering the latter to decide the case referred to him in the first instance, instead of reporting his adjustment to the zillah court.” It was at the same time added, “that in the event of a rule being passed to the effect proposed, the collector’s adjustment should be sent for enforcement to the zillah or city court, in like manner as the decrees of the native commissioners are transmitted for execution by the judge of the zillah or city court.”

59.—On full consideration of the subject, we have now the honour to report our deliberate opinion, that, for the reasons stated by the Board of Revenue, as well as with a view to relieve the zillah and city judges from a part of the duties of the civil court now appertaining to them, it is expedient to vest the collectors and their assistants with powers to decide summarily all causes relative to the rents of land, or other matters referrible to the collectors for adjustment under the Regulations, subject to a regular suit in the court of dewanny adawlut,

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by any party who may be dissatisfied with the decision of the collector or his assistant.

60.—We do not understand the proposition of the Board of Revenue, to extend beyond the trial and decision of suits referred by the judges of the zillah and city courts; and are of opinion, that this restriction, in preference to vesting the collectors with original jurisdiction, is advisable, for the following reasons.

1st. The collision of authority apprehended by government will be thereby effectually prevented.

2d. It will always be at the discretion of the judge, (and should be made his duty by an express provision in the Regulations) to withhold from the collector's cognizance, suits in which he may be considered directly or indirectly a party.

3d. It may not be in the power of the collector and his assistant to investigate all the suits instituted, relative to demands or exactions of rent, whilst a part of such suits might be brought to speedy determination, by reference to the sudder aumeens, or to the registers of the zillah and city courts, or in some instances by the judges of those courts.

4th. Under a limitation of the collector's jurisdiction to suits referred to him for trial and decision by the zillah or city judge, claims of possession to tenures of land, depending on the fulfilment of engagements between landlords and tenants, and perhaps all claims to the possession of land or other immovable property, might at the discretion of the judge, when such cases cannot be speedily tried in the zillah or city courts, be referred for summary investigation and decision by the collector, subject to a regular suit in the civil court, on the right of property, or on the right of possession, if either party should be dissatisfied with the collector's summary judgment.

5th. The additional establishments which it is supposed the collectors might require, to enable them to enforce the judgment passed by them, would be unnecessary, under the proposed restriction; and provided also, as further proposed by us, that all judgments passed by the collector or his assistant, be enforced by the zillah and city courts in like manner as the awards of arbitrators are ordered to be enforced by sections 3 and 5 of Regulation VI. 1813, as well as the decisions of the native commissioners by the rules in force relative to these officers.

61.—Against the reasons stated in the preceding paragraph for not vesting the collectors with original jurisdiction, it may be urged, that such jurisdiction would enable the collectors, in some instances, to act more promptly and expeditiously in receiving, trying and deciding the suits made cognizable by them, and in executing their decisions; without the intervention of the zillah and city courts. But admitting this argument, the danger of collision between two independent authorities; the difficulty of distinguishing exactly by any general rules the cases which should and should not be tried by the collectors; the uncertainty how far the collectors and their assistants might be able to try and decide speedily the whole of any descriptions of causes placed within their exclusive cognizance; the necessity there would consequently be of limiting such descriptions within a much narrower extent, than if a discretion be reserved to the civil courts of referring to the collectors such causes only as may appear properly cognizable by them; and, lastly, the additional expense that must attend an entirely distinct establishment for the enforcement of the collector's process, far outweigh, in our judgment, every advantage that could be expected to be derived from rendering the collector's judicial authority independent of the local civil court.

62.—We shall only add on this subject, that our sentiments upon the general question of investing the collector with powers to decide, in the first instance, claims to arrears of rent and complaints of undue exactions of rent, were submitted in the 19th paragraph of our report to government, under date the 17th October 1809 (in answer to a letter from the secretary in the judicial department, dated 22d July 1809), and that the honourable Court of Directors in the ninth paragraph of their letter, under date the 2d June 1812 (communicated to us with the chief secretary's letter of 30th January 1813,) appear to have approved the principle of the measure proposed, although they reserved their definitive judgment upon it, until they should be in possession of the  
“ Regulations

“ Regulations requisite for giving effect to this arrangement, and for obviating the abuses to which it may seem to be liable.”

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63.—The extract from the letter above mentioned, which was communicated for our “ sentiments on the different points discussed in it,” besides a subject since provided for by Regulation XVII. 1803, “ for amending the rules before enacted for the conduct of inquiries into charges and complaints preferred against European public officers,” and the question above noticed, of investing the collectors with judicial authority in cases of alleged arrears or exactions of rent, included the following suggestions :

1. That if it be found impracticable to keep down the business of the zillah and city civil courts, without resorting to further aid, a certain number of the Company's servants (four supposed sufficient,) “ be set apart as assistant judges at the disposal of the sudder dewanny adawlut, in whatever station there may be most need of their services.”

2d. That some effectual remedy be applied to the abuses prevalent in the establishment of native commissioners, as stated in the report of the court of sudder dewanny adawlut, dated 17th October 1809.

3d. That the forms of pleading and rules of proceeding, and process in the civil courts, be simplified and shortened, with a view to the more prompt administration of justice.

64.—We have already, in the 46th paragraph of this Report, expressed our sense of the actual benefit obtained from the employment of assistant judges, where an accumulation of civil causes in the zillah and city courts has required some extraordinary aid for the trial and decision of them; and if the arrangements now under the consideration of Government shall admit of the number specified by the honourable Court of Directors being hereafter employed, we are of opinion that the measure suggested cannot fail of proving highly advantageous.

65.—The important and principal object of such an establishment will of course be to apply a speedy and effectual remedy to the serious evil of an arrear of civil causes in any particular courts which may appear to require it, especially where the time of the judges may be considerably occupied with the police, or other duties in the criminal department. But, independently of this object, it is justly observed by the Court of Directors, that the office of assistant-judge will serve to qualify the person on whom it is conferred for the future and more important station of judge, while the salary (1,000 rupees per mensem) will render the appointment an object of competition, and thus stimulate the activity and good conduct of the registers, from whom the selection would of course be made.

66.—With regard to the native commissioners appointed under Regulation XLIX. 1803, and other Regulations in force, particularly the moonsiffs and other mofussil commissioners empowered to try and decide suits for a small amount, in the first instance, subject to appeal to the zillah and city courts; although our attention has been repeatedly drawn to experienced defects in the existing establishment, by particular cases brought before us of corruption, and other misconduct established against several of the individuals intrusted with the office of mofussil commissioners, as well as by the consideration of general propositions for abolishing or reforming the existing establishment of native commissioners, we have not been able to digest and frame any plan free of objection, which we could satisfactorily propose for adoption.

67.—On the 19th September 1812 the Governor General in Council desired our opinion, after making such inquiries as might be deemed necessary on a suggestion from Mr. J. Shakespear, then judge of zillah Nuddeah, that the entire abolition of the mofussil commissioners, and the appointment of a few sudder aumeens in their room, would be productive of the most beneficial consequences, and would materially check litigation and perjury, now so prevalent in the mofussil courts.

68.—Suggestions to the same effect had been previously received by us from Mr. H. Cornish, judge of the 24 pergunnahs, in a letter from him, dated 27th August 1806, and from Mr. H. Dumbleton, judge of Goruckpore, dated 18th June 1810. Copies of these letters, and of the statement accompanying the latter of “ fees received by the native commissioners in Goruckpore during the

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" year 1809" with copies of two further letters from the judge of the 24 pergunnahs, dated 20th September and 27th December 1806, and of the orders issued to both the above judges in answer to their respective letters, are submitted (No. 7) for the information of your Excellency in Council.

69.—The obvious objection to the measure proposed by the three judges of the 24 pergunnahs, Goruckpore and Nuddeah, is, that it relinquishes one of the principal objects intended by the establishment of mofussil native commissioners, as stated in the preamble to Regulation XL. 1793, viz. to provide against the inconvenience and expense to which parties and witnesses in numerous suits, for a small amount of value, must be subjected, if obliged to quit their employments, and proceed to a distance from their habitations for the purpose of attending the zillah court.

70.—This inconvenience and expense would be the same if the parties and witnesses in such suits were compelled to attend the Cutcherries of the sudder aumeens at the station of the zillah judge, except the difference resulting from their detention in a suit before a sudder aumeen being less than it must be, in most cases, if the same suit were before the judge of a zillah court.

71.—Considering, therefore, the value of time to the poorer orders of the people, and their little ability to support extraordinary expenses, we feel very unwilling, without the strongest evidence of the necessity of it, to propose the entire abolition of the mofussil native commissioners, especially those vested with the jurisdiction of moonsiffs, and selected as required by Section 14, Regulation XLIX. 1803; in the preamble to which it is declared, that " the general convenience of the inhabitants, especially of those who reside at a distance from the zillah courts, will be much promoted by the appointment of well qualified persons, with the original jurisdiction of moonsiffs for the cognizance of all suits preferred to them for money, or other personal property within the limitation of fifty sicca rupets, not being for damages on account of personal injuries or other personal damages, for which, under experienced litigiousness in such cases, no suit should be tried by a native commissioner without reference from the judge."

72.—It is indeed stated by Mr. Cornish, that " the convenience to parties and witnesses in not having to attend at the judges court, is more than counterbalanced by the irregular conduct of the moonsiffs;" and he adds " in many instances, I firmly believe, that defendants are under the necessity of appealing from the decisions of the moonsiffs, who would never have been prosecuted at all had the plaintiff been compelled to present, in the first instance, his petition to the judge."

73.—Admitting that many defendants now sued in the moonsiffs court on the spot would not have been sued at all if that court had not existed, we do not consider this circumstance to be a solid ground of objection to the present system for the administration of civil justice; and it is further observed by Mr. Cornish himself, that " the number of causes appealed bears no proportion to the number decided by the moonsiffs," an important fact, which he " can only account for by a great many of the causes having been decided while the defendants have been ignorant of a suit having been instituted against them; and the plaintiffs purposely defer bringing their decrees in such cases to be enforced until the period for appeal has elapsed." But as the zillah judge is empowered to admit an appeal after the month fixed for the ordinary course of appeal, when the appellant can show sufficient reason for not having preferred it within the time prescribed, this explanation (which is stated hypothetically, not upon the result of actual inquiry), does not appear satisfactory. There may, perhaps, be more ground for an additional remark made by Mr. Cornish, that " others submit to a trifling loss rather than be at the trouble and expense of an appeal," though the known disposition of the natives is against the probability of this motive operating to prevent appeals in any degree sufficient to account for the small number of appeals actually preferred against the decisions of the native commissioners, compared with the very large number of suits annually determined by them.

74.—The material question seems to be that first noticed by Mr. Cornish, viz. whether the public convenience arising from the local courts of the moonsiffs be more than counterbalanced by their irregular conduct. He admits that " the  
" appointment

“ appointment of moonsiffs, under Regulations XL. 1793, and XLIX. 1803, would most undoubtedly be attended with the desirable ends therein specified, provided natives possessing an adequate knowledge of the Regulations, and the indispensably necessary qualifications of honesty and integrity, could be found to fill these situations;” but adds, “ it must be acknowledged by those who have had experience of the characters of the natives in general, that the authority necessary to be delegated to the moonsiffs cannot be given with safety.”

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75.—The only irregularity in the conduct of the moonsiffs, particularly specified by Mr. Cornish, is, that in collusion with plaintiffs, and for the purpose of obtaining the institution-fee, they receive and try suits for real property, which are excluded from their cognizance by the Regulations, and thereby afford ground for frequent appeals to the zillah court.

76.—This irregularity, under different forms, with a view to obtain indirect judgments in the moonsiff's court for the possession of land, is also mentioned by the late Judge of Goruckpore, with other irregularities relative to distresses for arrears of rent, which since the date of his letter have been in a great degree provided against by Regulation V. 1812.

77.—The Judge of Nuddea, in his letter of 28th August 1812, observed, that “ the appointment of sudder aumeens at this station has given very general satisfaction to the natives;” and added his opinion, that “ the entire abolition of the mofussil commissioners, and the appointment of a few sudder aumeens in their room, would be productive of the most beneficial consequences; and would materially check litigation and perjury, now so prevalent in the mofussil courts.”

78.—We have thus stated all the reasons specifically brought forward for abolishing the present establishments of mofussil native commissioners, and appointing, instead of them, an additional number of sudder aumeens; between whom and the mofussil commissioners there is one essential distinction, besides being more under the observation and control of the zillah judge; viz. that they, in general, receive from Government a fixed allowance for their trouble, and the expense of their establishments, in addition to the fee receivable by them in common with the mofussil commissioners, as provided by the first clause of Section 11, Regulation XLIX. 1803. The allowance, on both accounts, to each of the sudder aumeens in zillah Nuddea (except the law-officers, who receive salaries to a larger amount), is 70 rupees per mensem.

79.—The irregularities which are stated to be committed by some of the moonsiffs now vested with original jurisdiction, or which have come to our knowledge in the ordinary discharge of our official duties, do not appear to us of that magnitude, or so incapable of reformation, as to call for the immediate and general abolition of the office. We must add, however, that frequent instances of corrupt conduct on the part of the moonsiffs have been brought before us; and we are ready to admit, that if means cannot be found to remedy, in a considerable degree, so serious an evil in these inferior courts of judicature, it will be expedient to discontinue them, and augment the number of sudder aumeens, or establish some other practical system more consistent with the ends of justice and the actual circumstances of the country.

80.—We cannot, however, think a fair trial has been given to the moonsiffs as to what might be expected from a judicial establishment, regulated upon just and wise principles, whilst they are left in their present situation without any thing like an adequate compensation for their time and labour; exposed to strong temptation in the exercise of the powers vested in them; and driven, it may be concluded, in many instances, to the alternative of unlawful practices, or a deprivation of their only means of support.

81.—In the 25th paragraph of our report, dated the 17th October 1809, it was observed “ a difference of opinion exists upon the utility of the present establishment of native commissioners; but, considering the limited number of European officers that are or can be employed in the judicial department, it is evident, that without the aid of inferior judicatures under native superintendence, it must be utterly impossible to provide for the complete



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“ administration of civil justice in the extensive and populous provinces subject to the British government under this Presidency. The abuses which have been ascertained to prevail under the present establishment of native commissioners appear to us to call for a reformation, but not for an abolition of the establishment, without providing another to supply its place; and a radical defect in the existing system would be remedied by allowing the Commissioners a sufficient fixed salary, instead of the inadequate and precarious compensation now received by them from the institution-fee, which is supposed to occasion the instigation of numerous suits, that would not be brought forward if the commissioners had not an interest in promoting them.”

82.—We still entertain the sentiments expressed in the above-cited paragraph; and apprehend that no reformation of the present system will be effectual without providing a remedy for the radical defect referred to, either by allowing the native commissioners an adequate salary, instead of the small fee now received by them, or if this cannot be done, by employing them (as we understand to be in the contemplation of Government) on other duties besides the trial of civil suits; and allowing them to receive a compensation for the performance of these duties, such as may render their situation on the whole advantageous and valuable to them, without having recourse to dishonest practices.

83.—The first mode of payment, if practicable, would evidently be the best. As the moonsiffs and other native commissioners are now paid by the institution-fee (or stamp-duty established in lieu of it by Section 13, Regulation I. 1814) on suits tried and decided by them, with provisions that this fee shall be paid to the commissioner on his determination of the suit, and shall not be received by him on suits adjusted by razeenamah, when the parties may be entitled to a return of the fee under Section 11, Regulation XIII. 1810. It is manifestly the interest of the commissioners to promote the institution of suits cognizable by them to discourage their adjustment when instituted, and to hasten the determination of them, with a view to receive the fees. When these circumstances are considered, with the small amount, after all, of the fees receivable by the moonsiffs (for the expense of their establishments as well as their own maintenance,) it cannot be matter of surprize that occasional or frequent instances of corruption should occur in a numerous body of native officers so situated.

84.—We need not observe to your Excellency in Council, that the European courts of judicature now established in these provinces were deliberately constituted upon different principles of experience, policy, and equity; but we must remark, that the force and wisdom of these principles are at least equally applicable to the native courts, the judges and officers of which, from their education and habits, cannot be generally expected to possess the same degree of moral rectitude, or the same regard to honour and character, as the European servants of the Company employed in the same capacity.

85.—From the communication made to us in the chief secretary's letter of the 29th April last, we are happy to learn it is proposed by Government “ to revise the rules contained in Section 11, Regulation XIII. 1810, there being grounds to believe that the return of the whole or of a moiety of the institution-fee, so far as respects cases before the moonsiffs and sudder aumeens, has produced exactly the contrary effect from what was anticipated from those provisions.”

* Sudder Aumeens:	
Adjusted from October 1809	
to July 1810	2,118
D <sup>o</sup> - - from August 1810	
to May 1811	2,083

Less in latter period - 35

Mofussil Commissioners:	
Adjusted from October 1809	
to July 1810	74,911
D <sup>o</sup> - - from August 1810	
to May 1811	37,880

Less - 37,031

86.—A report on this subject, showing the beneficial operation of the above-mentioned Section in all the civil courts except those of the native commissioners, sudder and mofussil, (in which the number of causes adjusted by razeenamahs during nine months after the promulgation of Regulation XIII. 1810, was considerably less, especially before the mofussil commissioners, than the number adjusted during the preceding nine months\*) was submitted by us on the 5th September 1811, and we have now the honour to submit (N<sup>o</sup> 8) three original letters from the judges of Burdwan, Nuddea and Jessore, with the enclosures in the two former, containing the further information promised in that report of the apparent cause of the unsuccessful operation of Section 11, Regulation XIII. 1810, in the courts of the native commissioners.

87.—It

87.—It is evident from these letters, and the statements accompanying them, that the diminution of razeenamahs since the promulgation of Regulation XIII. 1810, is chiefly ascribable to the influence of the native commissioners, which was before used to promote adjustments being subsequently exerted to prevent them. The judge of Burdwan (Mr. Bayley) remarks on this subject, “The subserviency of the vakeels of the moonsiffs court to those officers, and their own personal influence, easily enables them, in numerous instances, to encourage the parties either to settle their disputes amicably, or to persevere in litigation to the last; and since Regulation XIII. 1810 was enacted, almost all the moonsiffs in the district appear to have adopted the latter line of conduct, as being most conducive to their personal interest.” He adds, “one conscientious moonsiff (Golaum Emam) who held that office in Cotulpore, resigned his situation some months ago, avowing that his income was so much reduced by the operation of the Regulation in question, that he could not support his family unless he discouraged the parties from filing razeenamahs, a conduct which he would not be guilty of.”

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88.—Under the circumstances above mentioned there can be no doubt of the policy of rescinding the provisions in Section 11, Regulation XIII. 1810, as far as they respect causes adjusted by razeenamahs in the courts of the native commissioners, if it be found necessary, or deemed expedient to continue the present mode of compensation to those officers. Should it however be practicable to take away the interest which the commissioners now have in preventing the amicable adjustment of causes depending before them, by granting them a fixed salary instead of the institution-fee, (or stamp-duty now levied in lieu of it) which would also obviate their having an interest in promoting suits, or in hastening the determination of them; it would, we think, be advisable to leave Section 11, Regulation XIII. 1810, in force for all the civil courts, as far as it directs a return of the institution-fee, in whole or in parts, to plaintiffs and appellants, adjusting their claims by razeenamahs, before or after the pleadings are completed and read.

89.—We are aware that in favour of the present mode of payment by a fee on decided causes, supposing it could be made adequate with other authorized fees or allowances to the commissioner's support, it may be contended, that a compensation, depending upon the number of causes determined, is calculated to stimulate an activity in the investigation and decision of suits cognizable by the native commissioners, which might be wanting if they were paid by a fixed salary. But, admitting the truth of this principle, we are of opinion, that the utmost benefit to be expected from it is more than counterbalanced by the disadvantages we have referred to in furnishing a powerful motive to encourage litigation, and a bias of interest against a fair and full investigation, from which the judge of every tribunal should, for obvious reasons, be exempt.

90.—It may be further urged, that the mode of payment by a fee on decided causes is partly adopted for compensating the registers of the zillah and city courts. The objections above stated, as far as they respect the encouragement of suits by the native commissioners, are not of course applicable to the registers, and we do not suspect them capable of neglecting a due inquiry into the merits of the cases referred to them, for the sake of the inconsiderable fee receivable by them on the decision of such cases. But neither can the small amount of this fee be a stimulus to the active discharge of the registers duties, if any were supposed requisite.

With a view therefore to guard against any possible suspicion of an undue bias by the parties interested, or, in other words, to increase the confidence of the people in the impartiality of all trials committed to the registers of the zillah and city courts, we are of opinion that it would be expedient to discontinue the present mode of paying them, as far as it respects the institution-fee; to let this fee be received by Government in all suits tried and decided by the registers, in like manner as in causes tried and decided by the judges, (when not returnable to the parties in adjusted cases) and to grant the registers an equivalent addition to their salaries, which would not be attended with any additional charge to Government.

91.—In a minute accompanying our report to government, under date the 17th October, 1809, our present chief judge suggested, for future consideration,

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that a fund to provide a fixed monthly allowance of fifty rupees, for a sufficient number of mofussil commissioners, (calculated on an average at ten for each zillah) and one hundred rupees for each sudder commissioner (not being a law-officer), amounting for the whole to rupees 3,00,000 per annum, might be raised, by extending the rate of institution-fee, established by Regulation VI: 1797, for suits not exceeding 200 rupees, viz. one anna in the rupee, or six and a quarter per cent. to all suits tried and determined in the civil courts, of whatever amount. At the same time, to prevent this increase of the institution-fee, in causes exceeding 200 rupees, from falling too heavily upon the parties: In cases of large amount, he suggested a modification of the fees to pleaders; formed on the same rate as the proposed institution-fee, with a provision, that the fee of the pleader or pleaders employed by the same party in any one cause should in no case exceed a thousand rupees.

92.—We beg leave to recommend, that this modification of the existing rules for the fees of pleaders be, at all events, adopted, as more equitable than the rates of fee now established, which vary from five per cent. to one half per cent. according to the amount of the cause of action; and in suits for a lac of rupees and upwards, give the pleaders a larger compensation than appears just of requisite; viz.

On rupees 1,00,000	-	-	-	-	-	1,285 rupees.
2,00,000	-	-	-	-	-	1,785 —
3,00,000	-	-	-	-	-	2,285 —
4,00,000	-	-	-	-	-	2,785 —
5,00,000	-	-	-	-	-	3,285 —

And in every additional lac of rupees, an additional fee of 500.

93.—The institution-fee, or stamp-duty instead of it, calculated at the rate of six and a quarter per cent. on the several sums specified in section 13, Regulation I. 1814, would be as follows:

	Rep. Ann.
On 16 rupees	- 1. 0.
32 —	- 2. 0.
64 —	- 4. 0.
150 —	- 9. 6.
300 —	- 18. 12.
800 —	- 50. 0.
1,600 —	- 100. 0.
3,000 —	- 187. 8.
5,000 —	- 312. 8.
10,000 —	- 625. 0.
15,000 —	- 937. 8.
25,000 —	- 1,562. 8.
50,000 —	- 3,125. 0.
1,00,000 —	- 6,250. 0.

94.—A comparison of the above sums with those specified in section 13, Regulation I. 1814, will at once show the difference of the proposed rates of fee, and that now established, in suits for more than sixty-four rupees. In suits for an amount or value not exceeding sixty-four rupees, the rate now established corresponds with that proposed, viz. one anna in the rupee. The above statement also exhibits the proposed fee for pleaders, when the amount of the fee, payable at the rate of six and a quarter per cent. may not exceed 1,000 rupees.

95.—The only objection, which occurs to us against raising a fund to defray the charge of an establishment of native commissioners on fixed salaries, as proposed by our chief judge, is, that it would add to the expense of parties in suits not cognizable by the commissioners. As such parties however, in common with others, will receive the benefit of an amended constitution of the courts of the native commissioners, in all cases wherein they may have occasion to sue or defend an action in those courts, and as an uniform rate of charge upon the amount or value sued for in the civil courts, for the purpose of providing more effectually for the general administration of civil justice, does not appear exceptionable in principle, we submit to the consideration of your Excellency in Council, whether it may not be expedient to adopt the plan suggested by our chief

chief judge, if no other practicable means for providing for a faithful discharge of duty in the courts of the native commissioners should appear more advisable.

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96.—We shall add only upon this point, that in the like manner as a limit is fixed to the stamp-duty payable under Section 13, Regulation I. 1814, so as not to levy in any case more than two thousand rupees, some limit, proportionate to the higher rate proposed to be established, might also be fixed in the rule which it would be necessary to enact for the new rate of institution-fee suggested. Two or three additional stamps would also be required for sums exceeding those specified in Section 5, Regulation I. 1814, if it should be judged expedient to levy the new rates of fee by stamped paper. If not, six of the stamps already prescribed by this Section, and required exclusively for the six higher rates of duty established in lieu of the former institution-fee, by Section 13, Regulation I. 1814, might be dispensed with.

97.—We are not apprized of the particular grounds referred to in the preamble to Regulation I, 1814, which have induced Government to believe “that considerable abuses have been committed by some of the native officers attached to the different courts of civil judicature, in collecting and bringing to credit the prescribed fees on the institution of suits, and on exhibits and summonses for witnesses.” But however difficult it may be to prevent such abuses with respect to the fee on exhibits and summonses, we conceive it would be easy, with very little personal attention on the part of the judges and registers, to prevent any embezzlement of the institution-fee, which might be noted daily, or whenever new suits are admitted, with a statement of the amount or value of such suits, as entered in the numerical register of the causes instituted in each court. This register must also at all times be a strong check against any attempt to embezzle the institution-fee; and if it could be secured to Government without the use of stamp paper, a saving would be effected (besides the expense of preparing the requisite stamp paper at the Presidency, and conveying it to the different zillahs) of the commission of five per cent. payable to the collectors, under Section 10, Regulation I. 1814, “on the gross produce derived from the sale and distribution of stamps,” which we suppose to include, not only the stamp-duty ultimately receivable by the native commissioners and registers, but also that returnable to parties in adjusted causes, and the value of stamp paper supplied to paupers.

98.—In the event of the measure suggested, or any other which may appear more advisable, being adopted by your Excellency in Council, to provide for the support of a limited number of native commissioners, sudder and mofussil, at fixed salaries, we should recommend that the moonsiffs be stationed in the principal towns, or large villages within each zillah, and that a new arrangement of their jurisdictions should take place according to the reduced number, which on inquiry it might appear proper to allot to the several districts respectively.

99.—But should it not be found practicable, by any means which your Excellency in Council may deem proper, to provide for an establishment of moonsiffs on the plan suggested, we can only express our full concurrence in the expediency of their being employed (as intimated in the 82 paragraph) on other duties, besides those properly appertaining to them in their judicial capacity, with a view to their obtaining a suitable means of support from the compensation attached to the performance of such duties.

100.—We do not consider it necessary to detail the miscellaneous duties referred to, as we have reason to believe the subject has already engaged the attention of your Excellency in Council. It will be sufficient to observe generally, that many of the ministerial duties now performed by the nazirs of the civil courts, and their subordinate officers, might be conveniently executed by the local commissioners; that they might also be frequently made useful to the judges of the civil courts in conducting local investigations, which are usually committed to aumeens expressly deputed for the purpose; that attachments of property in execution of decrees, or for other purposes, might often take place under their direction, as well as sales of restrained property for the recovery of arrears of rent under the rules in force, or such as may be hereafter established for sales of this description; that the office of pergunnah or town-cauzee, and that of moon-

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siff, should be united whenever the person holding the former office may appear duly qualified for the latter; and lastly, that the moonsiffs may be employed as licensed venders of stamp paper within their respective jurisdictions, under the provisions of Section 10, Regulation L. 1814.

101.—It remains to state our sentiments on the third subject noticed by the honourable Court of Directors, in their letter of 2d June 1812, viz. the simplification and abbreviation of the forms of pleadings, rules of proceeding and process of the civil courts; with the remarks communicated to us in the chief secretary's letter of 17th July 1813 on the necessity of resorting to some means for lightening the business of these courts.

102.—In the 5th paragraph of the letter above mentioned we were advised, that the Governor General in Council apprehends the delay incident to the decision of civil causes does not so much arise from the number of regular suits instituted and decided in the different tribunals, as from the extraneous and superfluous matter introduced into the pleadings; from the production of evidence, both oral and documentary, often superfluous in itself, and often quite foreign to the matter at issue; from the mass of miscellaneous business, and lastly from the labour arising from special appeals.

103.—We have already submitted our sentiments on the subject of special appeals in regular suits; and are of opinion that the principle of not allowing an appeal to a superior court, in cases below a certain amount or value, except with a view to correct some evident error of law, regulation, or usage, may be extended to all orders and proceedings of the civil courts, not falling within the specific provisions for regular and summary suits. With respect to the latter, when open to a regular suit, the appeal which is now allowed on the relevancy of the rule for a summary inquiry to the particular case, might perhaps be discontinued, though from experience of the benefit arising from the early interposition of a superior court, to correct an error of judgment affecting the possession of parties, we think it would be advisable to keep open the discretion of admitting an appeal, even in such cases when the summary judgment may, on the face of it, show a clear misapplication of law, regulation or usage, to the declared facts of the case.

104.—That much extraneous and superfluous matter is introduced into the pleadings of the civil courts we fully admit. But we are not aware that any additional rules are wanting to simplify or abbreviate the pleadings now allowed by the Regulations, and restricted to a plaint, answer, replication and rejoinder, unless from mistake, inadvertence, or other cause, the plaintiff shall have omitted to insert in his complaint any thing material to the suit, or the defendant shall have omitted to insert in his answer any thing material to his defence, in which cases the plaintiff is allowed to deliver a supplemental plaint, or the defendant a supplemental answer, and each party may reply or rejoin as in the first instance; but no more than one supplementary plaint or answer is receivable; and with respect to the original reply and rejoinder, the rule is “when the defendant has delivered in his answer to the complainant, the plaintiff is to reply to it on the next court-day, but he is not to be permitted to introduce in his reply any matter whatever which may not be contained in his complaint, but is either to acknowledge the answer of the defendant to be true, or simply and shortly deny the truth of such of the facts in the answer as he intends to dispute, or simply deny the truth of all the facts contained in it, or the competency of the answer. The defendant is to rejoin to the reply on the same day, but is not to be permitted to introduce in his rejoinder any matter not contained in his answer, but is simply to deny the truth of the reply of the plaintiff, or the parts of it which he means to dispute, and aver the truth or competency of his own answer.”

105.—It is indeed usual to allow the defendant to rejoin on the succeeding court-day, instead of the day on which the reply is filed, as more convenient to the parties, and occasioning no material delay. But with this extension, the reply and rejoinder so little impede the trial of a regular suit (to which they are restricted) and occupy so little time of the court, if the rule for them be duly observed, that we see no sufficient reason for altering it.

106.—The

106.—The unnecessary matter introduced into the actual pleadings arises partly from non observance of the prescribed rule with respect to the reply and rejoinder, and partly from a practice of recapitulating, in every pleading which refers to another, the contents of the pleading referred to. The option of filing supplementary pleadings is also sometimes abused, by including in a supplementary plaint or answer what ought to have been stated in the original proceedings.

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107.—Some check to the whole of the above causes of superfluous pleadings is established by the provisions for stamped paper in Regulation I. 1814. The permission to file supplementary pleadings in addition to the original plaint, answer, replication and rejoinder, might be made to depend upon the discretion of the court, instead of being left to the option of the parties. But the enforcement of a more strict observance of the rule already prescribed for the reply and rejoinder, as well as the discouragement of unnecessary recapitulation in the pleadings of the civil courts, evidently depend upon the personal attention of the judges or other officers who preside in these courts, and upon their instruction, advice, and admonition to the pleaders, rather than upon the enactment of any new rules.

108.—With a proper attention on the part of the judges and registers to the points referred to, we conceive that the superfluous matter in pleadings may be considerably diminished; and under the provisions of Section 17, Regulation I. 1814, which require that every supplementary pleading or petition, filed in any suit, be written on stamped paper of eight annas value in the court of the register; of one rupee value in the zillah and city courts, and of four rupees value in the provincial courts, or sudder dewanny adawlut, it may be expected that the practice of filing unnecessary pleadings and petitions will be materially checked.

109.—The stamped paper prescribed by Section 15 and 16, Regulation I. 1814, for every application to file an exhibit, or summon a witness, must likewise operate to prevent unnecessary applications for either purpose, though the rate of the stamp-duty does not materially differ from the exhibit-fee, and fee on summonses to witnesses, which was before established.

110.—It is further provided by a rule for the zillah and city courts, which is equally applicable to the other courts of civil judicature, that “if any exhibit, or written evidence, is offered to a zillah or city court, in a cause depending before it, and the judge of the court shall think it just and proper to reject it, he is to indorse upon it the word “rejected,” together with the names of the parties in the cause, and the name of the party who produced the document, the data on which it may be rejected, and his reasons for not admitting it.”

111.—With this power to reject inadmissible or irrelevant documents, and with the discretion which is also exercised by the civil courts, in examining witnesses to such facts only as are judged material to the points at issue, we are not aware of the necessity of any additional rules to provide against the production of evidence, either superfluous or foreign, to the matter at issue. The frequent admission of such evidence cannot be denied, but it appears more owing to want of attention or judgment on the part of the person trying the cause, than to any defect in existing rules.

112.—The manner in which witnesses are unavoidably examined, through the intervention of native officers, under the provisions of Section 21, Regulation XLIX. 1803, and Sections 8 and 9, Regulation XIII. 1808, is a further copious source of superfluous and irrelevant matter in the lengthened depositions of witnesses. But although the evil is apparent, we confess ourselves at a loss to suggest a remedy under the known occupation of the European judges and registers in the extensive duties which claim their attention, and the utter impossibility that the numerous witnesses, whose depositions are required to be taken in the zillah and city courts, not only on the original suits and appeals tried in those courts, but also on the trial of causes depending in the provincial courts, and sudder dewanny adawluts, and in the execution of decrees and orders of the superior courts, as well as in various other cases, wherein it is necessary to examine witnesses in the zillah and city courts, should all be examined personally by the judges of those courts.

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113.—It is provided, that when the judges may employ their registers or assistants, or any of their principal native officers, in taking down the depositions of witnesses whom they may not have time to examine themselves, “such depositions shall be taken in open court, in the presence of the parties, or their authorized pleaders, whose attestation shall be subscribed to all depositions so taken, in testimony of their having been present; and if any dispute or question shall arise in the course of taking the evidence of a witness so examined, the judge shall immediately, or as soon as practicable, hear and inquire into the same, in the presence of the witness, and of the parties or their pleaders; and shall pass such order thereupon as may appear to him proper.”

114.—If this rule be duly observed, we see no essential objection to the continuance of the present mode of examination, when the judge may be unable to examine witnesses himself. But it must be regretted as a serious disadvantage in the actual administration of civil justice, that the witnesses cannot be examined *vivâ voce* in the presence and under the direction of the judge whose province it is to conduct the trial, and decide upon the merits of the case. Great allowance for this circumstance, as well as for other unavoidable deficiencies in the local courts of civil judicature, should, we think, be made in all comparisons between them and the courts of other countries where a regular system is established, with efficient means for the execution of it.

115.—In conclusion; we respectfully beg leave to inform your Excellency in Council, that we have not experienced any inconvenience from the existing rules of proceeding or process, such as appears to us to call for amendment, or for the immediate suggestion of any additional provisions. We forbear therefore to protract this already lengthened Report by any details upon these points, which are only incidentally noticed in the letter from the honourable Court of Directors, cited in the 6<sup>th</sup> paragraph, and are not specified in the chief secretary's letter of the 17<sup>th</sup> July last.

We have the honour to be, &c.

Fort William,  
30<sup>th</sup> June 1814.

(signed) J. H. Harrington.  
J. Fombelle.

P. S.—Mr. Stuart is prevented from joining in this Report by indisposition.

(signed) J. H. H.  
J. F.

To the Register of the Sudder Dewanny Adawlut.

Sir,

I AM directed by the honourable the Vice-President in Council to acknowledge the receipt of a letter from the sudder dewanny adawlut, dated the 30<sup>th</sup> ultimo, with its enclosures.

2.—The court's present Report may be considered as consisting of two parts; 1<sup>st</sup>. A review of the actual state of the public business in the several courts of civil judicature at the expiration of the last year; and 2<sup>d</sup>. a discussion of the arrangements which should be adopted with a view to the establishment of an improved system for the administration of justice in civil cases in future.

3.—The former, being only intended for the general information of Government, does not suggest many remarks or orders.

4.—An increase existed in the number of causes depending before the higher tribunals on the 31<sup>st</sup> December last, compared with the number undecided on the 31<sup>st</sup> December of the preceding year; but it appears that a considerable reduction has taken place in the number of causes depending in the lower courts.

5.—That the judges, and others intrusted with the administration of justice, have not been wanting in an active and laborious discharge of public duty, is fully manifested by the comparative statement contained in the 5<sup>th</sup> paragraph of the court's Report.

6.—The

6.—The statement contained in the 7th paragraph is calculated to afford considerable aid, in judging of the expediency of any arrangements which may be contemplated with a view to the improvement of the administration of justice, and it will consequently be applied to that purpose. In the mean time it is satisfactory to observe that justice can be so speedily administered in the lower tribunals, where the value of time is of such importance to the persons who form the great body of suitors in those courts.

N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
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7.—With respect to the 2d branch of the subject, as noticed in the 2d paragraph of this letter, that is, the reform of the administration of justice in civil cases, especially in the higher tribunals the sudder dewanny adawlut is of course aware that Government has for some time past deemed such reform indispensably necessary. It consequently affords to his Excellency in Council satisfaction to receive the sentiments of the court to assist his judgment in framing the final arrangements for the accomplishment of this important object.

8.—It is not the intention of Government to enter at present on a minute discussion of the several suggestions submitted by the sudder dewanny adawlut for the above purpose. The provisions which it may be proposed to adopt, either in consonance with those suggestions, or otherwise, will necessarily come under consideration in another form: there are, however, some points on which his Excellency in Council has thought it may be inconvenient to record his sentiments on the present occasion.

9.—The admission of special appeals forms a distinguishing feature in the administration of civil justice in this country. The Vice-President in Council does not doubt that considerable benefit may have been derived from them; but we are not at present to consider what system might, with greater pecuniary resources applicable to the judicial department, be the best, but how we may employ the means which we can actually command to the greatest advantage. If the special appeals to the sudder dewanny adawlut can be continued without too great interruption to the more regular business of that court on its present establishment, it may no doubt be advisable, under certain restrictions, to maintain them in force; but the practicability of reconciling these two objects appears to his Excellency in Council, at present at least, extremely questionable.

10.—It is suggested in the 18th paragraph of the court's letter, that suits of a certain description, which might be tried in the first instance by the provincial courts, should not be appealable to the sudder dewanny adawlut; but his Excellency in Council cannot consider an arrangement which, exclusively of other objections, would form a perfect anomaly in the whole system, by any means advisable. The suggestion is of course founded on the experienced difficulty of deciding upon the numerous appeals now preferred to the sudder dewanny adawlut with due despatch; but his Excellency in Council cannot but think it preferable materially to restrict, if not to abandon, the special or second appeal, rather than adopt an arrangement which shall in many cases admit of no appeal whatever. After all, if the suit is to be tried by two of the judges of the provincial court, it is to be apprehended that in relieving the sudder dewanny adawlut the provincial courts may be overloaded.

11.—The Vice-President in Council conceives that it may be advisable to adopt the suggestions of the sudder dewanny adawlut respecting the trial, in the first instance, of suits appealable by statute to the King in Council. In addition to the reasons assigned by the sudder dewanny adawlut for the adoption of that arrangement, it may be observed, that the proceedings will, in such case, come in a more simple and compendious form before the Privy Council, which may tend in some degree to expedite the decisions on appeals to that tribunal.

12.—The Vice-President in Council concurs in opinion with the sudder dewanny adawlut, that the second appeal, at present allowed in cases to the provincial court, from decisions originally passed by the registers, should be discontinued; but it remains to be considered whether the only regular appeal should not, in suits above a certain sum, be direct to the provincial court, and not to the zillah and city judge.



N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
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13.—His Excellency in Council concurs in the suggestions contained in the 26th and 27th paragraphs of the court's Report, respecting the native commissioners, pleaders, and cauzies; but his Excellency in Council is not satisfied of the expediency of continuing the instrumentality of the cauzy-ool-cuzaut in the appointment of the last-mentioned officers. The propriety of the arrangement may be doubted on the broadest principles of policy, but considered merely as a question of patronage, there seems no substantial reason for transferring, in any degree, that feeling of obligation by which the kauzies might be actuated, for their appointment from the Government to the principal Mahomedan officer.

14.—The recommendation of the sudder dewanny adawlut respecting the appointment of the law-officers of the courts of justice appears perfectly proper. Measures will accordingly be taken for giving effect to it, with such subsidiary arrangements as may appear necessary.

15.—The Vice-President in Council observes that it was fully intended that the valuation of landed property, established by Section 14, Regulation I. 1814, for levying the stamp-duty, should also be applied as a standard for the admission of appeals, and for the adjustment of the fees of pleaders, and his Excellency in Council cannot but think that one uniform and simple principle should be observed on all those occasions.

16.—The sudder dewanny adawlut is aware that the Government had it in contemplation to transfer a portion of the original jurisdiction of the zillah and city courts to the provincial courts. This arrangement was not contemplated solely with reference to the state of the civil business. It appeared to Government to be a great object to relieve the zillah and city judges from the conduct of civil business, sufficiently to enable them to give every requisite attention to the police, and to the numerous details which it involves; the Vice-President in Council is still actuated by those sentiments, but he is not prepared finally to determine under what modifications the proposed plan of relieving the zillah and city judges from the pressure of civil business may be adopted. It is however to be greatly apprehended, that unless some arrangement of this sort be adopted, the police, which has now attained a considerable degree of efficiency, and is still in a progressive state of improvement, will again fall, at no great distance of time, into disorder.

17.—The Vice-President in Council is fully satisfied of the benefits which have been derived from the services of the assistant judges. But it remains to be considered, whether the object in view cannot be effected in a more commodious and more efficient, and, at the same time, a less expensive form. In appointing assistant-judges the efficiency of the judicial department is not numerically augmented. The same person who yesterday performed the duties of register, to day discharges those of assistant judge; and a person already exercising the ordinary powers of assistant is promoted to the rank of register. Something, indeed, is gained by the extension of the powers of those officers respectively; but it appears to Government, that by a slight alteration of the constitution of the office of register, the same effect may be produced in a more simple and equally efficient manner. Considering the great extent of some\* of the districts, the irregular † form and local peculiarities ‡ of others, the Vice-President in Council has been long impressed with the expediency of stationing officers in certain parts of such districts to act in subordination to or in conjunction with the magistrate. The advantages here noticed are not merely speculative; the plan has been tried in the districts of Bhaugulpore and Bareilly. In the former, the register's court was transferred to Monghyr. That officer was at the same time invested with the powers of joint magistrate in certain tannahs, which, as the terms imply, continued likewise subject to the authority of the magistrate himself. In Bareilly, the register's court has been transferred to Shahjehanpore, which place, together with some adjacent tannahs, has also been placed under his authority, as joint magistrate. In both instances, as far as Government has the means of judging, the plan has fully answered the objects for which it was adopted. It may, consequently, be advisable to adopt similar arrangements in other districts. To provide, likewise, still more effectually for the object in view, it may be advisable, in districts of more than ordinary extent, to appoint two registers, that is, one at the principal station of the judge and magistrate, and another in that part of the district where his services may be most useful. The chief advantage of this plan, as the

\* Allyghur, Bareilly, Moradabad, Seharunpore, including the northern division, &c.

† Rungpore, &c.

‡ Juanpore, Mirzapore, &c.

Vice-President in Council conceives, is, that it combines the despatch of civil business, at least in cases of no very great magnitude, with the improvement of the police, his Excellency in Council being persuaded that nothing can contribute more to the latter object than the employment of more European agency in those pergunnahs or places which are more than ordinarily infested by persons of bad livelihood.

N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

18.—If this plan be adopted, especially with an eventual augmentation of the powers of the registers, it will clearly supersede the necessity of assistant judges, which appointment appears to Government to be subject to some objections, not noticed in the report of the sudder dewanny adawlut. For instance, the office of assistant judge, as at present constituted, does not preclude the necessity of employing also, in some districts, the services of assistant magistrates. Rajeshahy, Benares, and Juanpore, are, with some slight difference, cases in point. It is suggested by the sudder dewanny adawlut, that the services of four assistant judges should be retained, but in the last year ten assistant judges were employed, and even that number was insufficient for the object in view. In fact, if we are to employ that class of officers, their number must necessarily be regulated by the state of the business in the different courts; and it is clear, even from the remarks of the sudder dewanny adawlut, that the number of four would be quite insufficient for the purpose.

19.—The Vice-President in Council does not deem it necessary to develop the plan to which the foregoing remarks allude, more in this place. It is sufficient to add that all the provisions necessary for carrying it into effect will come under discussion with the Regulations which Mr. Bayley is at present preparing.

20.—The Vice-President in Council is satisfied of the expediency of extending the powers at present vested in the collectors, with respect to the trial of summary suits. The suggestions of the sudder dewanny adawlut on the subject will consequently receive full consideration in the formation of the depending arrangements.

21.—His Excellency in Council deems it unnecessary to enter, in this place, on a detailed consideration of the office of native commissioner. It is sufficient to observe, that an indispensable necessity appears to exist for the continuance of it, until some better means shall be devised for the trial and decision of causes of inconsiderable amount and value. The improvements in detail, of which the office may be susceptible, will of course be duly considered in the formation of the general arrangements already noticed. In like manner the fees of pleaders will immediately come under revision.

22.—It is observed by the Court, that they are not apprised of the particular grounds referred to in the preamble to Regulation I. 1814, which have induced Government to believe, “that considerable abuses have been committed by some of the native officers attached to the different courts of civil judicature, in collecting and bringing to credit the prescribed fees on the institution of suits.” The Vice-President in Council, however, believes, that if the sudder dewanny adawlut will inquire of the zillah judges, it will be found that several of those officers are strongly impressed with a belief of the frauds above noticed; such abuses could not be obviated under the present arrangements but by imposing upon the zillah and city judges a detailed inspection and examination of the accounts, requiring time which should be devoted to higher and more important duties. Nor does it appear to Government, that the plan of receiving the institution-fee by means of a stamp is otherwise destitute of advantage, as it cuts off all direct communication between the commissioners and the party in the suit, with respect to the receipt and payment of money, by which means the latter is secured from any exaction beyond what he is bound by law to pay.

23.—The observations contained in the latter part of the report confirm the impression which Government had before received respecting the defects of the pleadings and evidence in our courts of judicature: Those defects are only the more to be lamented from being, as would appear from the remarks of the sudder dewanny adawlut, for the present at least irremediable. Time and experience may go far to correct them, but it appears evident

N<sup>o</sup> 19,  
Judicial Letter  
from Bengal,  
7 Nov. 1814.

that little could be done for the accomplishment of that object by regulations or instructions.

24.—From the circumstances stated by the sudder dewanny adawlut, one obvious conclusion must be drawn, which is, that the constitution of the courts of civil judicature, through all their gradations, urgently requires reform. The most striking evil of the whole is the great and increasing accumulation of business in the higher courts. Under these circumstances one alternative only, even in speculation, presents itself, which is, that either a large additional expense must be incurred for the appointment of a greater number of judges, or that the business must be so simplified that it may be transacted within a reasonable period by the judicial establishments as they now exist. It is almost superfluous to observe, that no arrangements involving any material augmentation of expense can be adopted. It is therefore to the latter alternative that the Vice-President in Council would urgently direct the attention of the sudder dewanny adawlut: That court is already fully apprised of the course pursued by Government in carrying the depending revision of the judicial establishments into effect, that is, by the selection of an officer of known capacity, who may give his undivided attention to the discharge of that duty. In revising the Regulations, Mr. Bayley will of course continue to communicate, as he has hitherto done, with the judges of the sudder dewanny adawlut, the judicial secretary, and other officers of experience in the judicial department. By these means it may naturally be expected that the best advice and opinions will be obtained in a more convenient mode, probably, than could be done by more formal official discussions; and although it cannot be expected that the sentiments of so many persons should all coincide upon the numerous and important points which will naturally come under discussion, the Vice-President in Council entertains a confident expectation that the result generally will be to provide with due despatch for the conduct of the business of the courts of civil judicature, without increasing the heavy expense already attendant on this branch of administration.

25.—The detailed report of civil causes, and other original papers, which accompanied the Court's letter above acknowledged, are returned enclosed.

Council-Chamber, }  
19th July 1814. }

I am, &c.

(Signed)

G. Dowdeswell,

Chief Secretary to Government.

To George Dowdeswell, Esquire, Chief Secretary to Government.

Sir,

I AM directed by the court of sudder dewanny adawlut to acknowledge the receipt of your letter dated the 19th ultimo, in answer to the court's Report of the 30th June, on the number of depending causes, and general state of business, in the civil courts at the end of 1813.

2.—The court beg leave to assure his Excellency the Vice-President in Council, of their ready co-operation with Mr. Bayley in the mode pointed out in the 24th paragraph of your letter, and of their earnest desire to afford him every aid in their power towards the accomplishment of the important object proposed, by a revision of the existing rules for the administration of civil justice.

3.—With this intention, and under the preference expressed by his Excellency the Vice-President in Council to this mode of communication, as more convenient than a formal official discussion, the Court do not think it necessary to submit a detailed reply upon any of the points noticed in your letter now acknowledged. They judge it necessary, however, to offer the following brief remarks on one part of their Report, dated the 30th June, which appears to call for explanation.

In offering the suggestion contained in the 18th paragraph of that Report, for raising the standard of regular appeals to the sudder dewanny adawlut, from 5,000 to 8,000, or 10,000 rupees, the Court, after much hesitation, (as stated in the paragraph referred to) were partly influenced by the circumstance mentioned in the 10th paragraph of your letter, viz. their knowledge "that the Government had

“ had it in contemplation to transfer a portion of the original jurisdiction of the zillah and city courts to the provincial courts.” It was in fact understood that the original trial of all suits exceeding 1,600 rupees was to be transferred from the zillah and city to the provincial courts; and in this case, as it was impossible to increase the number of regular appeals to the sudder dewanny adawlut, by lowering the standard from 5,000 to 1,600 rupees, it appeared unavoidable that there must be, what his Excellency in Council has justly denominated, an “ anomaly ” from the system of civil judicature now established, viz. an original jurisdiction without a regular appeal from its decisions to a superior court. Supposing, therefore, this innovation to be introduced, it did not appear to the Court an essential difference whether it were restricted to causes tried in the first instance by the provincial courts for an amount or value from 1,600 to 5,000 rupees, or extended to causes not exceeding 8,000 or 10,000 rupees.

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5.—The Court at the same time suggested the necessity of providing “ that in all suits tried originally by the provincial courts, and not open to a regular appeal to the sudder dewanny adawlut, the judgment should be passed by at least two concurring judges of the provincial courts.” The whole of the suits referred to would also have been open to a special or discretionary appeal to the sudder dewanny adawlut, as far as they might come within the provisions for such appeals proposed in the 15th paragraph of the Report.

6.—The Court understanding from your letter of the 19th ultimo, that the intention of transferring part of the present original jurisdiction of the zillah and city courts to the provincial courts, has been relinquished, they entirely concur in the sentiments expressed by his Excellency the Vice-President in Council, that a restriction of the special appeals (provided it be consistent with the important object of maintaining uniform principles of decision, and a due observance of the laws and regulations in all the civil courts) will at least, in the first instance, be preferable to any alteration in the present standard of regular appeals to the court of sudder dewanny adawlut.

7.—They are further willing to make trial, if it meets the concurrence of his Excellency in Council, whether the restriction of the special appeals, proposed in the 15th paragraph of their Report of 30th June, with the other aids proposed to be given for expediting the business of the civil court, be sufficient to prevent any further accumulation of the number of depending appeals.

Fort-William, }  
9th August, 1814. }

I am, &c.  
(Signed) M. H. Turnbull, Register,  
Judicial Department, 29th November 1814.

(True Copies) (Signed) G. Dowdeswell,  
Chief Secretary to Government.

REPORT of the Chief Secretary; dated 17 October 1814.

I HAVE now the honour to lay before the Board the drafts of six Regulations for amending the constitution of the several courts of judicature, on the principles stated in the Report submitted by me to the Governor General in Council, under date the 20th February last, with such modifications of those principles as subsequent inquiry and discussion have suggested.

Calcutta, Oct. 17,  
1814, Chief Secretary's Report  
N<sup>o</sup> 7.

The present drafts should be considered in connection with Regulation V. 1814, the provisions contained in that Regulation forming an essential part of the plan to which his Lordship in Council was pleased to afford his sanction, on the date above specified.

It forms a principal feature of the above-mentioned propositions, that all suits, the amount or value of which may exceed 1,000 rupees, should be instituted, in the first instance, in the provincial courts instead of the zillah or city courts. But some of the judicial officers, whose opinions I was, on every principle, bound to respect, appear so extremely averse from the unqualified adoption of this arrangement, that after much discussion on the subject it seemed most expedient to pursue a middle course, and without foregoing the advantages which I thought,

and

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and still do think, might in many cases be experienced from the adoption of this plan, to leave the suits exceeding in amount or value the sum of rupees 1,000, to be tried, in the first instance, in the zillah or city court, or in the provincial court, according as circumstances, especially the state of the different files for the time being might suggest. The following rule has been accordingly adopted with respect to this question :

“ All original regular civil suits, in which the value or amount of the claim, calculated according to the provisions of Section 14, Regulation I, 1814, may not exceed 5,000 rupees, shall be instituted, and tried as heretofore in the zillah and city courts, but if it shall at any time appear, that from the pressure of business in any zillah or city court, suits exceeding 1,000 rupees in value, or amount, can be more conveniently and expeditiously tried, in the first instance, by the provincial court of the division, than by the zillah or city court before which they may be depending, it shall be competent to the sudder dewanny adawlut to order the transfer of all or any of such suits to the said provincial court.”

A correspondent rule (which is only an extension of the same principle, but which formed no part of my original plan) has likewise been adopted for rendering all causes exceeding in amount or value 5,000 *l.* or sicca rupees 43,103, triable in the ordinary course, in the first instance, by the provincial courts, but removable at the discretion of the sudder dewanny adawlut for trial at that court. The following are the terms of the rule in question :

“ All original regular suits in which the value or amount of the claim, calculated according to the provisions of Section 14, Regulation I. 1814, may exceed five thousand sicca rupees, shall be instituted and tried as heretofore in the provincial courts; but if it shall at any time appear to the sudder dewanny adawlut, that from the pressure of business in any of the provincial courts, suits amounting to fifty thousand current rupees (or 43,103 sicca rupees,) being the amount fixed for appeals to the King in Council, can be more conveniently or expeditiously tried, in the first instance, by the sudder dewanny adawlut, than by the provincial court before whom they may be depending, it shall be competent to the sudder dewanny adawlut to order the transfer of all or any of such suits from provincial courts to the sudder dewanny adawlut. In the transfer and trial of such suits, the sudder dewanny adawlut shall be guided by the same provisions as are prescribed for the conduct of the provincial courts, regarding the transfer and trial of original suits, exceeding 5,000 rupees in value, depending in the zillah and city courts.”

By some it may possibly be conceived, that as the removal of causes from the zillah and city courts to the provincial courts, and from the latter courts to the sudder dewanny adawlut, is discretionary with the higher tribunals, the first-mentioned courts will be relieved but in a very inconsiderable degree by such transfer. So long, indeed, as the sudder dewanny adawlut and the provincial courts shall continue, as at present, to be overwhelmed with business, they will naturally be slow to increase the load by the transfer of suits from below, nor can it be advisable under such circumstances that their labours should be augmented. But whenever the pressure of business, from which they at present suffer, shall be materially reduced, the above-mentioned rules, will, I apprehend, operate to a very considerable extent; for when two courts, possessing different degrees of authority, have, in any particular cases, concurrent jurisdiction, there seems to be a natural tendency in the higher court to absorb within itself all business of that description. This effect has been strongly exemplified with respect to some of the courts under our own constitution; the courts-leet and the courts-baron having grown almost into general disuse, and the business formerly transacted in them having centered almost entirely in the higher courts in Westminster Hall. If this effect has in any degree arisen, as I apprehend is the case, from the power of removing, by writ of *certiorari*, cases from the lower to the higher tribunal, it is to be inferred that this power will operate nearly in the same way in this country, and that we shall gradually see a considerable portion of the business now transacted in the zillah and city courts transferred to the provincial courts, and in like manner a portion of the business now transacted in the latter courts, transferred to the sudder dewanny adawlut.

Among other subjects, it was proposed in my former Report to abolish generally the second or special appeal, but the highest judicial authorities, although they concur fully in the expediency of materially restricting that right as it at

present

present exists, appear to think that some review of that nature is essential for the purpose of maintaining uniformity in the judgments of the courts. The rule contained in Section second, Regulation D, has accordingly been framed in pursuance of those sentiments. Under that rule no such review can be admitted on matters of fact. Its operation is entirely confined to questions of law, comprehending under that term the provisions of our Regulations. The grounds of that distinction are manifest. In the former case an individual may indeed suffer in his property (a subject no doubt of just and deep regret,) but it does not tend to generalize and perpetuate error, as cannot fail to happen when erroneous principles of law are assumed in the adjudication of causes. The considerable additional expenses to which persons applying for a review of judgments of the inferior courts, will be subject, under the Section of the Regulation above cited, will also naturally operate as a considerable check on the exercise of this privilege. On the whole, I am disposed to think, that the quantity of business arising from the operation of the rule as it now stands will be very inconsiderable; but should experience show that it still adds too much to the labour of the courts, the next step would be to abolish the second or special appeal altogether, which could be easily done without affecting the other parts of the arrangement now proposed to be adopted.

It was an important object of the propositions which I had the honour to submit to government on the occasion above noticed, to reduce the proceedings within narrower limits, and to prevent the pleaders from wandering into extraneous matter. It has been well observed, that although this object might probably be with facility effected in the course of practice by more able judges, and a better disciplined bar, it was not easy to frame specific rules, calculated for the attainment of the end in view: such provisions however as the nature of the case would permit, and were calculated to lead directly to the attainment of this object, have been adopted. I apprehend, however, that the rule contained in Section 10, Regulation D, will tend, although rather in an indirect manner, to confine the proceedings within the proper limits, more than any other arrangement which can be adopted. I have the less hesitation in expressing my belief of the beneficial effects which will result from the rule in question, as it was suggested entirely by Mr. Bayley, who in this, as throughout the Regulations, has displayed the qualifications which eminently fit him for a work of this nature.

Sections 4 and 5, Regulation B, and Sections 2 and 4, Regulation C, contain rules, declaring, that no persons shall be deemed qualified to succeed to the higher judicial situations, until they have served a suitable time in inferior gradations. I confess that I attach considerably too much importance to those rules to allow of my passing them over entirely in silence. These provisions were first suggested to my mind by the provision contained in different charters of justice, under which no person who had not kept a certain number of terms at the bar was qualified to be appointed to the situation of judge of one of His Majesty's courts. The expediency of the proposed rule was, however, strongly enforced in my mind from my own observation of the fatal consequences (for I hesitate not to call them fatal,) which had been experienced from the appointment of persons not possessing the requisite qualifications to fill the offices of zillah and city judge and magistrate. This evil arose chiefly from the singular plan of promoting revenue officers to judicial appointments. Were not the task an invidious one, I could demonstrate, not from reasoning but from facts, that some of the worst consequences which were felt a few years past from an inefficient police, arose almost exclusively from the operation of this principle of promotion, by which some of the districts which always did, and, perhaps, always will, require to be well watched, fell into the charge of persons of unblemished characters indeed, but without a particle of either the practical experience, or the theoretical knowledge which could qualify them for the important situation of magistrate. If the principle of which I here speak be just, the periods required to qualify a person to fill the office of zillah or city judge, of a judge of a provincial court, of the sudder dewanny adawlut, and nizamat adawlut respectively, will not, I conclude, be deemed too long. If the experience of seven years be deemed requisite under our own laws, before a man can be allowed to establish himself in some of the most ordinary trades and occupations of life, it will readily, I presume, be conceded, that the experience of three years is not too much to qualify a person to serve as the judge and magistrate of a zillah or city containing a population, in some cases, of not less than a million of souls. In like

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manner the correspondent period cannot be deemed excessive to fit the same person for the higher and more responsible situation of a provincial judge; and the principal question equally holds good with respect to the judges of the sudder dewanny adawlut, and nizamut adawlut, whose functions are of the highest nature which can be delegated to judicial officers. It will be observed, that the rule does not say that registers alone shall be appointed to the situation of zillah and city judge and magistrate, or that the latter officers only shall be promoted to the situation of judges of the provincial courts: on the contrary, the rule embraces all such officers as may have previously held appointments imposing the discharge of regular judicial functions. This arrangement will consequently comprehend the superintendents of police, the superintendent of the late foreign factories, commissioner in Cooch Behar, the assistants to the resident at Delhy, and the officers of the sudder dewanny adawlut and nizamut adawlut. But if it be just and proper that an opening should be made for the promotion of all those officers in the judicial department, it is likewise essential that the door should be closed against any aberration from the principle on which the whole arrangement is founded.

It is impossible to conclude this Report without offering some remarks respecting the abolition of the office of assistant judge, not that any thing new can be said on the subject, but because the sudder dewanny adawlut have in their official reports so strongly urged the continuance of this institution. Were the object to provide for the discharge of an incidental accumulation of business at only three or four stations, the appointment of assistant judge under such restrictions might be convenient and useful; and it was under an impression of this sort, as I conclude, that the honourable Court of Directors suggested that four persons should be employed in that capacity. But experience has fully shown that under the present constitution of the zillah and city courts, and the limitations established on the ordinary jurisdiction of the registers, ten or twelve, or even a greater number of assistant judges, would be required. If therefore the number were limited to four, the plan would be nearly nugatory. If it were increased according to the state of the files at the different stations, the expense would be burthensome. Besides, if the arrangements which I had the honour to submit to the consideration of government in the month of February last, contain any thing to challenge approbation, it is that they held forth a prospect of considerable reforms, free of any additional expense to government. On those grounds the Governor General in Council has been already pleased to add a fourth judge to the sudder dewanny adawlut, and nizamut adawlut, and to each of the provincial courts; but if, in addition to that augmentation of the establishments, the institution of assistant judge were also to be continued (the expense of which could not possibly be computed at less than a lac and a half of rupees per annum,) it is absolutely impossible that the expectations which have been entertained of effecting the reforms in question, without additional expense to the state, should be realized.

But if the expense were less an object than I conceive it to be, it is difficult to understand what benefit would be derived from their services, which cannot be effected by the operation of the provisions contained in the accompanying draft. We lose nothing, as I can discern, but the *nomen inane* of assistant judge, while, by the operation of the present plan, provision will be made for the discharge of the public business in a general comprehensive and economical manner. It affords me satisfaction to observe, that I have reason to believe that Mr. Colebrooke, whose opinions I must always venerate, fully concurs in the propriety of the arrangements proposed to be adopted with respect to this branch of the subject.

Separate regulations may be required for defining better the duties of the mofussil kazies, for giving effect to the provisions contained in the 155th cap. of the 53rd of George III. respecting the trial of cases in which British subjects may be concerned, and for other objects; but the present drafts comprehend all the reforms contemplated by me, in the Report already noticed, with exception to the trial of summary suits for the recovery of arrears of rent for undue exactions on that account, and for the illegal dispossession of land. Cases of the two former descriptions are at present tried under references from the zillah and city judges by the collectors; and it has been proposed to extend the powers of the latter with respect to matters of this nature. From the experience however hitherto obtained on the subject, I discern little grounds for recommending such extension

of

of the jurisdiction of the collectors. The plan generally rests on a basis which is, I apprehend, quite unsound. It supposes that the collectors will bestow a considerable share of time and trouble in the discharge of a duty of the most irksome nature, which is in a great measure foreign to the ordinary functions of their offices. It supposes, likewise, a knowledge of the course of judicial proceedings which few of the collectors possess. Exclusively of these radical objections, there are others of less moment indeed, but which are not altogether unworthy of attention. The investigation of cases of the above nature by the collectors creates a necessity for allowing them separate establishments for performance of that duty. Those establishments are inconsiderable at present, but if the plan be extended they will swell to an amount which will be of some importance in the general account. It tends moreover to create a separate jurisdiction in one and the same district, which may be productive of very embarrassing consequences.

N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

Under the doubts and difficulties which hang over this question, I could only leave the trial of revenue suits by the collectors on the footing on which that business has for some time rested, intending to revive the subject whenever I might be prepared to offer any thing worthy of the consideration of government.

I have now only to perform an act of justice, by observing how small has been my share, and how large has been that of Mr. Bayley, in preparing the accompanying Regulations. The leading principles of them may indeed be considered to have been settled before the work was committed to his execution; but if there be any merit in the arrangement, in the precise and clear language in which these Regulations are drawn, and in the numerous details which they contain, some of which are scarcely less important than the very principles of the plan, that merit almost exclusively belongs to Mr. Bayley. Mr. Colebrooke, Mr. Harington, and myself, have held frequent discussions with him during the progress of the work, and have communicated to him such suggestions as the lights of our minds could respectively supply; but the Regulations as they now stand cannot on that account be the less considered as Mr. Bayley's own composition.

(Signed) *G. Dowdeswell.*

17th October 1814.

Chief Secretary to Government.

Mr. Seton's Minute.

I HAVE perused, with very particular satisfaction, the six drafts of proposed Regulations, together with the remarks explanatory and connecting, on the subject contained in the introductory report from the chief secretary.

Mr. Seton's Minu  
N<sup>o</sup> 9.

In so eminently contributing to the improvement of the judicial code, I consider Mr. Dowdeswell to have rendered a most essential *additional* service to the government, and conferred an invaluable obligation on the community, whose claims are cognizable by those laws, which, through his happy suggestions and unwearied exertions, are thus ameliorated.

It is truly gratifying to observe Mr. Dowdeswell's liberal acknowledgement of the great and useful aid which he has derived from the powerful talents, indefatigable assiduity and practical knowledge of Mr. Bayley, on an occasion so very important to the public interests as the simplification of the Regulations, and the rendering them conformable to the character and habits of those, the preservation of whose rights is the object of their enactment.

17th October 1814.

(Signed) *Arch Seton.*

Mr. Edmonstone's Minute.

WHEN the new code of consolidated Regulations framed by Mr. Bayley, in concert with Mr. Dowdeswell, passed in circulation, I formed the design of recording a minute for the purpose of acknowledging the sense which I entertain of the obligation conferred on the government by Mr. Dowdeswell's assistance in the execution of this most salutary work; a work which owes its origin to the suggestions of his superior knowledge, judgment, and public zeal, and of offering a just tribute of applause to the eminent talents which Mr. Bayley has displayed, and the essential service which he has rendered in the admirable arrangement and structure of these improved and consolidated laws.

Mr. Edmonston  
Minute.  
N<sup>o</sup> 10.



N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

I have now only to express my cordial concurrence in the sentiments described in Mr. Seton's minute, sentiments which, as they are applicable to the merits of Mr. Dowdeswell in laying the foundation of this improved system of judicial administration, so entirely coincide with those which, with equal sincerity and satisfaction, I recorded on the occasion of submitting his able project of reform to the notice of government.

It is a source of the highest gratification to reflect, as we confidently may, that, combined with the aid imparted to the courts of judicature by the augmentation of the number of judges, the code of Regulations now framed will essentially contribute, not only to the reform of those great and extensive evils and abuses in the administration of justice which have hitherto prevailed in the courts superintended by native officers, but add efficiency to the general system of judicature, gradually reduce the existing heavy arrear of causes, and render the powers of the courts commensurate with the duties which they have to perform; and it is a further satisfaction to believe that these important benefits are likely to be attained with little, if indeed, ultimately, with any additional charge upon the public resources.

(Signed) *N. B. Edmonstone.*

17th October 1814.

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The Vice-President's Minute.

The Vice President's  
Minute.  
N<sup>o</sup> 11.

I CORDIALLY concur with Messrs. Edmonstone and Seton in the sentiments which they have expressed on the superior merits of Mr. Dowdeswell in suggesting such manifest improvements on the code of Judicial Regulations, as well as in their testimonials of the peculiar qualifications which Mr. Bayley has displayed in framing and arranging them.

(Signed) *G. Nugent.*

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LETTER from the Chief Secretary to Government to C. M. Ricketts, Esq. Secretary to the Governor General.

Letter from the  
Chief Secretary.  
N<sup>o</sup> 12.

Sir,

I AM directed by the honourable the Vice-President in Council to request that you will lay before the right honourable the Governor General the enclosed Report, together with the drafts mentioned to accompany it, of six Regulations for amending the constitution of the several courts of civil judicature, on the principles stated in the documents recorded on the proceedings of government in the month of March last, or (to use the terms of the above-mentioned Report), with such modification of those principles as subsequent inquiry and discussion have suggested.

2.—On the most mature consideration of the subject, the Vice-President in Council is persuaded that the provisions of the above-mentioned Regulations will appear to his Lordship to be founded on sound principles of jurisprudence, combined with a just conception of the character of the natives of this country.

3.—It will probably appear to his Lordship that the right of appeal, as defined in the above-mentioned Regulations, is less restricted than was proposed in the papers recorded on the subject generally, of the revision of the civil code in the month of March last; but the restrictions now established have been carried, as far as appeared to those engaged practically in the administration of justice, to be consistent with the maintenance of uniformity in the judgments of the civil courts. There seems to be no reason, at present, to suppose that any of the courts will be over-burdened with business, unless it be the sudder dewanny adawlut. Should this effect be actually experienced, it will be necessary hereafter to consider whether the right of appeal to that court should be further restricted, or whether some further expense should be incurred on account of additional judges. It is almost superfluous to observe, that the judges of that court are likewise judges of the nizamat adawlut, the chief criminal tribunal, excepting his Majesty's court at Calcutta in the country. If it be considered that their jurisdiction in both capacities extends from the island of Saugor to Hurdwaur, in one direction, and from the borders of Arracan to the Northern Sircars on the other, it involves a control far surpassing, perhaps, the limits ever assigned for the exercise of the functions of any judicial establishment in the world. Should the latter alternative be adopted, that is, should it ever be deemed necessary or proper

proper to increase the number of judges of the sudder dewanny adawlut and nizamat adawlut, it may merit consideration, whether those courts should not be divided into different chambers, according to the natural divisions of the country over which their control should extend, as is already the case with respect to the Board of Revenue and Board of Commissioners; and to the two superintendents of police. But it is unnecessary to enter into a detailed discussion of a plan which must depend upon the operation of the arrangements now proposed to be adopted, the precise effects of which cannot, of course, be exactly foreseen.

N<sup>o</sup> 19.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

4.—The Vice-President in Council doubts not that his Lordship will peruse with satisfaction, the testimony borne in the accompanying Report, to the services and merits of Mr. Bayley, which is entirely accordant with the sentiments entertained by his Excellency in Council on that point.

5.—It will be observed, that it is proposed that the new Regulations should take effect from the 1st February next. It is consequently desirable that as early an answer should be received to this reference as may be consistent with the convenience of the Governor General.

6.—A copy of minutes of Mr. Edmonstone and Mr. Seton (to which the Vice-President in Council solicits his Lordship's attention,) accompanies this despatch.

I have the honour to be, &c.

Council-Chamber, }  
18th October 1814. }

(Signed) G. Dowdeswell,  
Chief Secretary to Government.

LETTER from the Secretary to the Governor General, to George Dowdeswell, Esq. Chief Secretary to the Government, &c. Fort William.

Letter from the  
Secretary to the  
Governor-Gener.  
N<sup>o</sup> 13.

Sir,

I AM directed by his Excellency the right honourable the Governor General to acknowledge the receipt of your letter of the 18th ultimo, transmitting, by direction of his Excellency the Vice-President in Council, your Report, and the six judicial Regulations presented with it to the Board.

2.—His Lordship has perused these papers with sentiments of the highest satisfaction, and has directed me to express his entire concurrence in the opinion of his Excellency the Vice-President in Council, upon the great utility of the provisions now proposed to be carried into effect, and his approbation of the Regulations being immediately passed into legislative enactments.

3.—These Regulations having been drawn up in direct communication with all the most respected judicial authorities, his Lordship cannot lead himself to believe that they should be wanting in any material point. The provisions of Regulation A, and E, will necessarily benefit and render more respectable, the situation of the native commissioners and vakeels. His Lordship trusts that the advantages of these provisions will be widely felt, and appreciated by all classes of our native subjects; and he feels it to be a source of infinite satisfaction to be able to improve their situations with such full confidence in the public benefits to be expected from such a measure.

4.—The merit of the Regulations generally, is peculiarly due to Mr. Dowdeswell, who originally suggested these amendments of the constitution of the civil courts, and whose unwearied exertions and powerful talents have so largely contributed to their completion. In the execution of this salutary work, the practical knowledge, judgment and abilities of Mr. Bayley, have been liberally acknowledged, and his Excellency the Vice-President in Council is requested to convey to both those officers the cordial concurrence of the Governor General in the just tribute of applause paid to them respectively in the minutes of the members of Council, as well as his best thanks to them for the essential public service which has been rendered by the very able, clear, and perspicuous manner in which the rules have been consolidated and simplified.

Camp, Barree,  
12th November 1814.

I have the honour to be, &c.

(Signed) C. M. Ricketts,  
Secretary to the Governor General.

Judicial Department, 29th November 1814.  
(True Copies) (Signed) G. Dowdeswell,  
Chief Secretary to Government.

N<sup>o</sup> 20.

Judicial Letter  
to Bengal,  
10 April 1816.

N<sup>o</sup> 20.

Copy of a Letter in the Judicial Department, from the Court of Directors to the Governor General in Council; dated 10th April 1816.

Answer to the Bengal separate Judicial Letter, relative to the new modification of the Judicial Department, dated 29th November 1814.

Para. 1.—At a time when you were putting the last hand to your letter of the 29th November 1814 now before us, in which you give a summary explanation of several modifications you had just then adopted into the judicial system, we had already finished and despatched a comprehensive and detailed plan of reform for the administration of both the departments of justice in the provinces subordinate to your Presidency, on the same model, as far as circumstances would admit, with that which we had previously transmitted to Madras, under date the 29th April, from whence you must have received a copy shortly after your letter in question had been forwarded.

2.—On comparing, however, the tenor of our instructions of the 9th November 1814, with the different regulations passed by you on the 29th of that month, for modifying the judicial system, it will at once be seen that those instructions go to a greater length than the alterations you have made in it, under the regulations to which we refer, or than appears to have been contemplated in the reports of Mr. Dowdeswell, which accompanied the letter to which we are now replying.

To the line of demarcation, between the revenue and judicial branches of the service to which you have attached so exclusive an importance as to pass by every other consideration that might interfere with its maintenance, while on the other hand we have deemed it not only both reasonable in itself, but urgently expedient on other grounds, to relax the practical application of the principle, and to transfer to the collectors an important portion of the functions both civil and criminal, hitherto exercised by the zillah judges and magistrates. With respect to the latter article, our orders are peremptory, that the powers of magistracy shall hereafter be vested in the collectors, together with the superintendence of the local police establishments.

3.—That you are at present pursuing a reformation of the village-police we are all aware; and that your plan for an efficient chokeydaree has already been adopted with considerable success in the greater cities of the lower provinces. Your village-police however is not yet organized, and we are sanguine in the opinion that the transfer of this department to the collectors will greatly facilitate its completion.

4.—You will also observe, as a distinction between our arrangements and yours, the opening which we have provided for the admission of native functionaries of a superior order in some of the departments of justice, both civil and criminal, as well as the calling forth the instrumentality of the munduls and putwaries of villages, and of the punchayet, or native system of arbitration in the settlement of litigated rights, and personal quarrels, &c., and of the sirdars of castes for the preservation of their appropriate religious discipline, and for the settlement of all questions arising out of their peculiar tenets, and also of the heads of different trades and professions, with regard to matters immediately relating to the internal order of their own confraternities.

5.—We shall not, however, in the present instance, enter minutely into the discussion of these or any other of the points which are treated of and enforced in our despatch of the 9th November 1814, but which are not comprehended within the objects of the Regulations already passed by you, but wait to be informed by your earliest despatch of the manner in which you have followed the spirit of our instructions.

We are, your affectionate friends,

(Signed) C. Grant, T. Reid, W. Astell, C. Majoribanks, J. Hudleston,  
S. Toone, R. C. Plowden, J. Morris, J. Thornhill, S. Davis,  
J. Bosanquet, George Smith, E. Parry, J. Jackson, J. Cotton.

London, 10th April, 1816.

N° 21.—Copy of Lord Moira's Judicial Minute; dated 2 October 1815.

Para. 1.—I HAVE now the pleasure to lay before your Honourable Board the several Reports submitted to me, under the orders of the Provincial courts for the divisions of Moorshedabad, Patna, Benares; 22d of April 1814, by the judicial officers whose districts I visited judges and magistrates of Burdwan, Houghley, Nuddea, Moorshedabad during my tour through the upper provinces, together with those city, Bunglepoor, Behar, Patna city, Terhoot, Shahabad, Sarun, Gazepoor, I subsequently called for.

Benares city, Mirzapore, Juanpore, Goruckpore, Allahabad, Bundlecund, Etawah, Furuckabad, Bareilly, Agra, Moradabad, Caunpore, Allyghur, S. Sehrampore, N. Sehrampore, resident at Delhi.

2.—These Reports consequently include the whole of the two provincial divisions of Bareilly and Benares, for as in these I was desirous of completing the series, I was induced to require Reports from those magistrates through whose districts I did not happen to pass.

3.—In the Behar division the Report of the judge and magistrate of Ramgurh only is wanting; of Bengal there are only the Reports of those districts through which my route by water immediately lay; and as my inquiries have been more particularly directed to the remoter divisions of our territory, I have not thought it necessary to call upon any other officers of the lower provinces.

4.—In submitting these Reports for the consideration of your Honourable Board, there are some points on which I have felt desirous of offering a few observations; but I am very far from doing so with any confidence in the correctness of the results I have drawn, or of the notions I at present entertain; on the contrary, it is rather with the object of paving the way for future deliberation that I have been induced to lay my sentiments before you, and I must entreat you not to regard them as my fixed and decided opinions, but rather in the light of incidental observations, suggested in the progress of inquiry, and open to be either confirmed or removed by more full consideration and discussion.

5.—It is due, indeed, to the high importance of the several subjects embraced in a review of the judicial points which have on this occasion been brought under my notice, that I should guard myself most carefully against the danger of relying too much on my first impressions, and that I should not form my opinions merely on the reports of one particular class of officers, but hold myself free to give as willing consideration to what may be suggested by other equally able, and, perhaps, more impartial, authorities. This however, is yet more incumbent on me at the present moment, when the attention of this Government has been so pointedly roused by the late despatches of the honourable Court of Directors to the review of the existing judicial institutions; and when we must shortly have to decide upon questions of uncommon magnitude arising out of them, perhaps to legislate and lay down principles, not only affecting the interests of our subjects at this Presidency, but providing for the whole interior government, and future administration of every part of our possessions.

6.—Your Honourable Board will be aware that I here allude to the several despatches of the honourable Court of Directors in the judicial department, addressed both to this Government, and to the Government of Madras; the full consideration of all the points connected with which was reserved, until my return to the Presidency might afford the means of personal and unreserved communication with your Board; and until the several authorities, in whose opinions Government has been accustomed to entertain confidence, could be consulted on the subject.

7.—Under such circumstances, your Honourable Board must be sensible of my anxiety to avoid anticipating the result of this impending discussion, and will feel disposed to give to my suggestions only that degree of weight to which, in the present state of our inquiries, they may pretend, after due advertence to the imperfect information, and the incompleteness of the grounds, on which they have been formed.

8.—Although the reports now laid before your Honourable Board, together with the discussion of the leading principles of our judicial system, and the exposition

N<sup>o</sup> 21.  
 Lord Moira's  
 Judicial Minute,  
 2 October 1815.

exposition of matters of general interest, contain many very useful suggestions of more limited application, I have judged it right, in the view I have here taken of them, to confine myself for the most part to the former portion of their contents, reserving for separate consideration any local subjects the Reports may contain.

9.—The consideration of all general questions of a judicial nature must naturally divide itself into the three several heads of police, criminal justice, and civil judicature; should any further observations, unconnected with either of these subjects, suggest themselves as necessary, they will be introduced under the separate head of miscellaneous matter.

10.—Upon the subject of police, the most important question which presses forward for our consideration is, whether or not the existing system has accomplished the objects contemplated in its formation. On this point the Reports necessarily afford but little direct reasoning or information from which to form a correct judgment. They are the reports of officers educated under the existing system; and but very few of them have had the opportunity of comparing its effects with those of any other. Their notions on the subject of it, must therefore be received with all the caution which the known bias of ministerial officers in favour of the system they have long administered is calculated to inspire. The judgment of Government must rather be guided by a reference to the views and circumstances under which the system was originally adopted, and by inquiring after facts the result of actual observation, whence a correct notion of its operation on the country may be formed.

11.—It may be conducive to perspicuity that I should premise a brief explanation of the nature of the existing system.

12.—The police establishment of every zillah (or magistrate's jurisdiction) may be stated to consist of a darogah, with from 10 to 50 burkundazes for every thanna or division of country, varying from 100 to 300 square miles. In cities, the extent of jurisdiction was regulated with reference to the population, but every where these thannas, with the magistrate's office, formed the stipendiary police establishments introduced by our Government in 1792, and maintained to the present day without any alteration in principle, and with only a late subsidiary addition, to which I shall hereafter have occasion to advert.

13.—On the general authority and constitution of the darogah's office, little need be said but that he was invested with the full control of the police of his jurisdiction, under the orders of the magistrate, and all existing village institutions of watch or patrol were subjected to his authority.

14.—The expense incurred in these numerous establishments was undoubtedly extremely heavy; but there is reason to believe that the state of the country at the time was such as to throw considerations of expense out of the scale, so as the object of securing the peace of the interior could be any way accomplished. Government had already tried in vain every other mode that had suggested itself. The large independent jurisdictions of native magistrates, or foudjars, though acting under the eye of our own revenue officers, had completely failed: the substitution of European magistrates, with a general responsibility in the landholders who were to act under their authority, had produced no amendment of the police of the country; for notwithstanding the union of the authority of magistrate with the whole revenue and civil jurisdiction, there was still experienced a want of power to enforce the magistrate's orders on the landholders, and to secure for him access to the requisite sources of information.

15.—It only remained therefore for Government at the time, to devise such an institution as might afford the means of a more active and efficacious control; and as experience had shown that the landholders were not to be trusted with the exclusive management of the police of their own estates, nothing was left but to supply their place by appointing separate officers, to be set over them, and imposed upon the country. It was in this view, that the thannadaree institution was introduced in Bengal; and although I am aware there is good reason to believe that the wretched state of the country at the time was as much owing to the defective and inefficient condition of the criminal courts, as it was the fault of those intrusted with the administration of the police, still I at present

present see no reason to doubt that the thannadaree, or some such stipendiary establishment, was, at the moment, indispensable. An operative mechanism of that sort was required, to give weight to the authority of Government and of its officers, as well as to reduce the spirit of violence and lawless rapine which seemed then to prevail, under the collusive, if not overt, support of the landholders and farmers of every district.

N<sup>o</sup> 12.  
Lord Moira's  
Judicial Minute,  
2 October 1815.

16.—Whether the institution thus introduced was calculated to effect this object, and whether it has proved successful, as well as whether the necessity of its permanent maintenance still exists, are points which we have now to determine. If it be supposed to have been one of the objects in the contemplation of the government, from the formation of these establishments, to have furnished a force adequate to the protection of the community, and capable of undertaking the prevention of crime by its own vigilance, in this respect the institution must be admitted to have failed; the hired force of a thanna is totally insufficient for such purposes. Even in its collective strength, it could scarcely venture to resist or pursue a gang of armed robbers; and it is numerically inadequate to give individual protection against common theft and burglary beyond its own immediate station.

17.—But it may safely be asserted, that no government ever did or ever can defray the whole expense of a preventive police to this extent. Much gratuitous aid, direct or indirect, is afforded in every country. A preventive police must depend not only on the skill and vigilance, as well as promptitude, with which the stipendiary force of the state is directed, but also on the energy of individuals in their respective stations of life. The hired arm of the police must necessarily be limited, both in its extent and effect; its principal support must come from society itself, and the opportunity should not be missed of observing, that hitherto, in this country, it has had no such aid.

18.—I can however discern no sufficient reason to presume that protection or prevention, by the supplying an adequate guard, was an object in the introduction of the thannadaree system. It appears to me to have been devised exclusively with the view of strengthening the arm of the magistrate, and of introducing an efficient control over the police of the interior by which that duty was to be performed; the landholders had hitherto been intrusted with this control; and, undoubtedly, if an individual estate could be regarded abstractedly from its connection with any other, the propriety of leaving the care of the peace to those whose stations gave them influence, and whose interest would ensure a due attention to its preservation would be a different question, and might perhaps be advisable; but every estate is surrounded by others, and this contiguity gives rise to jealousies and conflicting interests which, unless there is a strong and vigilant control to keep them down, must soon engender a confusion sufficient to baffle every unsupported effort of a magistrate to unravel.

19.—The landlord of wealth and influence requires no authority from Government to enable him to protect himself, and to prevent, if willing, the commission of dakoity by his own tenantry; he might even be expected to exert himself to restrain them generally from preying on each other. In these respects, therefore, nothing perhaps would either be lost or gained by investing him with special powers; but while we could have no security that the delegation of such authority to the zemindar would induce a greater activity in preventing his tenantry from plundering the inhabitants of neighbouring estates, we might confidently anticipate the frequent misapplication of it to purposes of private revenge. There can be little doubt, that under the system, which left to the landholders the management of their own police, its powers had been almost universally perverted in this manner. On that account, the thannadaree system was devised; it was the object of that system to disarm them of those powers, and to vest the control in the hands of stipendiary officers of Government, free from all those passions and feelings which had bred the confusion; but it was only the controlling portion of the former system which was then supplanted. The former village institutions of watch and patrol were left untouched, save that they were made subservient to the thanadars, and a portion of their support commuted, from land into money payments. It was to these, therefore, that the community was still to look for its immediate protection; and our government only undertook to see that they did their duty in that respect. The question

N<sup>o</sup> 21.  
 Lord Moira's  
 Judicial Minute,  
 2 October 1815.

of the success or failure of the thannadaree system resolves itself therefore into the following points: Has it broken that spirit of violence and disposition to take the law into their own hands which existed on its introduction in every class possessing influence throughout the country; and has it established a more effectual control, or otherwise improved the previous institutions for the protection of the community?

20.—A reference to the present state of all the Bengal zillahs will, perhaps, satisfactorily answer the first question. Chicanery and litigiousness appear almost universally to have taken the place of violence; and though the state of the Nuddea and some other districts, at so late a period after the introduction of this system as even the year 1808, might then have almost justified a conclusion that it had altogether failed, still these disorders may be traced to other causes than defects in the system; and the present improved state of those districts, effected merely by the means and agency the plan itself yielded, combined with the previous general amelioration of the state of other districts, affords a satisfactory proof of the degree in which the system has been efficacious, and shows that it was originally well calculated to effect the object for which it was principally devised. I must confess that I consider it one of the main springs of the present strength of our government, and one of the chief causes why insurrection has been so totally unknown, notwithstanding the frequent recourse that has been had to many very unpopular measures. In the several districts of Bengal, military aid is at present hardly ever called for to support the civil power; and as far as I have yet been able to observe, I really believe that this is greatly owing to the effects of the thannadaree system.

21.—Though, therefore, it may be objected to this system, that it was a sudden, and violent innovation on all existing institutions, instead of a cautious and gradual improvement of them, I cannot but believe that such an innovation was necessary to the support of our government, with which, as it did not arise out of the society, the institutions of the society could hardly have been amalgamated. I should accordingly feel inclined strongly to recommend its maintenance, in preference to any other that has been yet suggested, not only in Bengal, but in the Western provinces also. In these, indeed, I conceive the system to be yet more necessary, in order to give effect to the magistrates authority, to render the power of our government active and omnipresent, and to wean the population from those habits and notions, prejudicial to the peace and well-being of society, which they had imbibed under the weakness of former rulers. In all native governments, the frequent detachment of a military force to every quarter of their territory is indispensable to keep the country in subjection, and annually to collect its revenues. Our government experienced, at first, the same necessity until the introduction of this system; but from that moment, the calls for military aid to enforce obedience to the laws have been gradually diminishing. The thannadar and his establishment are always perfectly informed of every thing that is passing; are at hand to interpose every where the authority of government, and to bring its powers immediately before the eyes of the discontented or disaffected, before a systematic opposition can be organized; and though he can effect little or nothing by direct force, still the certainty that the force behind him is unlimited in extent, must always ensure to a thanadar respect and obedience as long as he keeps within the line of his duty. The control too of the magistrate is ever ready to confine him to this, and to punish any abuse of power; nor is there any thing to restrain the community from bringing such transgressions to his notice whenever cases may occur. As far, therefore, as it was desirable to destroy the spirit of violence which subsisted, so far, has the thannadaree system been productive of essential benefit to the country; and from what I have yet observed, this object has been effected with as little harshness or injury to the community as was possible. Its efficiency, however, has been found to extend beyond the immediate enforcement of the authority of government. It is fully equal to the effectual performance of all the duties of police which follow the actual perpetration of a crime. In its investigation, and in the apprehension of the offenders, it must be acknowledged, where the magistrate's control is able and active, to fall very little short of the best organized systems of Europe. To whatever duties, indeed, a stipendiary police has in any country been found equal, it may safely be asserted, that the thannadaree system will not have failed in their performance. Its officers have every incitement to activity which exists in similar establishments.

establishments elsewhere; while the checks against supineness are, perhaps, superior. The same exclusive notions of profession prevail among them; and they have all the most thorough conviction, that their continuance in office, and means of livelihood, depend upon the satisfaction they may give to their superiors in the discharge of the duties intrusted to them.

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22.—As far, indeed, as my observation has yet gone, I have seen reason to be perfectly satisfied of the efficiency of the thannadaree system, in itself. It remains to be inquired what effect it has had upon the existing police institutions of the country, and upon the community at large.

23.—I have before stated, that it was a feature of the thannadaree system that the native village institutions were placed under its immediate control. The first question, therefore, is, has this control produced amongst these institutions a greater degree of vigilance and activity.

24.—It appears to be a general complaint amongst the magistrates both of the upper and lower provinces, that the village establishments furnish at present even an inefficient class of officers, and they trace this inefficiency to the double capacity in which those individuals serve. That complex character involves a subordinary to two authorities: to the established police in matters of that description, and to the zemindar, or his local representative, in matters of revenue. The magistrates complain, that as they cannot obtain the cordial co-operation of the zemindar, they have but little command over the village police, the officers of which necessarily look up more directly to the person who pays them than to the government or its officers, from whom they receive no wages.

25.—If the magistrates ever expected to have the same authority over the village as over the stipendiary police, if they thought that the zemindars would, from public spirit, co-operate with them in establishing such an authority over the village institutions, I must confess I think they expected too much, more even than it was natural from the constitution of the system they should have.

26.—It would have been unreasonable to look from the landholders for a cordial disposition to further a system, the immediate effect of which was to supplant their own police authority. They would naturally regard it as a sudden and violent innovation to the prejudice of their rights and consequence in the society; and must necessarily have felt a jealousy towards its officers, which would give birth to at least a supine indifference, if not an active disposition to counteract their efforts for the improvement of the police.

27.—In this view, there is wisdom in the provisions of the legislative enactments of 1792 and 1793, which, in depriving the landholders of any police authority, required from them only a negative conduct, leaving them to wear off their jealousy in neutral inactivity, and trusting to the gradually-increasing influence of the judicial officers for securing a more effective, because a more willing, co-operation, than a legislative enactment would obtain. I am, indeed, not quite satisfied of the expediency of several attempts which have been subsequently made to coerce this co-operation; for I should fear such might have a tendency to exasperate the jealousy that must, in the first instance, have disjoined the landed interest from the regular police.

28.—The system, as originally devised, exacted no co-operation from zemindars, it took from them the power of police, declared its own authority paramount over servants hitherto exclusively theirs, and seemed to consider itself above the necessity of resorting to the aid of their influence, to establish every requisite control over the mofussil village institutions. Government, indeed, had in its own hand powerful means of controlling such institutions; nor were there any considerations to restrain the full exercise of them. The village police consisted of special officers who had a special duty to perform, for which they would be held responsible; they were to be taught that inactivity would not pass with impunity, and that collusion, or even a disposition to withhold the most active assistance from the regular police, would infallibly entail punishment; an efficient and watchful control was set over their conduct, and the law enabled the proper authorities to enforce it, by arming them with the power of punishing neglect, even with severity.



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29.—It was not therefore necessary to solicit the co-operation of this class; their assistance could be secured by compulsion; and although this assistance, being constrained, might be in some respects defective, yet it was apparently all that the system originally admitted of, and perhaps all that the essential objects of it required.

30.—There can be little doubt that the village police, controlled upon these principles, has been the main engine of the success which has attended the thannadaree system in putting down great crimes. It is from all its officers, that all information of the character of individuals, of the haunts and intentions of robbers, and of every thing necessary to forward the objects of police, must ordinarily be obtained. They are the watch and patrol to which the community look for its immediate protection; while their station in society, general communion of caste with one another, and every circumstance of their situation, furnish the means of being useful, nor is there any thing wanting, but an active superintendence to keep them to their duty, by uniting it with their interest.

31.—This has been afforded by the system as it stands. Whenever a decoity, or other heinous crime, occurs in a village, the darogah's duty calls him immediately to the spot; he goes there with only a few burkundazes, and with no information, except of the occurrence of the crime. His only mode of proceeding is to collect the watchmen of all the neighbouring villages, and to question them as to all the circumstances, with a view to get from them that information which they only can afford. The activity of these, in ascertaining and pointing out the perpetrators is quickened by the fear of being suspected of connivance, or at least of being dismissed, and stigmatized as inactive or incapable. Here, is the control, which, by the influence of the fear of punishment, ensures activity, and forces from the village-police the most effectual aid in the performance of all those duties which follow the perpetration of a crime; but the fear of this heavy responsibility makes it as much their interest to be vigilant with a view to prevention. Whenever, indeed, this fear ceases to operate, whenever the control may become lax, the district will soon fall out of order, and the village-chokedars will generally be the leaders in the confusion; they can only be restrained by the certainty that they will be the first that are called to account.

32.—It was by the instrumentality of a control fashioned on these principles, that the existing important benefits have been acquired for the country, in the suppression of all the most crying offences by which its peace had been so long disturbed.

33.—There has yet been but little co-operation from the class of landholders, for the inert neutrality enjoined them, cannot be regarded as support; indeed, at the present day, the want of co-operation (notwithstanding the many attempts subsequently made to obtain it,) is matter of universal complaint.

34.—If then the system of control, by fear of punishment, has shown itself equal to the accomplishment of all the most essential objects which government had in view in introducing it, whence arises this general notion of the inefficiency of our system, as far as the native police institutions which we found in being, form a part of it?

35.—It arises from our having already reached that stage of improvement, beyond which it is impossible to advance, without assistance in the general concurrence of society.

36.—Hence the constant disappointment of all the efforts of our judicial officers to push their improvements farther, by the same means. A zealous and intelligent magistrate may suppress decoity, destroy or disperse gangs of robbers, however desperate, and firmly rooted in the country; he may prevent affrays, and every violence which materially disturbs the public peace; but if he attempt to carry his improvements farther, his efforts fail, and though he perhaps justly attributes the failure to the inefficiency of his means, it is not so much from the want of physical strength in the establishments, as because his instruments are not of a nature calculated to excite society to a general co-operation with him.

37.—Every

37.—Every judicial officer appears more or less to have felt that his efforts to go beyond the point which has been reached, have not proved successful; most of them attribute the failure to the impossibility of exciting those possessing influence in society to a cordial union of exertion with themselves, for the furtherance of objects connected with the public good. But in the mode of accounting for this circumstance, and in the suggestions and propositions to which the feeling has given rise, there is, as might have been expected, a considerable variety of opinion; some conceive our police establishments to be inefficient in force and number, others attribute every defect to our inability to make those who should lead the society shake off their supineness and indifference. The greater number of judicial officers indeed seem to be for extending the magistrates power over all the institutions of police in being; they are for substituting others, or new modelling those existing, so that they may acknowledge subordinacy to no other authority but the magistrate. Others are for re-admitting the leaders of society to a share of the responsibility and authority of police, in order to secure the co-operation required; and some are for coercing the co-operation, by penalties attached to omission, without yielding any share of the power or responsibility.

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38.—The extension of the chokedary system, or subsidiary police lately introduced into cities, and into the sudder stations of zillahs, to the villages generally, is the form in which the new modelling of existing institutions is usually proposed.

39.—The principles on which this addition to our former establishments has been devised are simple and apparently judicious. It is right that the society should provide for its own internal protection in minor cases beyond what can be provided for by Government from the general resources of the state; and whenever the society may not of itself have already devised a plan for this purpose, Government are of course justified in coming forward to require that it should do so, as well as in pointing out the form in which the object can best be accomplished.

40.—In the cities and sudder zillah stations, in which alone the chokedary system has yet been introduced, there were found no institutions for its protection previously existing in the society; the Government called therefore upon the society to provide for that further and more minute internal protection, which the general institutions could not afford, and ordered its members to elect from amongst themselves a certain number of managers, with an establishment of watch and patrol sufficient to provide for these objects. The most equal and proper mode of defraying the expense, was also suggested by Government in the shape of the cess upon each house, varying in amount according to its style, the whole to be arranged and levied by delegates of the society. Such is the subsidiary police establishment to which I before alluded. It is obviously an institution which, if not abused, yields the promise of a great benefit to the society; and though on its first introduction it has been rather unpopular, as I myself witnessed in the course of my tour, it may be presumed that this dislike to it must wear off, when its object is more thoroughly known, and its benefits have been longer experienced. There can be no doubt also, that its introduction so speedily after the abandonment of the house-tax (which in some respects it resembles) must have very largely contributed to the prejudice against it. On the whole, therefore, I can at present see no grounds on which the propriety of this measure can be fairly questioned; and I conceive the cities to have no right to complain against it, unless they can make it appear that the institution was not required in correction of any prevalent inconvenience. If it be only said that the establishment is sometimes more burthensome than necessary, from the plan having been in the first instance occasionally overdone in its execution, the argument will not affect the general grounds or propriety of the measure; and, like an objection derived from occasional inequality of cess, will be removed by the gradual operation of time, and of increased experience. I must confess, however, that I feel an unwillingness to listen to suggestions for the general diffusion of a system of this nature over the smaller towns and villages in which, or at least in the latter of which, it would have to supplant already existing institutions; these institutions are certainly objectionable, inasmuch as their functionaries have at present a double duty, serve several masters, and are only so far subject to the magistrates,

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or other police authorities, as the fear of punishment attaching vaguely can render them. I have my doubts, however, of the propriety of making such institutions exclusively the servants of the Government, in the shape of police officers subject only to the magistrate.

41.—Constituted as the village community usually is at present, the chokedars are servants of the community; and as well from caste as from custom, occupy the lowest station there. Paiks, goracets, and dhanuces, are not exclusively servants of the zemindars; besides the trifling allowance they receive for the performance of their duties, which are chiefly distinct from police, they are paid for the protection they afford the society by an almost discretionary contribution from the villages, partly in land, partly in grain at the time of harvest, and partly in yearly or monthly presents in money from residents of a certain degree. It is the interests therefore of these functionaries to secure the good will of the community they may belong to; indeed, wherever from the laxity of the general control exercised over them, they may have taken to practices destructive to the general peace, it will always be found that the scene of their crimes is not their own place of residence, nor will their own community have been in any way the sufferers.

42.—Should, however, a class of officers be introduced in the place of these individuals, calling themselves public servants, or nukars of the sircar, instead of being the servants of the community they would be masters of the latter, and an authority would be established pregnant with the most odious tyranny.

43.—I am aware that the chokedaree system is constituted on the principle that it should arise out of the society, and be subservient to it, through the persons of its delegates. Undoubtedly, in cities where the population is usually of a better stamp, and persons have a more perfect acquaintance with the principles of our government, where those also possessing influence in society have commonly a ready access to the magistrates, either directly or indirectly, the chokedaree establishment would find it impossible to assume a power beyond what might have been contemplated in their formation. The case, however, would be otherwise in villages at a distance from the controlling eye of the magistrate, and among people debarred access to him, ignorant of the motives which guide his actions, and unable to comprehend the principles which regulate his conduct;—in such communities, the chokedars might, with the managing committee at their head, conspire against the rest of the inhabitants, and having in their hands the management of an assessment, and the legal power of enforcing it, might eventually become extortioners and oppressors.

44.—I must confess I see reason to fear that it will be impossible to devise appointments which, away from the immediate control of European officers, would still be subservient to the legitimate authority of the community. We cannot establish generally a system of free election and representation; whatever establishments might be introduced, there must be a gradation of service to official superiors, the whole looking up only to government as their common master; thus each subordinate authority would expect to be supported on his own representation, while the complaints of those unconnected with the whole were listened to with suspicion and distrust.

45.—In this view, I do not consider it to be desirable that any reform of the village institutions should be attempted; with the object of making them servants of government, and exclusively subordinate to the magistrate. I should fear, too, that in villages at a distance from the magistrates, even the subsidiary chokedaree system would degenerate into one of this description, and become at least independent of the community. Indeed, I will almost go so far as to say, that I see little objection to the institutions continuing as they are, since by that means their dependence on the society can best be secured. They have, to be sure, at present, as already remarked, two distinct duties, and many masters; but as the establishments are less burthensome to the community in consequence, and as in any other case you could not secure them wages sufficient to afford an independent maintenance without a direct tax; (which they would themselves perhaps have to collect,) even this may not be without its advantages.

46.—But

46.—But if the village police institutions are to continue to serve the landholders, and to perform revenue duties as well as those of police, the magistrate will never be able to get from them more than such constrained service as the fear of punishment might enforce; and how are any further improvements of police, or of the moral state of society, to be effected? Certainly, in my opinion, not by imposing new establishments on the society with which they cannot amalgamate; as far as force can effect the object, it may be done by the system as it stands; whatever cannot be accomplished by those means of control a magistrate at present possesses, can only be done by the society. We must therefore look to obtaining its co-operation by other means than by further strengthening or rendering independent our establishments, for it is not through them, the society is to be moved.

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47.—If it be an object with us to win the community to our interests, it must be obvious that the most simple mode in which this can be effected, is to gain over those who possess influence in society; and as far as the zemindars or landed interest are of this description, so far is their co-operation most desirable, and so far they are the class we should first try to gain.

48.—I have before hinted that I entertained doubts whether the co-operation of this class was to be acquired by coercive measures. Indeed it would, on general principles argue ignorance of human nature to suppose it. It is said, however, that the higher orders of society in this country have uniformly evinced that want of public spirit, and that indifference to the promotion of the general good, which has left us at present with no other instrument than coercion for working on the community; and in this view, additional penalties have been proposed, besides a further responsibility to the magistrate. Still, without giving to the landholders any powers of police control, I am not an advocate for any plan of this nature. I conceive that under the existing constitution of our system, a magistrate possesses abundant power of annoyance, insomuch, that where a landholder may be thought to have failed in yielding the support or co-operation required, it would be difficult to draw the line beyond which he could not be made to suffer. He is liable both in person and property to a considerable extent; but he is yet further liable to suffer in character and consequence from the indignities which a magistrate has it in his power to heap upon him, without passing the limit of his authority.

49.—Nothing, I am satisfied, would be gained by arming magistrates with further powers of infliction, or by the imposition of further legislative penalties on the class of landholders; even the obligation to make good the value of property stolen on their estates, although the most moderate additional responsibility suggested, and although sanctioned by the former established usage of the country, appears to me obviously unjust. A zemindar held to be so answerable, would frequently be punished for an act in which he would not be surmised to have participated, and against which no human prudence could provide; at the same time, the penalty in extent, would be unlimited and undefinable, and he would receive no compensation whatever for the risk. In short, under such a provision, there would be no possibility of proportioning the penalty to the degree of neglect, or to the means of prevention, which the zemindar might possess.

50.—As far, indeed, as the present state of my inquiries enables me to form a judgment, I must confess myself decidedly of opinion, that nothing can be done by further coercion in any shape; nor am I disposed to admit the belief that this is our only instrument for working on the native society in order to obtain its co-operation. We must suppose that mankind are influenced in this country by the same passions and feelings which actuate their conduct elsewhere. They are to be excited, therefore, by similar means, to the pursuit of similar objects. It is not only from an abstract sense of the propriety of a given line of conduct that men are led to its pursuit in preference to any other. If there exists in Europe a more general disposition to forward measures having the general good for their object than has yet been experienced here, it may as well be attributed to the superior inducements individuals have to actuate them to such a course in Europe, as to any radical want of virtue in the society of this country. Public spirit is in itself only a mixed or even a secondary motive to which individuals are led, as much from a knowledge that it has its merit

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merit with the public, and yields distinction in society, as from the purely virtuous sense of duty. The love of distinction must surely exist as strongly amongst the natives of this country as it is known to do elsewhere, and there is no reason why it should not be made to have as much influence on their actions.

51.—Only therefore let disinterested efforts to improve the moral condition of society not be without their reward, and the spirit to afford them will not be wanting. I am indeed clearly of opinion, that if it be an object with our Government to obtain the co-operation of society, we can only do so by rendering such a course the obvious road through which its leading members may hope to arrive at distinction, or at least to obtain some advantages gratifying to their ambition or vanity. If our system has hitherto failed in obtaining co-operation, it has only been from its not having yet been a part of it to attempt this mode of accomplishing the object.

52.—Our Government has had frequent occasion to be sensible that it has itself experienced, even from the class of landholders, a disposition to afford the most active and zealous support, to submit to sacrifices, and even to risk life in its service, whenever adequate occasion has required it, and whenever the individuals have felt convinced that such a line of conduct would not be without acknowledgment of its merit, with us. With the whole power and influence of Government at command, our means of gratifying their ambition and vanity are unlimited, so that wherever such conduct has come to our notice it has always been amply rewarded; and it is in consequence of the hope of obtaining similar flattering remunerations, excited by former examples of our gratitude, that on every occasion of foreign invasion, or even of alarm, there will always be found, even in the race of landholders, which appears to be almost universally described as wanting in public spirit, individuals who seek to deserve well of us by their activity and voluntary exertions.

53.—On such occasions, no one would think of proposing coercion as a means of exciting this spirit in our favour; but the same principles apply to the co-operation we wish to excite in smaller matters. Indeed the fear of punishment has as little influence on the minds of this class of our subjects in one case, as in the other; for in neither could the charge of having pursued a contrary course be ever brought to the proof.

54.—Since, therefore, it is conceived impossible that any efforts for the further improvement of the police, and moral condition of the society, should be successful, unless the co-operation and support of the society can be obtained through the means of those possessing influence in it from their situation; and since we cannot hope to excite such a spirit in this class, without holding it forth to them as the means of rising to distinction in the society, and of procuring those objects so gratifying to their ambition and vanity which our Government has the means of bestowing, it remains only to inquire what is the nature of the means, and what the mode, in which they may be best applied to the attainment of the object.

55.—From the peculiar structure of society in this country, and the habit and notions of those who compose it, it happens, perhaps fortunately for our Government, that there is little distinction to be obtained that does not emanate from the Government or from its officers. Either direct power, or that which results from influence with those in power, are almost the only objects of consideration, not the offspring of caste and religious prejudice. These are obviously, in every shape, exclusively at our command, and with the power of pecuniary recompense, and of conferring those other marks of favour and distinction by which vanity is gratified, form the different means we at present possess of binding the several classes of society to us by the hope of reward in the acquisition of their respective objects of desire. The several methods in which these might be applied to the purpose of exciting in the society a disposition to forward our views, and the degrees of operation they might be brought to have on every class, have never been sufficiently considered. Indeed, as far as I can see, it has been but very little an object of inquiry. Our magistrates appear scarcely sensible of the force of the engine they possess. I should wish to infuse amongst them the disposition to have more frequent recourse to it, and to endeavour to move the society to co-operate with them, by its means.

56.—It is quite unnecessary that the name or influence of Government should be brought immediately into operation on the society, in cases of such trivial moment as those by which the amendments of our police could be effected must necessarily be. Were Government to confer a khilaut, or even to address its thanks direct to every zemindar who might show activity in aid of the police whenever a theft might occur, it would justly subject itself to ridicule, and lower in the eyes of society the value of a distinction made the equivalent of so paltry a service. The individual would have been sufficiently gratified by a sense that the magistrate saw his deserts; and he would have been highly flattered by the slightest public testimony of his personal approbation. It is not by regulations, general orders, or other public acts of Government, that any thing could be effected in the excitement of the desired spirit of co-operation from the society, with a view to its moral improvement. Every thing must be left to the discretion of our public officers, and we can only point out generally the line of conduct we conceive it most expedient for them to pursue.

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57.—No one can doubt the power possessed by our judicial officers of exciting the society to what they may wish, who sees the degree of consideration paid to every one reported to possess influence with them; who observes the avidity with which even access is sought, and remarks the consequence resulting from a personal confidential communication. In nothing which passes, not even in the form of address of a perwana, or a process of court, is the magistrate without the power of gratifying those with whom he may have dealings. Indeed his means of gratification are only equalled by his means of annoyance. All that is necessary is, that every thing he does, should be done personally by himself; so that none may suppose he owes a favour to any other than the magistrate, or be able to fancy he can trace an ungracious act to the private malice of the omlah, which might be meant to express the magistrate's personal displeasure.

58.—On the whole, therefore, as far as my observation has yet gone, I conceive the system at present in being to be as complete as any I have yet seen proposed; nor do I think, that even in the minor departments of it, the alterations which have been suggested would be attended with substantial advantage. The magistrate, with his thannadaree establishment, is indispensable to the exercise of an adequate control over the zemindars and native police institutions, who, without it, would, there can be little doubt, begin by suppressing information, and end by introducing the confusion of a state in which every one seeks to right and revenge himself. The subsidiary chokadaree police is only adapted to cities and large towns, the residence of European officers, in which no similar institutions may have before been in existence. The mofussil police institutions must be left as they are, controlled through the influence of the fear of punishment by the thannadaree establishments; and if it be sought to render them more efficient, it must be through the society, their joint masters.

59.—We must seek to gain the society, not by coercion or the enactment of further penalties, but through the means of those possessing influence in it, who are to be gained by holding forth to them the ample means of reward, in the gratification of their ambition and vanity, which government and its officers have exclusively at command. But for the detailed execution of this, we must depend upon the personal conduct and discretion of our public officers; for government can only point out to them generally the nature of the object to be gained, and of the means by which it is proposed to effect it, and perhaps suggest the general mode of their application.

60.—The above general view of my opinions on the subject of the police is laid before your Honourable Board, as the result of an attentive consideration of the Reports to which I have alluded, compared with such other information as I have been enabled to procure. The view is, as will at first sight be observed, in a great measure purely speculative; and upon many of the questions involved in it, there is much source for variety of opinion, nor am I by any means confident that the light in which I have been induced to regard them may not be found to be erroneous, when we come to give to them a more full consideration. Still, as a groundwork for a due examination of the question, it may be useful, which is indeed my motive for offering to you observations so insufficiently digested. There are now only one or two points of minor importance connected with the subject, to which I shall further advert in this place. It has been stated that the

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landholders will never be brought to co-operate cordially in subordination to such persons as now usually fill the office of police-darogah; but that if the salary and general respectability of the situation were raised, so as to make it an object to natives of higher rank and family, the landholders might cease to feel that jealousy which now prevents their affording the desired co-operation. I am myself decidedly of opinion that none but the magistrate in person would, under any circumstances, be able to procure this cordial co-operation. Darogahs, of whatever class they may be, must always be regarded by the landed interest as interlopers, and as set over them; while the authority of the magistrate, being the object of their habitual respect and fear, is too far above them, to excite any feeling but a wish to secure his favour. There are, however, other objections to the experiment. The purchase would at best be dubious; while the expense would be heavy and certain; at the same time, it might lead to the introduction of a class of persons into these offices, who would want that active and resolute alertness indispensably requisite, and who would be inclined to do by deputy, what is now (as it should be,) almost universally done by the principal.

61.—There is, however, in the Reports of most of the magistrates, another proposition on the subject of these officers, which I have listened to with more disposition to admit its expediency. With a view to ensure a greater degree of activity from officers of this description, it may be advisable that the magistrate should be vested with a more direct and entire authority over them, extending even to the power of removal or dismissal, without reference to the court of circuit. It is evident that a man may be wholly unfit for an office of this nature, against whom no positive accusation could be brought: a negative character, such as is described by the magistrate of Behar, in which no feature, good or bad, is discernible.

62.—The beneficial effect of the prescribed reference to the court of circuit, may be to retain in office a native servant, who might otherwise, from a dislike, or an improper bias in the magistrate, or for the mere purpose of making room for some other person, be dismissed; the prejudicial result, by encouraging darogahs to look to other authorities than that they serve, is to cramp the energy and debilitate the zeal of every magistrate in a high and arduous duty, which calls for liberal confidence and effectual support. No feeling can be so destructive to all activity and zeal for the good of those we serve, as the sense that we have a fee-simple of the office we hold. It is to be feared that our darogahs have, many of them, began to feel this. I do not speak too strongly, when I say, that a magistrate against whom such a suspicion could be entertained, as that he would, through passion, partiality or corruption, displace an honest and sufficient darogah, must be of a character unfit to be intrusted with the other functions of his important charge. Before submitting any proposition for your consideration, I am notwithstanding desirous, that the nizamat adawlut should be consulted on the subject, with a view to obtain their opinion on the propriety, or otherwise, of introducing some modification of the existing rule.

63.—It will not be necessary to notice, on this occasion, the several local obstacles to the establishment of an efficient police, arising from the neighbourhood of a foreign or independent territory. These, though now introduced anew into the Reports of several of the magistrates, must frequently before have been brought, under the consideration of your Honourable Board. It might, however, be advisable to render general a convention of the nature of that lately concluded with the Nawab vizier, by which the magistrates have, I understand, been furnished with considerable facilities in the pursuit and apprehension of offenders taking refuge in territory not subject to the operation of our Regulations.

64.—I have nothing further to offer on the subject of police; I proceed therefore to the second general head, that of criminal justice.

#### CRIMINAL JUSTICE.

65.—The only legitimate object in the trial and punishment of offenders, beyond the hope of correction, is the suppression of crimes, by the terror of example. The utility of punishment, therefore, is diminished (except as it deprives the object of it, of the means of again committing a similar offence,) if the effect

effect of it in the way of example is by any means weakened; and that such must be the consequence, where the punishment is delayed until the offence itself is nearly forgotten, it can require no arguments to prove.

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66.—By the present Regulations, every crime, except of the most trivial nature, must be tried by the court of circuit, and a large proportion must be referred for the final sentence of the nizamat adawlut. In this mode of proceeding, conviction is not sufficiently proximate to the commission of the crime or punishment to conviction; nor is this the only consequence of the delay which necessarily intervenes between the reference of the trial and the receipt of the sentence of the nizamat adawlut. The ends of substantial justice are also frustrated by the protracted imprisonment to which innocent persons may be thus subjected, and the double result may be stated to be, that the innocent frequently suffer without redress, the guilty without furnishing example.

67.—It is also a fundamental principle never to be lost sight of, that the prosecution of offenders should be made as little burthensome as possible to the parties injured, and more particularly to their witnesses, either in direct expense or personal inconvenience. The attendance therefore of prosecutors and witnesses before the magistrate, in the first instance, and again before the court of circuit, cannot but be felt as a grievance. To the lower classes, whose families depend for the day's meal on the day's labour; it may be nearly ruin.

68.—The infliction of capital punishment could not be intrusted to any, other than the supreme court of criminal jurisdiction; but capital punishment is denounced by the Regulations against homicide alone, and wounding in the prosecution of theft and robbery, so that if the revision of the nizamat adawlut were confined to cases of capital punishment, their sentences might be received in the usual return of the post.

69.—It has been suggested to me, with a view to provide against the evils arising from the delay incident to the present system, that all cases of theft and burglary (the latter a crime of very different rate from that with which it is confounded by the title), all breaches of the peace, and offences against morality, and generally all cases where a specific punishment of fourteen years imprisonment is not denounced by the Regulations, might be finally decided by the magistrate, on the result of the examination before him. Every zillah is provided with a Mahomedan law-officer, equally conversant in the law as the cauzees and mooftees of the courts of circuit, and frequently called upon to officiate as their substitute: with his assistance, the magistrate, after adding to the preliminary investigation which he now makes of the prosecutor's witnesses, any evidence which the prisoner might wish to adduce, might complete the trial by taking a futwa and passing sentence.

70.—A provision of this nature, would undoubtedly be liable to many objections; nor can I be prepared, without more mature consideration and inquiry, to give any decided opinion on its propriety or otherwise. Our situation however is such, that we cannot fashion means for any practical arrangement towards the distribution of criminal justice, which will not be in some of its bearings defective and undesirable; we must only aim as well as we can at reconciling despatch with impartial decision, trusting that a pure administration will counterbalance any deficiencies in the forms of proceeding.

71.—It may be further remarked, that by such a measure, not only would the vexatious inconvenience and absolute injury sustained by the parties in their present double attendance be obviated, but the labour of the courts of circuit would be so far reduced as to shorten considerably their detention from the civil branch of their duties.

72.—Of the offences which chiefly disturb the peace of society, those which belong to the domestic relations of mankind, such as adultery, seduction and fornication, would appear in fact to be more proper objects of a punchayet or arbitration of caste, than a public exposure to trial and punishment, in a mode repugnant to the religious prejudices of the parties, and destructive of all moral feeling. In these instances, as well as in all civil questions of caste, particularly those relative to marriage, any negligence or disregard of usages identified with the religious credence of the natives, may be productive of very serious consequences.



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73.—Burglary, as well as theft, whatever may be the amount, would also be probably repressed with more effect, by the immediate cognizance of the magistrate, than by the more dilatory intervention of the court of circuit. The term burglary is in fact applied to offences of very remote character, from a forcible entry into the brick-built house of a rich merchant, down to the clandestine entry into a matted hut with a view to steal a few seers of grain for the present support of life. The features of the offence, and not the technical definition of it, should in such cases guide the magistrate, either in committing the party for trial before the court of circuit, or in punishing him under the authority which it was suggested to me as expedient to vest in all magistrates.

74.—But the instances in which I have understood that the prompt decision of the case by the magistrates would be attended with most beneficial effect in the suppression of the offence, are the outrages and affrays, when not attended with loss of lives, which occur in disputes for lands or crops; and if the magistrate were empowered in all such cases to restore the possession (subject to an ultimate decision of Court,) to the party previously in possession, the inducement to such outrages would in a great measure be taken away.

75.—It is not sufficient that punishment should be prompt, it is also necessary that every facility should be given to the conviction of offenders, consistent with due precautions for the protection of innocence. The principal obstacle, after that arising from the personal vexation of repeated attendance, is in the aversion of the natives to taking an oath, and to giving evidence in a court of judicature. In regard to the first point, if the aversion, as some persons surmise, refers only to the mode practised in our courts, of administering oaths by the Ganges water and Koran, some other mode might be discovered less obnoxious to their feelings, and equally binding on their consciences. With regard to the second point, the same means which shall bring forward the aggregate strength of society, to the aid of the police, may gradually introduce a different sensation in regard to appearing as witnesses, and the natives of all ranks might learn that in the prevention of a crime, or in the apprehension of a criminal, they have done only half their duty to the public, unless they also contribute all in their power to his conviction.

76.—In cases of gang-robbery, when the aversion of witnesses to declare their actual knowledge arises from a dread of the consequences to themselves from the resentment of the prisoners if acquitted, or of the accomplices still at large, the removal of this obstacle to the conviction of dakoyts can only be expected from the confidence with which a further progress in the suppression of the crime itself, and a more substantial protection of society at large from personal outrage, may impress the public mind. The reward proposed by the acting magistrate of Burdwan, if designed to extend to witnesses, for each dakoyt convicted through their testimony, would be wholly inadmissible; because, though the probable abuse did not occur to him, such a temptation to perjury would be irreconcilable to the principles of law and morality; but his proposition for a discretionary power to the magistrate in the admission of King's evidence, appears to be judicious, and promises great facilities to the detection, at least, if not to the conviction, of criminals of this class.

77.—The prevalence of perjury, exclusive of the moral turpitude of the crime itself, is also to be lamented, as opposing an obstacle to the conviction of offenders from the general disbelief of human testimony in consequence, and thus to the suppression of offences in general. The punishment denounced against it is sufficiently severe; but the almost impossibility of bringing it, or the offence of forgery, to punishment under a futwa of the mahomedan law, is pointed out by all the magistrates.

78.—This disbelief of testimony, and the difficulty above noticed of obtaining evidence, have introduced an anomaly into the criminal jurisprudence of this country wholly discordant to the legal practice of England, which knows no middle stage between conviction and acquittal. A culprit who cannot be subjected to the legal consequences of conviction is here retained in jail till he furnishes security, or show signs of amendment; and instead of a specific sentence of imprisonment for a few years, is exposed to the possibility of imprisonment for life.

79.—It was not my intention to have adverted in these remarks on trial and punishment, to the adequacy, or otherwise, of specific penalties on specific offences; but two points brought forward by some of the magistrates may find their place here; the inexpediency of the exemption of brahmins in Benares from capital punishment, and the futility of imprisonment as a punishment of either example or reform. The exemption in question should, if it be continued at all, be rendered exceedingly narrow either by the restricting it to the higher classes of brahmins, or by confining it to the area contained within the circumference of the puckerree, the sacred ground which includes the city of Benares; and as our jails appear to be viewed, in many instances, as a retreat from labour, and a resource of gratuitous subsistence, an increase in the severity of corporal punishment might be expedient in the case of those persons to whom imprisonment holds out neither terrors nor inconvenience.

80.—But punishment is of less importance than prevention, and the most solid ground of prevention is in the amendment of the situation of the people themselves. The magistrate of Allyghur will accordingly be found to ascribe the present infrequency of highway robbery to the recognition of the rights of the village zemindars, and the more general admission of them to a direct settlement with Government, which has tended to reform their manners, and to reclaim them from their former habits. The decrease of crimes in the western provinces, from the operation which the security of landed property has had of attaching to the habits of peaceful life those men who under the former government lived by rapine; and the increase of crimes in Bengal, from the unfavourable revolution which has taken place in the condition of the cultivators of the soil, appear to be the natural consequence of those different results.

81.—Should the objections to the suggested enlargement of the powers of a magistrate, and limitation of reference to the nizamat adawlut, be found insurmountable, another mode which suggests itself for accelerating the final sentence on criminals is the establishment of a separate court of ultimate jurisdiction in our remote possessions. The expediency of a separate court of final resort for these provinces in *civil* cases, will be discussed in its proper place; and should a subdivision of the sudder dewanny adawlut be deemed either not requisite or not practicable, the powers of a nizamat adawlut might perhaps be vested in the Board of Commissioners. I know that in this proposition, I do not consult either their inclination or their convenience; but I know also, that the zeal with which their own proper duties have been performed, during a period of eight years, with so much advantage to the state, would not be relaxed from any addition of labour which might be imposed upon them. These points will however remain open for our future consideration, when we may have before us the opinions of the several authorities we have deemed it proper to consult on the subject of the late general letters received from the honourable Court of Directors in the judicial department.

#### CIVIL JUDICATURE:

82.—If the present judicial establishments, notwithstanding the great and constant addition to the expense, originally enormous, by new adawluts, assistant judges, additional registers, and an increase in the number of judges to the courts of appeal, are still inadequate to decide, with even tolerable expedition, the suits which come before them, it may be advisable to inquire whether a modification of the present system might not, by giving a different direction to the same agency, effect the object more satisfactorily.

83.—The lists of undecided causes do not exhibit the whole of the existing evil; the unknown number of suits which are not brought forward from despair of their being decided within a reasonable time, constitutes a grievance which baffles all calculation.

84.—The estimate which the Reports give of the time in which a suit may be decided in each tribunal, does not exhibit the limit within which litigation is bounded. From the facilities afforded to appeals, a suit may be kept pending in a manner not merely vexatious, but ruinous to a plaintiff of the lower class.

85.—The acting judge of Burdwan states, that a common peasant cannot get redress for a trifling exaction (trifling in its amount abstractedly, yet bitterly oppressive

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oppressive to an indigent man,) unless he can abide a contest of from seven to nine years. The ryot has, under the permanent settlement, no means of redress against the extortion of the zemindar but a suit in a court of justice. The oppressive delay and expense of such a remedy, would alone make it a mockery; but could the cause be brought to immediate and cheap decision, still the procedure would be hopeless, because the settlement has left the land wholly at the disposal of the zemindar, and the law cannot interfere with the terms which he may demand for a lease, even though it should be sensible to every one, that he tortures the attachment of the ryot to his native spot, in order to squeeze from him an exorbitant rent.

86.—The facility of appeal is founded on a most laudable principle of securing, by double and treble checks, the proper decision of all suits; but the Utopian idea, in its attempt to prevent individual injury from a wrong decision, has been productive of general injustice, by withholding redress, and general inconvenience, by perpetuating litigation. The peace of society, and the general welfare of the state, are less concerned that questions of *meum* and *tuum* should be well decided, than that the ground of contention should cease. "*Interest reipublicæ ut sit finis litium.*"

87.—Another grievance growing out of the delays which attend the decision of civil suits is the difficulty of executing the judgments of the courts when ultimately passed. In the lapse of years, during which the litigation has lasted, the sureties may have died, or become insolvent, or they and the defendant himself may have so secured their property by real or fictitious conveyances, as to put it beyond the reach of common process of execution; and even the thing in action, although landed property may be similarly alienated. The plaintiff therefore, after all his trouble and expense, may find himself under the necessity of commencing a new course of litigation, with the melancholy prospect of a recurrence of the same delay, trouble and expense, for giving effect to the judgment which he has obtained.

88.—The zillah judges will be found to allege, generally, that their necessary avocations in the criminal department, and the trial of summary suits for the possession of land, and for rents, leave them no time for the decision of regular suits; some of them find their time so entirely absorbed by their functions as magistrates, that even the summary suits remain undecided.

89.—When functionaries of such high importance have more to do than it is possible for human labour to perform, the evil does not stop with the mere neglect of what is unattainable. Every man does as much as he can, without being always regulated by his choice of the objects of his attention, by so sound a discretion as might be wished.

90.—But a further consequence of this disproportion between the duties and the physical powers of the executive officer is, that exclusive of what is neglected altogether, or imperfectly performed by the judge himself, much important business is left to the native officers, and it will not be unfair to presume that a portion of this will be hastily or inaccurately done. In this relaxed mode of execution of the judicial functions, and particularly in the employment of the native officers to take the examination of witnesses, frequent injustice may be done, not only from the true merits of the cause being lost sight of, but also from the greater chance of success which perjury has under this mode of taking evidence, than if a more solemn and deliberate performance of all the judicial duties were to take place.

91.—An immediate relief of the civil courts from the summary suits which employ so much of their time might be effected, by transferring the cognizance of all questions of rent to the collector, and by empowering the magistrate to pass an order relative to the possession of the land in dispute, on the result of his investigation into the trespass or breach of the peace which may have attended the attempt at dispossession.

92.—The regulation which requires the zillah courts to refer suits regarding rents to the collector for examination, appears to have effected no good purpose; and the judge of Nuddea is of opinion, that it has on the contrary, thrown delays and embarrassments in the decision of such suits. He accordingly recommends

recommends that either the collector should be authorized to decide the case, or that his intervention should be dispensed with altogether.

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93.—It may be observed, that the revenue authorities, especially in the upper provinces, have an interest in maintaining good faith between the landholders and tenants; and have better means of becoming acquainted with their relative rights than the dewannee adawltis. The decisions of the collectors would be also unembarrassed by the technical pleadings and artificial delays of professional vakeels; and a power of revision in the superintending Boards would ensure the proper adjustment of these suits, and a due uniformity of decision.

94.—A recent regulation has empowered the magistrate to certify to the civil courts the existence of disputes concerning lands likely to terminate in a breach of the peace, and directs the latter court, on receipt of such information, to call on the parties for the proof of their possession, for the purpose of investigation. But this rule appears very inadequate for effecting its object. An immediate investigation is not enjoined; and if enjoined, could, perhaps, not be executed without serious prejudice to matters of equal importance; so that the parties are ultimately driven by the delay to recur to forcible measures, notwithstanding the actual interference of both courts in the manner specified.

95.—As the reference of the case from the magistrate to the judge is, in the present constitution of those offices, a mere formality, there seems no valid reason why the inquiry into the fact of actual dispossession should not be completed by the magistrate in the first instance, and why he should not have power to restore the possession to the party forcibly disseised, leaving the question of damages, and of right to the property for the future cognizance of the civil court. It has been found necessary in England to vest such powers in the justices of the peace. The nature too of the offence, and its ordinary consequences, belong rather to the jurisdiction of the magistrate than the judge. The best effects might be expected under a proper exercise of this authority; and to prevent so important a trust devolving to an inexperienced officer, an assistant or acting magistrate need not be entitled to act in these cases without a special power from the Governor General in Council, or the sudder dewanny adawlat.

96.—If however those partial reliefs should be found ineffectual, the only further remedy which suggests itself at present is the separation of the offices of judge and magistrate. In fact, the two offices appear to be nearly incompatible. The duties of a judge necessarily confine him to his court-house. The duties of a magistrate can perhaps never be so properly executed, as while he is engaged in a personal visit to every part of the district. The administration of civil justice requires the patient and cool deliberation of mature age. The preservation of the peace of a district calls for all the active energy of early youth. A judge should, perhaps, be abstracted from all private converse with the natives. A magistrate must maintain a most intimate communication with them, and carry his researches into the most inmost recesses of their privacy. Justice should be blind; but police requires the eyes of Argus.

97.—The delay which at present occurs in the decision of summary suits relative to the possession of land, is stated by some of the zillah judges to be the principal cause of the fatal affrays which generally attend all such disputes. These affrays are also ascribed by others of the judges, to the character and dispositions of the natives of the upper provinces (including Behar), and in the provinces of Behar and Benares, to the negligence with which the permanent settlement was formed, in undefined estates, without any specification of the quantity of land, and the total uncertainty of all boundaries. In consequence, which ever of these causes may in reality have most influence, the immediate and decisive interference of the magistrate is equally indispensable.

98.—In the event of the separation of the offices of judge and magistrate in the mode suggested, the powers which it has been proposed to vest in the latter for the final trial of offences to a certain extent, might, with more convenience, be transferred to the former, who should hold a monthly or half-monthly gaol-delivery for commitments of that description, and with the assistance of his zillah law officer pass sentence before the witnesses are discharged from their original attendance.

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99.—It is superfluous to attempt a trace of the present overwhelming file of civil causes, in its rise and progress; but I have been assured, that the provincial courts of Moorshedabad and Patna, which now exhibit a list of undecided appeals of 200 in the first, and 697 in the latter, had neither of them more than 20 causes on the file at the close of the year 1801.

100.—Among other suggestions which have occurred to me for the benefit of those distant parts of our possessions which I have lately visited, the expediency of the establishment of a separate sudder dewanny adawlut for those provinces impressed itself forcibly on my mind. The distance from the Presidency must in itself, be an obstacle almost insurmountable to an appeal from the decisions of the Bareilly provincial court; or if the appellant should possess the means of surmounting this obstacle, the distance must prove a source of great expense and hardship to the opposite party who may not possess the same means. It may also be observed, that the number of causes appealable to the sudder dewanny adawlut, which are instituted in these provinces, does not show the whole of the detriment suffered by the suitors in the several courts of this remote division. The maintenance of right principles, and of uniformity of decision in the general administration of justice, by the superintending power of the sudder dewanny adawlut, through special appeals, and through interlocutory ones, is perhaps of more importance to the community than the exercise of its regular appellate jurisdiction.

101.—This measure is also suggested by the judge of Etawa, who, in his enumeration of the serious hardships now entailed on suitors and others seeking redress from the sudder dewanny adawlut, observes, that they are subject to a journey of more than one thousand miles, to a tedious and ruinous attendance of many months, in a climate inimical to a native of these provinces, and where the language, manners, customs, and even food of the people, are different from his own.

102.—The principal objection to the division of a superior court, is, perhaps, that in the result there might happen to be a wide discordance in decisions, and that the uniformity of judgments, which is so important an object of every judicial administration, would be lost sight of. To this it may be replied, that native, as well as municipal laws and local polity, have for many ages drawn a broad and distinct line between the inhabitants of Bengal and those of the Western Provinces; so that the general rules now applicable to the one, are frequently found to be entirely adverse to the circumstances of the other; and that instead of tying down the population of the Western Provinces on the state bed of Procrustes, which was originally made for Bengal, it might be advisable to have a local administration, with the means of observing, and the power of improving, the actual condition of so large and so valuable a portion of the British empire.

103.—The separation of the offices of judge and magistrate above alluded to would not be a measure calculated to involve any additional expense, as the relief of the former from all avocations in the criminal department would leave him sufficient leisure for the trial of all regular suits, within the limitation of cognizance by the sudder aumeens, and by the provincial courts in their original jurisdiction, and the register's court, might, in consequence, be dispensed with. The number of these sudder aumeens might also be increased, and their jurisdiction might be safely enlarged to the limit now cognizable by the register; since their decisions are not only appealable to the judge's revision, but may be said to be passed under the check and control of his own immediate eye.

104.—It is satisfactory to find that the recovery of small debts is facilitated by these subordinate tribunals, and by the general institution of native commissioners; and that their decisions appear to be, in general, not only sufficiently prompt, but from the paucity of reversals of such decisions on appeal, sufficiently correct. The benefit to the public might, perhaps, be more widely diffused, and the relief to the judge's court from suits of minor importance, be enlarged, by an adoption of the suggestions which will be found in the Allahabad Report for a more general reference of causes to arbitration, and a recurrence to the original institution of local punchayet.

105.—The

105.—The testimony which is borne in that Report, to the utility of native commissioners applies with additional force to the case of punchayet. Mr. Fortescue observes, that they reach the truth, and unravel the cases which come before them, better than we can do, owing to their superior knowledge of the habits and customs of the people, which are too minute for our domestic view; that they consider the parentage, the caste, the connections and circumstances in life of the witnesses, when appreciating the credit due to their testimony, whether they are single or married, have children or other near relations, whose welfare is superstitiously considered as identified with their own, all of which are points of real importance in this country.

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106.—Among other points in which it appears questionable, whether the practical execution has realized the object in view, I may advert to the institution of professional pleaders in our civil courts. In the adoption of technical terms which are familiar to us from the judicial practice of our native country, this class of men have been sometimes denominated the bar; but we must not be misled by the use of this term into confounding them with the professional body of English lawyers, from whom the judges themselves are selected, and who form a permanent check on the decisions of those judges. The only object, indeed, of the institution was to provide for the suitors in our courts, the assistance of men who might have the means and opportunities of acquiring a clearer knowledge of our legislative enactments than the bulk of the nation; and to furnish the courts with facilities in the adjudication of causes, by a more intelligent arrangement of the pleadings and evidence than the parties themselves might be capable of. In both these respects, I fear the institution has failed.

107.—The Regulations enacted last year, were intended to simplify judicial labour, and very probably have obviated many of the inconveniences which I have had occasion to notice. But they do not proceed far enough; they still retain too much of that over jealous spirit which pervades the whole of our Regulations, and which presumes that powers indispensably necessary in an executive officer, will be invariably abused. We pay our establishment on a scale calculated as sufficient to ensure their honesty; but legislate for them, as if we had an internal conviction of their laxity. The caution proceeds from a laudable solicitude to secure a chaste administration of justice; but this is thoroughly done by the unremitting inspection which all the judicial officers know to be exercised over them. An apparent suspicion of them, cannot but paralyze the energies of these officers, and has a tendency to produce the very effect which it intends to obviate; by destroying that self-respect, that pride of character, which are the best securities for an upright discharge of judicial functions, or of any other high trusts. It is truly gratifying to me to be able to assert, that during my tour I have witnessed the existence of those inestimable securities, in a degree no less honourable for our country, than fortunate for India.

108.—In the review which the preceding remarks naturally lead me to take of the practical effect produced by our judicial system on the character and happiness of our native subjects, I am reluctantly compelled to confess, that its operation appears not to correspond with what was to be anticipated from the judgment of those who framed the machinery of our judicial administration, or from the uprightness of those who execute its details. We seem to have accomplished a revolution in the state of society, which has by an unexpected fatality, proved detrimental to general morals, and by no means conducive to the convenience of our Government. Since the first institution of a zillah adawlut in the year 1780, and even from the more regular organization of them in the year 1793, a new progeny has grown up under our hand, and the principal features which show themselves in a generation thus formed beneath the shade of our Regulations, are a spirit of litigation, which our judicial establishments cannot meet, and a state of morality certainly much deteriorated.

109.—If in the system itself, or in the practical execution of it, we should be found to have relaxed many ties of moral or religious restraint on the conduct of individuals; to have destroyed the influence of former institutions, without substituting any check in their place; to have given loose to the most froward passions of human nature, and dissolved the wholesome control of public opinion and private censure; we shall be forced to acknowledge that our Regulations have been productive of a state of things, which imperiously calls on us to provide immediate remedy for so serious a mischief.

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110.—The habitual disregard of the obligations of an oath among the natives, has perhaps been increased by the operation of our judicial system, and is accordingly considered by some of the judges to be confined to the persons who frequent our adawluts. There is some consolation in the idea, that a part of the community is not yet contaminated by this dreadful vice; and the further diffusion of the infection might perhaps be obviated, by a less indiscriminate and loose mode of administering oaths. If a recourse to the solemn invocation of the Deity's name were to be had only on the most important occasions, the most impressive mode of appealing to the conscience of the witness would be adopted, and the laxity of morals, which arises from oaths being made too common, would be repressed.

111.—Another consequence of the indiscriminate mode in which all persons, of whatever rank of life, are subjected to the same form of examination, is the aversion which the higher classes evince of appearing as witnesses; and the fact is stated by the judge of Nuddea, and the provincial court of Patna, that men of this description have been known to pay the debt in dispute, and otherwise to incur considerable expense, rather than attend the court. I am aware that the courts are vested with a discretion of dispensing with the corporal oath of such persons; but it must also be recollected, that the courts are vested with a power of committing to close custody, on the requisition of the parties to the suit, any persons refusing to be sworn, whose evidence may be stated to be material; and there can be no wonder if he should prefer purchasing, at any price, an exemption from attendance to running this risk. I have not been able to ascertain at all to my satisfaction, whether the objection of these persons be simply to appearance in a public court, or whether it extend to taking an oath under any circumstances. We have the precedent in the case of Quakers in England, that British jurisprudence has, for the furtherance of justice, found it expedient to compound with prejudices; and the practice of taking evidence under a commission from the Court of Chancery, where illness prevents the attendance of a witness in court, might be ground for a compromise with any class bound by known religious principles to bear testimony only in private.

112.—The advantage which is known to have been taken some years ago, of the aversion of the Hindoos to taking an oath by the native practitioners in the supreme court at Calcutta, commonly described by the name of Bubaillias, may have already found its way into our adawluts; and it is not impossible that persons might be summoned as witnesses, with no other view than to extort money from their fears and prejudices. There can be no doubt that the facility with which charges of the most heinous nature were formerly received in our criminal courts, was soon converted by the natives into an instrument of extortion, as well of revenge; and there may be reason to apprehend that the checks since imposed against false or exaggerated accusations may not have proved a sufficient protection from the consequences of original arrest, which in a mind of acute feeling are not compensated by subsequent acquittal, and which are of course attributed by the sufferer to the laws themselves.

113.—A judicial administration, which knows no respect of persons, which makes no distinction between the prince and the peasant, between the brahmin and the soodur, cannot be popular in India; and we accordingly find that the greatest boon which we can bestow on our feudatory jagheerdars in the western provinces, is exemption from our Regulations. Time, and better acquaintance with those principles of pure equity on which we proceed, will correct this; but the correction will begin, in the gradual obliteration of the distinctions of caste, now as obstinately upheld by the superstitious ignorance of the lowest, as by the policy of the highest. It is impossible not to see how fast the reverence for those distinctions wears out among those who have much communication with us. A considerable improvement has certainly taken place on the point to which I have been referring, by the modifications adopted in civil processes; but it occurs to me, that greater attention might, in the practice of the courts, be paid to the distinction of ranks, and to the prejudices of the natives in that respect, without trenching on the fundamental principle of extending equal justice to all.

114.—Another effect of our system is the disgust which it gives to the higher classes of natives, in the loss of all prospect of respectable provision under the economical

economical scale of our native establishments. The door to official emoluments, and to stations of dignity, is necessarily closed against the natives, by the exclusive employment of the covenanted servants of Government; but if the sense of their exclusive possession of the land should not be a sufficient counterpoise for the reservation to ourselves of the advantages of service, perhaps some further alleviation to the feelings of persons, heretofore of rank and consideration, and who still possess property, might be found in the grant of titles and dignities by the British Government, and in certain honorary exemptions and privileges. The promotion of distinguished persons not heretofore ennobled, either on the grounds of public service or of personal merits, to rank and honour, would, on many substantial accounts be highly expedient.

N<sup>o</sup> 21.  
Lord Moira's  
Judicial Minute,  
2 October 1815.

115.—The present state of landed property in Bengal may also be brought under review, as connected with the judicial administration; since it appears to have originated more from the practical operation of legal decisions, than from the fiscal regulations of this government. The powers which have been assumed by the auction purchasers universally, and probably by the original proprietors also, as in the instance stated of the Rajah of Burdwan, under the cover of summary suits, and the still more summary process of notice of ejection, have completely destroyed every shadow of a right in the tenants, and reduced a happy, and comparatively rich peasantry, to the lowest state of indigence and penury.

116.—It can, I believe, admit of little doubt, that no part of our system of government is more unpopular than the measure of public sale of land for the recovery of arrears of revenue; and that, in the indiscriminate and extensive recourse which has been had to this harsh measure, a greater revolution has been effected in the landed property of India in the course of a few years, than what the lapse of centuries will be found to have produced under the Mahomedan governments. The effects which have attended the extension of this system into the western provinces, immediately on their coming under our authority, are forcibly described in the Report of the judge of Allahabad; and will be noticed in my Report on the several subjects relating to revenue, which have been brought under my notice.

117.—The same indigence and penury are stated by the acting magistrate of Furruckabad to exist in those provinces also; and the description, if meant to extend beyond the class of professional mendicants, and the redundant population of great towns, may perhaps apply to the tenants in the large estates, where the same causes as are above described will be productive of the same effects. But the bulk of the agricultural population, connected with the hereditary property of the soil, certainly exhibits a very different picture.

118.—I cannot either omit noticing the effect which the duty on spirituous liquors appears to have produced on the morals and habits of the people at large. The principle of the tax is clearly unexceptionable, and its name and existence in India are anterior to the establishment of the British Government; but its operation, instead of being a check upon an existing vice, (as it was intended to be) has been to diffuse that vice more generally. Instead of being considered as an instrument of police for the preservation of morals, it has been followed up wholly as a source of revenue; and the consequence is, that the habitual use of intoxicating liquors and drugs has not only been encouraged, where it already existed, but has been introduced into districts where it was hitherto unknown, and extended in other districts beyond the limits of the principal cities to which it was formerly confined.

119.—In looking for a remedy to these evils, the moral and intellectual improvement of the natives will necessarily form a prominent feature of any plan which may arise from the above suggestions; and I have therefore not failed to turn my most solicitous attention to the important object of public education.

120.—The humble but valuable class of village schoolmasters claims the first place in this discussion. These men teach the first rudiments of reading, writing and arithmetic, for a trifling stipend, which is within reach of any man's means; and the instruction which they are capable of imparting suffices for the village zemindar, the village accountant, and the village shopkeeper.



N<sup>o</sup> 21.  
 Lord Moira's  
 Judicial Minute,  
 2 October 1815.

121.—As the public money would be ill appropriated, in merely providing gratuitous access to that quantum of education which is already attainable, any intervention of Government, either by superintendence, or by contribution, should be directed to the improvement of existing tuition, and to the diffusion of it to places and persons now out of its reach. Improvement and diffusion may go hand in hand; yet the latter is to be considered a matter of calculation, while the former should be deemed positively incumbent. The general, the sad defect of this education, is, that the inculcation of moral principle forms no part of it. This radical want is not imputable to us. The necessities of self-defence (for all our extensions of territory have been achieved in repelling efforts made for the subversion of our power) and our occupation in securing the new possessions, have allowed us, till lately, but little leisure to examine deliberately the state of the population, which we had been gradually bringing beneath our sway. It was already vitiated; the unceasing wars which had harassed all parts of India left every where the invariable effects, a disorganization of that frame-work of habit and opinion which enforce moral conduct, and an emancipation of all those irregular impulses which revolt at its restraint. The village schoolmasters could not teach that, in which themselves had never been instructed; and an universal debasement of mind, the constant concomitant of subjugation to despotic rule, left no chance that an innate sense of equity should, in those confined circles, suggest the recommendation of principles not thought worthy of cultivation by the Government. The remedy for this, is to furnish the village schoolmasters with little manuals of religious sentiments, and ethic maxims, conveyed in such a shape as may be attractive to the scholars, taking care that while awe and adoration of the Supreme Being are earnestly instilled, no jealousy be excited by pointing out any particular creed; the absence of such an objection, and small pecuniary rewards for zeal, occasionally administered by the magistrates, would induce the schoolmasters to use those compilations readily.

122.—To those who are anxious to propagate amongst the vast population of this empire, the inestimable lights of true religion, it may be confidently maintained, that there is no hope of success but by rendering the people capable of understanding that which is proposed to them. Open the minds of the rising generation by due instruction, give them the habit of reverencing the principles which the Christian doctrine enjoins, without stimulating the parents into opposition by touching on points adverse to their superstitions, and their inevitable rejection of beliefs irreconcilable to the reason which you will have enabled them to exercise, and repugnant to the probity which you will have taught them to admire, must render certain their transition to the path you wish. As it is, their ignorance ensures their tenaciousness of their earlier impressions, and pledges their implicit submission to the dictates with which the brahmins would counteract the object, were they alarmed into contest. The progress, to be effectual, must be patient and silent; like every other beneficial change, it must rise out of the general sense of society, and not be imposed upon it; and to produce that sense, I know no mode but education.

123.—The next gradation in public tuition, is the higher class of teachers to be found in the principal towns; and the only question in regard to them appears to be the expediency of furnishing them with the means of inculcating more accurate ideas of general science and sounder principles of morality.

124.—In these towns, will also be found the same medium scale of education for the class of shopkeepers, artificers and labourers, as in the country villages; but in these towns, and principally in the chief stations of the zillahs, and in the neighbourhood of our jails, will be found a numerous population which seem to call for the particular attention of Government. I allude to the offspring of mendicants and vagrants, who, nurtured in idleness and vice, are destined to recruit the ranks of the professional thieves infesting all great cities. Houses of industry for the education, reformation and employment of these infant profligates, appear to be particularly needed.

125.—That the native governments were not inattentive to the important object of the public education is evinced by the numerous grants of rent-free land, and of pecuniary allowances for the endowment of public seminaries, and the education of particular descriptions of pupils. But, in the general disregard of established

established institutions, which appears to have marked the steps of the British Government hitherto, their appropriation has been lost sight of; and the funds have, through an inattention, been converted into private property by native individuals.

N<sup>o</sup> 21.  
Lord Moira's  
Judicial Minute,  
3 October 1815.

126.—In such of these institutions as yet remained, and in such of them as may be still recoverable to their original purposes, the point for our consideration will be, the nature as well as the extent of the interference which it may be proper for Government to exercise, and the mode in which that interference should be applied for giving an improved direction to them.

127.—With this view, I beg leave to propose the several plans which may be, or have been suggested, for the improvement of education in this country, should be referred to the consideration of committees, to be formed at the stations of Dacca, Patna, Moorsheadabad, Benares, Bareilly and Furruckabad, of the principal civil officers residing there; and that their opinions be afterwards submitted to the deliberate opinion of the most experienced servants in the Judicial and Revenue Departments at the Presidency.

128.—In the mean time, two experimental schools, one for Hindoos, and one for Mahomedans, might be established at each zillah station, under the superintendence of a committee, consisting of all the civil servants at the station, including the surgeons, together with any resident gentlemen not in the service, who might be willing to lend their assistance. The expediency, and the means of extending the plan beyond the sudder stations, will form a part of the deliberation of the provincial committees, to be submitted to the control committee at the Presidency.

129.—The decay of religious endowments and public seminaries is noticed by several of the magistrates; and the decline of morality is stated to be a subject of reproach against us by all the natives, whom birth or education have inspired with concern for the good order or well-being of society.

130.—If the operative effect of the British Administration has been, however unintentionally, to do away the restraint which before existed on the evil passions, while the increase of wealth, and more general diffusion of it, arising from the solid principles of equal justice, have afforded additional temptation to their indulgence, the reflecting part of the community may probably be impressed with an erroneous idea, that vice, if not encouraged, is not sufficiently discountenanced by the ruling powers.

131.—It certainly does not appear to have been ever the intention of the laws enacted by the British Government to lessen the obligation of religion, or to weaken the proper influence of the priesthood; but that such has been the result of the general system, cannot be doubted. This result may be ascribed, partly to the omission of a positive enactment in support of the existing institutions of the country, partly to a too strict adherence in the judicial officers to the letter, without adhering to the general spirit of the laws, and partly, perhaps, to an expansive tendency in the human mind, which in a state of freedom imperceptibly seeks progressive improvement, with an impulse which nothing but an injudicious attempt to introduce it too rapidly, is capable of checking.

132.—The immediate encouragement of this superior description of science, by any bounty to the existing native colleges, appears to me a project altogether delusive. I do not believe that in those retreats there remain any embers capable of being fanned into life. It is true, the form of tuition is kept up in them; but the ceremony is gone through by men who are (as far as I could learn) devoid of comprehension in the very branches which they profess to teach. I was particularly curious to assure myself of the state of learning in the University of Benares, the place where one should expect that ancient acquirements would be found in the best preservation. My incompetence to judge on the substance of the answers given by the young men examined before me, did not extend to the manner of their performance, which was such as inspired the notion that every thing they said was wholly by rote; on following up this suspicion, I ascertained that I had guessed accurately. I remained satisfied that the students only got by heart, certain formularies unexplained to them by professors incapable of expounding the spirit of the lessons; of course, the instruction, unless where it

N<sup>o</sup> 21.  
 Lord Moira's  
 Judicial Minute,  
 2 October 1815.

chanced to fall on some mind uncommonly vigorous and acute, would have very limited effect in future application, and if it did happen to be bestowed on a genius able to unravel it, the rational calculation was, that it would only render him more dexterous in those crooked practices, which the depraved habitudes of the community would offer to his imitation. I thence conceive the revival of the liberal sciences among the natives can only be effected by the previous education (beginning with the rudiments,) which shall gradually give to individuals, the power of observing the relations of different branches of learning with each other, of comprehending the right use of science in the business of life, and of directing their enlargement of thought to the promotion of those moral observances in which rest the temporal convenience of society, as well as the sublimer duty of man; then, but not till then, such records or such traces of ancient lore as remain in the universities may be useful. Conformably with this opinion, I must think, that the sum set apart by the Honourable Court for the advancement of science among the natives, would be much more expediently applied in the improvement of schools, than in gifts to the seminaries of higher degree.

133.—It is satisfactory to find, that there are many natives of birth and education who still feel an anxiety for the improvement of the general morals; for it is through their agency, that such a measure is most likely to succeed. It is also pleasing to observe, from the accurate and lively picture which Mr. Fortescue has drawn of the public feeling, that while many solid and essential benefits are acknowledged in the security of person and property, in the advancement of agriculture, of commerce, and in the free enjoyment of wealth, most of the disadvantages enumerated, when they attach to the executive details of the laws, are capable of easy correction; and where they spring from the habits and manners of the people themselves, may be expected to yield to the silent but certain operation of the measures now in contemplation.

134.—In the infancy of the British administration in this country, it was perhaps a matter of necessity to confine our legislation to the primary principle of justice, “not that nice and delicate justice, the offspring of a refined humanity,” but “that coarse, though useful, virtue, the guardian of contracts and promises, whose guide is the square and the rule, and whose support is the gallows.”

135.—The lapse of half a century, and the operation of that principle, have produced a new state of society, which calls for a more enlarged and liberal policy. The moral duties require encouragement and experiment. The arts which adorn and embellish life will follow in ordinary course. It is for the credit of the British name that this beneficial revolution should arise under British sway. To be the source of blessings to the immense population of India is an ambition worthy of our country. In proportion as we have found intellect neglected and sterile here, the obligation is the stronger on us to cultivate it; the field is noble; may we till it worthily!

On the River Ganges, }  
 2 October 1815. }

(Signed) *Moira.*

*P. S.* Since preparing the above remarks upon the several branches of our judicial system, I have received the Report of the Resident at Delhi, on matters connected with this division of his duties. It is interesting in many particulars; and I must regret that I did not receive it in time to incorporate the ideas it has suggested in the body of what I had previously committed to paper. I can now only offer one or two insulated remarks upon the subject of it.

It would appear that the judicial administration of the territory superintended by the Resident at Delhi, is conducted generally upon the same principles as form the ground-work of the system introduced into our other provinces. The civil courts differ in little else than the want of an arrangement of jurisdiction amongst the European officers, calculated with reference to the amount litigated. The state of civil business in these courts, would seem to wear a much better aspect than in the generality of courts under the influence of our system; but this, as well as the prosperous state of the country generally, may as much be owing to the individual character and exertions of those intrusted with the superintendence, as to other circumstances.

In the police department, the maintenance of the responsibility of zemindars would

would appear to be the most material variation from our general system. The responsibility falls upon the village community; and extends to the value of what may be lost in robbery, unless the robbers can be traced. Many of the objections to the general resort to such a practice throughout the provinces, are obviated in the case of Delhi, by the state of property and the constitution of society in the villages there. Each forms a separate community; and the responsibility acts as a contribution levied on all, where all may have been involved in the guilt. A similar responsibility in the zemindars of Bengal would assume a different character; although this principle is recognized by the laws of England. Where, in certain cases of robbery, the county is made answerable, the real equity of its application must depend on local circumstances. It is probable that with regard to the Delhi territory, inconveniences in it, very obvious, are obviated, by the sound and judicious discrimination of the Resident and his able assistants.

Mr. Metcalfe's observations on the suspension of capital punishments, in his administration of criminal justice, are in the highest degree valuable, and evince a knowledge of human nature, combined with a sensibility and justness of feeling, which cannot be too much admired. It is to be remarked, that the criminal code of our Regulations is remarkably mild in this respect; since it restricts the punishment of death to cases of murder, or of violent wounding in the prosecution of robbery by open violence.

The revision of the rules for the supply of troops on march, the abuse of which, in the compulsory requisition of men, cattle and carriages to hire, is so severely reprobated by Mr. Metcalfe, forms one of those points which remains for the consideration of Government.

The propriety of adopting Mr. Metcalfe's recommendation for the new arrangement of his assistant's duties, is a question which will likewise be considered separately.

It is impossible for me to close these observations without rendering to the character of Mr. Metcalfe that tribute which it eminently demands. I have had the best opportunities of learning the tenor of his conduct. The uprightness, the patience, the moderation, the kindness which mark all his procedures towards the natives, are not less distinguished than his talents and indefatigable application. The reverence with which the natives behold the exercise of such qualities, has gone far to counterbalance the forwardness of a restless and unattached people. I trust that my representation of a conduct so materially conducive to the advantage of the Company cannot fail to recommend Mr. Metcalfe in a peculiar manner to the consideration of our honourable employers.

(A true Copy.)

(Signed) *C. M. Ricketts,*  
Chief Secretary to the Government.

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N<sup>o</sup> 22.—Extract from a Letter in the Judicial Department; from the Vice-President in Council to the Court of Directors; dated 29 November 1814.

#### POLICE.

Para. 14.—On the proceedings of the annexed dates are recorded two general Reports from the superintendents of police, regarding the state of the police in the lower and western provinces respectively. The documents on which those Reports are founded are not of so recent a date as others to which we shall shortly refer; but they are calculated to afford to your Honourable Court the most comprehensive view possible of the actual state of the police throughout the country, during the year 1813, and of the progress made in the establishment of those reforms which the local government of these provinces has, for some years past, so anxiously laboured to effect. It will be observed, that the reforms to which we here allude have advanced with a more rapid pace in our old territories, than in those more recently acquired by the British nation. This effect was, perhaps, to be naturally expected. Although in the former we had to combat evils of the most malignant nature, yet the bulk of the people were not absolutely strangers, as in the ceded and conquered provinces, to the principles

N<sup>o</sup> 21.  
Lord Moira's  
Judicial Minute,  
2 October 1815.

N<sup>o</sup> 22.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

N<sup>o</sup> 22.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

principles of civil government. In the former, gangs of dacoits, and other classes of public offenders, were to be suppressed. In the latter, the manners and ideas of the great body of the people were to be corrected. What success has attended the exertions made for the accomplishment of both those objects, will appear, as we conceive, in a very circumstantial, but, at the same time, in a very distinct form, from the above-mentioned Reports. Treating the subject generally, it may be observed, that dacoity, or gang-robbery, the scourge from which the old provinces, especially Bengal, chiefly suffered from the first acquisition of these territories, until it arrived at its acmé, about the year 1807, has been nearly suppressed. We do not mean to imply, by this remark, that robberies, in the ordinary sense of that expression, are not still committed, but that dacoity, considered as a crime, distinguished from all others by its peculiar malignity, as a crime involving in itself other crimes of the most atrocious and sanguinary character, has been nearly extinguished. By what means has this great object been accomplished? Not by military execution, although the circumstances of the case, in some districts, especially in Nuddea, would have well warranted a measure of that nature; not by the re-establishment of the mischievous influence of the zemindars, (although that too, did not want its advisers) not by the destruction of a system which only required to be strengthened and supported, but by the selection of zealous and able magistrates; by limiting the power and authority of the native officers of police within the narrowest bounds, compatible with the efficiency of their offices, and by some additions (in the aggregate not of great moment) to the European and native establishments. Such is the simple machinery by which the great object above noticed has been accomplished; and, if it had only led to the suppression of gang-robbery in a single district, we should have thought the Company fully compensated for all the expense and trouble with which it has been attended. But it is not only in the suppression of dacoity that the influence of the measures and arrangements above noticed has been felt. It will be manifest, from Mr. Shakespear's Report, that the commission of most other public crimes is on the decline. We shall not enter into details on this subject, as it would be only to repeat the facts and observations contained in the superintendent's Report, or in our own orders upon them. But we may observe, generally, that if the reform above described has been effected during the last six or seven years, when every difficulty, especially at the outset, opposed its progress; we may confidently anticipate still greater improvements, by a steady adherence to that course of measures which has already been productive of such beneficial effects.

15.—Turning to the ceded and conquered provinces, although less progress has apparently been made in the suppression of the different crimes and offences mentioned in Mr. Blunt's Report, than in the old territories, we nevertheless perceive manifest traces of the influence of a regular system of civil polity on the great body of the people. On the first acquisition of those provinces, one of the most ordinary, and, at the same time, one of the greatest, evils was, the private war in which the proprietors of estates and others used to engage against each other. Another evil of a very atrocious character was the crime of assassination in revenge for wrongs, which the destined victim was supposed to have committed, or of which he might have been really culpable. Both these enormities had their origin in the same source, viz. the weakness of the preceding governments, and the want of regular established tribunals to afford redress for wrongs committed by one individual against another. Considerable progress has been made in the suppression of both those crimes. Assassinations by the detestable class of criminals denominated Thugs, are also, we trust, much less frequent than formerly, but we are concerned to add, that this crime has not yet been entirely suppressed in the Doab. With respect to the more ordinary offences of robbery, housebreaking and theft, if the Report above noticed shows that they still exist in much too great a degree, it also shows that those evils are less prevalent than formerly. The progress of reform may not have kept pace with our wishes; but we are not prepared to say that it has not been as rapid as, considering the accumulated difficulties of the case, could have been reasonably expected.

16.—We cannot close our remarks on this branch of the subject without offering a few observations regarding the constitution of the office of the two superintendents of police.

17.—It

17.—It has been before stated, and stated with great truth, that it is not credible that public crimes and offences should have been suffered to attain the height to which they arose about the period already mentioned; had Government, and the principal public functionaries, possessed accurate information regarding the extent and nature of the evil. At all events, it must be deemed an object of primary importance to bring the actual state of the police, periodically, under the consideration of the local government of the country, and, through that medium, before the public authorities in Europe. This cannot be completely effected, by means of the nizamut adawlut, or of the courts of circuit, which authorities possess little information respecting the state of the police but what is derived from the proceedings held in the trials brought before them, which are calculated to give them but a very partial and imperfect view of the object. Neither is it safe to rely implicitly on the local magistrates for information of this kind, differing, as they must do, essentially from each other, with respect to their official qualifications. Had it been proposed, for instance, to compile, for the consideration of your Honourable Court, a general Report upon the actual state of the police in the year 1813, from the reports of the local magistrates, it is obvious that it could not have been done, without the intervention of some other officer, who could give, for a time, almost an undivided attention to the performance of the duty in question; and even then, it may be doubted, whether it would have been nearly as complete and satisfactory, as the documents to which we have now the honour to solicit your attention. The convenience, however, attendant on any arrangement of this sort, is trifling, compared with the more substantial advantage arising from the very useful suggestions offered by the superintendents for the improvement of the police, both in the Reports above mentioned and on numerous other occasions. A third, and not the least, advantage incident to the office of superintendent, is, that Government, in cases of more than ordinary difficulty, can always command the services of two able experienced officers, not confined by the constitution of their appointments to any particular spot or district, which may, on some occasions, be attended with incalculable advantages, in carrying into effect arrangements of Government, in suppressing public disorders, or overcoming resistance to the public authorities. Cases of this nature might be easily cited. For instance, the visit made by Mr. Blunt to the lower part of the Doab had the effect of immediately stopping the assassinations committed in that part of the country by the class of criminals already noticed under the denomination of Thugs. By Mr. Shakespear's temporary residence at Patna, the chokeydarry arrangements were carried into effect with singular facility and despatch. Another and most important advantage incident to the office in question, arises from the activity, vigilance and attention excited, and from the system of personal superintendence established through the agency of the superintendents of police,—an effect which extends to the native as well as to the European officers. We are aware, indeed, that these advantages arise, in a great measure, from the peculiar fitness of the present superintendents for the duties of their offices; but, with the liberal salaries annexed to those offices, little difficulty can ever arise in finding persons qualified to discharge the duties of them with efficiency and ability.

18.—We shall only add, that we believe that it has generally been found necessary, in all countries which have aimed at any considerable improvements in matters of police, to constitute an office, which, by possessing an extensive range of personal observation, may be better enabled to judge of the means most conducive to the general establishment of an efficient police, than can be done by the zillah and city magistrates, or other functionaries possessing only a limited jurisdiction.

19.—The state of the police being so fully and circumstantially exhibited in the above-mentioned Reports from the two superintendents, we shall notice, more briefly than we have been accustomed to do, the concise but useful Reports, ordinarily received from the judges of circuit on the termination of the sessions at the different stations. Still we would solicit the particular attention of your Honourable Court to those Reports likewise, (which will be found in the annexed proceedings,) as corroborative evidence of the progress made in the establishment of a solid and efficient system of police in this country. They are more particularly deserving of your attention, as several of them are of a

N<sup>o</sup> 22.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

recent date, and consequently calculated to furnish information regarding the actual state of the country, at a much later period of time than the Reports of the superintendents. We shall ourselves only add, as already intimated, a few general observations on the subject.

20.—Your Honourable Court will, no doubt, observe with satisfaction the singular good order established at the city of Dacca, under the chokeydarry arrangements, to which we had the honour to draw your attention in our separate despatch of the 23d March last. Nearly correspondent effects have been produced by the same means, at the cities of Moorshedabad and Patna. Considerable progress has been made in the establishing similar arrangements at the stations of the magistrates in all the Bengal districts; but we propose to furnish you with a separate and comprehensive Report on that subject, as soon as the arrangements in question shall have been completed. In the Fusly districts, the period for the introduction of them is only just arrived.

21.—The prevention of incursions from the independent states, situated on an open and extended frontier, has always been a task of peculiar difficulty. The district of Rungpore is still subject, we fear, to this evil, notwithstanding the tried skill and activity of the magistrate, Mr. D. Scott. Considerable success has, however, attended the efforts made to prevent the incursions of banditti from Morung into the district of Purneah. Similar offences have, likewise, been much less frequent than formerly, on the side of Agra. Such incursions have also received a check, along the frontier of the territories of the Nawaub of Oude, and, with the dispositions manifested by the present Nawaub Vizier to meet the wishes and forward the views of the British Government, we trust that they may be almost entirely prevented in future.

22.—The Sunderbuns having been ordinarily regarded as the natural harbour of dacoits, it will be particularly satisfactory to your Honourable Court to observe the progress made in the suppression of gang-robbery, in that part of the country. We cannot deny ourselves the gratification of transcribing the following passage from the letter of the judge of circuit on that subject: "It does not occur to me as necessary to offer any further observations on the state of the Bucker-gunge district. It appears to be in that state of security from violent depredation, which, a few years back, it would, perhaps, have been considered a vain hope that it could ever arrive at; and, with respect to offences of other descriptions, they do not appear materially to prevail."

23.—It will be satisfactory to your Honourable Court to learn, that the effort made for preventing affrays regarding disputed crops and boundaries, have not been unavailing; offences of this sort were not committed by persons of generally bad character, like the perpetrators of gang-robbery, highway robbery, and other crimes and offences. They were not, however, of a less serious character on that account. The exertions of the magistrates, as already noticed have a considerable tendency to prevent those outrages; but it is to the civil Regulations that we must look for the final extinction of this evil. As it has arisen almost exclusively from the delay incident to the trial and decision of claims of the above nature; so there is no doubt that it will be effectually suppressed, by a prompt administration of justice in the civil courts. With respect to the means employed for that purpose, your Honourable Court will be furnished with the fullest information in the separate despatch which you will receive by the present opportunity.

24.—On the proceedings of the annexed date are recorded the documents connected with the more regular and efficient administration of the police of the town of Calcutta, and of the places adjacent, that is, the suburbs of the city, and the twenty-four pergunnahs. The papers to which we would chiefly solicit the attention of your Honourable Court are, the Memoir of the Chief Justice, and the Minute of the Governor General. The defects, considering the question in a legal point of view, which existed in the conduct of the business of the police-office, are portrayed by Sir Edward East in the former of those papers. The means proposed to be employed for the correction of those defects, and, at the same time, for establishing a more efficient police in the places

places adjacent, are stated in the Minute of the Governor General. Any details into which we could enter on this subject could consist only of a repetition of the remarks contained in those papers to which we have already requested the attention of your Honourable Court. The expense attendant on the introduction of the above-mentioned arrangements may appear considerable; but it will not, we trust, be deemed disproportioned to the objects proposed to be accomplished. On consideration of the circumstances distinctly brought to our knowledge by the chief justice, it did not appear to us practicable to decline sanctioning such additional establishments as might be required to put the public business in a regular and legal course, within the jurisdiction of the supreme court of judicature, but which in their operation would still have been very imperfect, without the arrangements adopted in the suburbs of Calcutta, and in the twenty-four pergunnahs. It has been a material object with us to add to the efficiency of the above-mentioned arrangements, by passing, with the concurrence of the supreme court of judicature, local ordinances for the better government of the town of Calcutta. Two of those ordinances will be found on the proceedings which we shall hereafter have the honour to forward to your Honourable Court.

22.  
Judicial Letter  
from Bengal,  
29 Nov. 1815.

#### MISCELLANEOUS SUBJECTS.

25.—On the introduction of the general code of Regulations into the district of Cuttack, certain estates, ordinarily termed “tributary mohauls,” were excepted from the operation of that code. This exception appears to have been founded on the nature of the country, consisting, in a great measure, of hills and forests; and on the rude and uncultivated manners of the people. That arrangement, however, has by no means been exempt from inconvenience and embarrassment. On the contrary, there are abundant grounds to believe, that the people thus left to their own guidance have habitually addicted themselves to the commission of great crimes. Still we might not have wished to have interfered in the internal management of those places, had it not appeared that the zemindars themselves (who, it was supposed, would be the conservators of the public peace and the distributors of justice;) were the persons on whom the foregoing imputation attached more strongly than on any others. Assassinations committed for the purpose of usurping the succession to estates of this description, acts of cruelty committed on the persons of the tenants, are among the evils which we have had to contemplate in the places above noticed. Not being prepared at present to extend the Regulations generally to those estates, it occurred to us, that substantial advantage might be derived from subjecting the conduct of the Rajahs themselves, and of the population in general, to the control of an officer, who, unfettered by any precise rules, might serve as a useful check on their conduct, and, by obtaining a more accurate knowledge of the state of the country, lay the foundation of an improved system of administration in the places in question. These sentiments are expressed in the Minute of the Governor General, recorded on the proceedings of the annexed date, to which we beg leave to refer you for further information on the subject. The only expense incident to this arrangement is the salary of rupees 500 per month, granted to the superintendent of the tributary meahuls, together with a small native establishment, amounting to rupees 253 per month. We attach considerable importance to the present arrangement, in consequence of the serious facts which were established in some cases, and the strong suspicions of criminality which arose in others, referred to the investigation of commissioners expressly appointed for that purpose. The proceedings held in the cases to which we here allude will be found in the consultations of the annexed dates. Those proceedings might not, perhaps, require the attention of your Honourable Court but for the connexion which they have with the arrangement above noticed.

26.—The proceedings of the annexed date contain the half-yearly Reports of the sudder dewanny adawlut, regarding the causes adjudged by that court, and the number of causes depending in the several courts of civil judicature; the first ending on the 30th June, and the 2d on the 31st December 1813.

27.—In order to complete the review which we have taken of the administration of civil justice in our separate despatch of the present date, we have included



N<sup>o</sup> 22.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

the latter of those Reports among the documents annexed to that despatch. It is, consequently, unnecessary to advert to it more particularly in this place. It would be equally superfluous to enter on a consideration of the former Report, which has relation to the preceding six months.

30.—On the proceedings of the annexed date is recorded our correspondence with the sudder dewanny adawlut and nizamut adawlut, respecting the preparation of the Reports of civil and criminal cases adjudged by those courts.

31.—A considerable arrear having arisen in preparing those Reports, from the causes noticed by the courts, they very properly inquire, whether any additional officers shall be employed to bring up the arrear, and conduct the business with regularity in future. As considerable expense would be incurred in the nomination of officers possessing the necessary qualifications for that purpose, with the impression which we had regarding the inutility of those Reports in this country, we did not deem it advisable to sanction any additional expense on that account, without a previous reference to your Honourable Court. We cannot of course presume to judge whether the Reports in question are of any real utility in England; here, they are of none. These remarks are not, however, to be considered applicable to the Reports of select cases, civil and criminal, which are annually printed and published. Those Reports, by diffusing a knowledge of the legal principles established in the courts of sudder dewanny adawlut and nizamut adawlut, may be productive of essential benefit in the general administration of Justice, and even in preventing litigation. It is, consequently, satisfactory to observe, from the last paragraph of the above-mentioned letter, that this duty is in progress, and that it is expected that it may be performed in future without any additional expense.

32.—The proceedings annexed, contain the Reports furnished by the judges of the provincial courts through the medium of the nizamut adawlut, on the termination of the different circuits, respecting the state of the police, and the administration of criminal justice. After the discussion which this important subject has already undergone, with reference to the Reports of the two superintendents of police, and the letters addressed direct to Government by the judges of circuit, on the close of the different sessions, we shall not enter into a detailed consideration of the documents to which we now solicit your attention. Some points of material importance are treated of in them; but, generally speaking, we think that the other documents above noticed are of more practical utility. We must apologize, however, for not transmitting separate copies of those papers, which are extremely voluminous, as directed in the 5th paragraph of your despatch of the 8th November 1811. They were not, as we understand, unfortunately, put in hand to be copied until the severe pressure of business in the public offices, on the approach of the period for the despatch of the Fleet, rendered their completion impracticable. They shall of course be transmitted hereafter in the mode directed by your Honourable Court.

33.—Your Honourable Court have been informed from the political department, of the measures adopted by us with the view of preventing a repetition of the excesses lately committed in Cooch Behar, and for establishing good order and a regular administration of public affairs in that country. The proceedings of the annexed date contain two extracts from the correspondence which had passed on that subject, in the political department, with the commissioner. It appearing to us that the negotiations which had been conducted by that officer with the Rajah of Cooch Behar, were sufficiently advanced to admit of the introduction of a regular system of judicature into that territory; we immediately directed our attention to the framing of such a plan as appeared to us best adapted to the actual circumstances of the country, and to the agency which could be employed in the administration of its affairs. The plan so framed will be found in the letter addressed by the secretary to the commissioner, and recorded on the proceedings of the date above noticed. We have not yet received any Report from the commissioner regarding the arrangements in question, and have reason to believe that no material progress has been yet made in carrying them into effect. It is easy to conceive that, circumstanced as he is, considerable difficulties would arise in the introduction of arrangements of that nature.

Having

Having thus brought down the narrative of occurrences in that country to the latest possible period, we must await the course of events, previously to entering further on the discussion of this important subject.

N<sup>o</sup> 22.  
Judicial Letter  
from Bengal,  
29 Nov. 1814.

34.—On the annexed proceedings is recorded our correspondence with the public officers in the judicial and revenue departments, on the subject of serious outrages committed by the tribe of Goojurs in the resumed mokerrery of the late Rajah Ramdyal in the northern division of Seharunpore, in which several persons were killed, and considerable property plundered and destroyed.

35.—This disturbance originated in an attempt to oppose obstacles to the new settlement, of the lands comprised in the late mokerrery, which was at that time in progress under the superintendence of Mr. Deane, a member of the Board of Commissioners. The refractory spirit manifested by the insurgents on this occasion, having been immediately quelled by the prompt and active measures adopted by the magistrate, we are happy to report the entire restoration of tranquillity, and the complete establishment of the public authority in that part of the country, by the introduction of a regular system of police, the particulars of which will be found on the proceedings of the annexed dates. Your Honourable Court have been informed, from the Revenue Department, of the great addition made to the public resources, by the resumption of the lands held by the late Rajah under a mokerrery tenure.

36.—The annexed proceedings contain the Reports, furnished through the nizamut adawlut by the courts of circuit, of prisoners punished without reference to the superior Court, prepared in pursuance of the orders contained in the 48th paragraph of your letter of the 14th September 1808.

37.—We are concerned to inform your Honourable Court of a robbery of public treasure committed in the district of Bareilly. In the perpetration of this crime 24 persons were wounded, two of whom have since died, and about 10,000 rupees carried off by the offenders. Such measures as appeared best calculated to lead to the apprehension of the persons concerned in this outrage, and to the recovery of the treasure, have been adopted.

N<sup>o</sup> 23.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor General in Council; dated 26 February 1817.

N<sup>o</sup> 23.  
Judicial Letter  
to Bengal,  
26 Feb. 1817.

Para. 11.—We have already, on several occasions, expressed our approbation of the measure here alluded to, and our conviction of the success which has resulted from the exertions of the gentlemen who have held the offices in question. The remarks, therefore, which you have submitted to us in these paragraphs, are in unison with our own feelings, on the great improvement in the general tranquillity of the country discernible ever since those offices were established. We are aware, with you, of the peculiar fitness of the present superintendents for the duties confided to them, considering it, as we do, creditable alike to themselves and to those who selected them; and we trust our service will never want for persons equally well qualified for those functions, nor our Government for an equal share of discernment in the choice of its agents.

Letter from 29 November 1814.  
(14 a' 18.) General observations  
on the great advantages accruing  
from the appointment of two superin-  
tendents of police.

12.—After these general remarks on the advantageous change which has taken place within these few years in the police of the territories under your Presidency, we shall briefly advert to the documents furnished by your records, on the internal state of each of the different circuit divisions in the lower provinces respectively, as referred to in the letter to which we are now replying, and in your subsequent letter of the 31st January 1815; and first of that of Calcutta, of the tranquillity and good order at present generally subsisting in which division, the several succinct reports of the judges of circuit, as well as in the Report of Mr. J. Shakespear, the superintendent of the police, dated in March 1814, exhibit a favourable picture.

(19, 21 & 24.) Remarks on the  
local police of the several divisions;  
and first, that of Calcutta.

N<sup>o</sup>. 23.  
Judicial Letter  
to Bengal,  
26 February 1817.

13.—The only material exceptions to this state of things is furnished in the zillah or Hooghly, in which, as it would appear from the superintendent's report, gang-robbery was more prevalent than in any district of the Calcutta division, although the gangs were less numerous than formerly; and in some instances were rather attempts at robbery than actually decoity.

14.—We observe, with much pleasure, the very creditable notice taken in the papers before us of Messrs. B. Bailey, Hodgson, and Oakley, the magistrates of Burdwan, Midnapore, and Jessore. We have already had occasion to speak of the services rendered by the former of these gentlemen in the district of Burdwan, and of the most satisfactory results which have accompanied his able and unwearied labours in correcting and improving the state of its police. We are also strongly sensible of the beneficial effects which have attended the strenuous and well-directed exertions of Messrs. Hodgson, and Oakley, so particularly brought under our view by the judges of circuit, and the superintendent of police, as evinced by the efficiency to which they have brought that department of internal administration in Midnapore and Jessore, and the great additional security thereby afforded to the inhabitants of those zillahs.

15.—It is most justly remarked by the superintendent of police, in his Report of the 30th March 1814, that, "the exertions of the inferior police-officers must ever depend upon the vigilance of control exercised by the magistrate; and that the activity of the magistrate will always be more or less, in proportion to the attention paid to that department by the Government."

16.—In noticing the successful endeavours of Mr. Hodgson, in suppressing the crime of choaree in the pergunnah [of Bogree, the horrid barbarities and massacres attending which are more than once alluded to in the documents before us, as connected with the success of those endeavours, Mr. Pattle, the 2d judge of circuit, in his Report of the 21st July 1814, expressed his opinion that some system, of a description similar to what has been so useful in the district of Boglepore, might with equal success be resorted to in Midnapore; upon which subject he proposed to consult Mr. Hodgson, and to submit his sentiments more in detail. Mr. Pattle further observed, that "if any portion of these people were formerly, as he understood, employed in the execution of the police, and for this service had lands given to them, which have been wrongfully resumed by the new zemindars, who have purchased their estates at public auction, the redressing such grievances will have an immediate good effect."

17.—We find from the letter of your secretary to the second judge, that you intended to refer his remarks and proposition to the magistrate for his consideration, but that you entertained doubts, whether the principles on which the system established in Baugepore was founded, at all applied to the pergunnah of Brograj. Without pretending to form an opinion on this point, until we receive the magistrate's report thereon, we cannot omit to press upon your serious attention, in whatever measures you authorize for the improvement of the police in this wild pergunnah, that they be, to use the words of Mr. Pattle, "particularly suited to the localities of the country and the peculiar habits of the people;" a consideration this, of the utmost moment to the due and natural operation of any arrangement you may adopt, and which, as experience has very plainly demonstrated, has not been sufficiently attended to in all cases under your government; but has been too often neglected, either from want of that local knowledge, which can alone lead to the right application of principles, or sacrificed to the desire of squaring and accommodating institutions, long known and established among the natives, to one uniform system of internal policy.

18.—You will of course have directed Mr. Hodgson to make particular inquiry as to whether, as the second judge of circuit seems to have apprehended, the police-officers have been deprived of their service-lands by the new zemindars, who have purchased estates within the pergunnah, in order that measures may be taken for the restoration of those lands to their former holders, of which you will report to us the result.

21.—We have read, with much attention, the Report of Mr. W. Brodie, the judge and magistrate of the zillah Hooghly, dated 15th March 1814, addressed to your late chief secretary, on his return from a tour which he had made, through

through the remote and little-noticed parts of his district. Though this tour, which appears to have been previously notified in the zillah, does not appear to have produced that sudden and material check to the crime of gang-robbery, which he confidently expected in its early progress; the means which it afforded him, both by local observation and communication with the inhabitants, of ascertaining the actual state of the police, and the causes to which the prevalence of crimes and offences were to be ascribed, are unquestionably advantages of no unimportant kind, and if duly turned to account, cannot fail of being attended with beneficial results. Indeed, without that particular knowledge of the operation and effect of existing arrangements in the magistrate's department, and of the nature and extent of the various evils and disorders which they are designed to prevent and to cure, and which periodical inspections by the magistrate, are so well calculated to lead to, it is in vain to expect that the great and necessary object of an efficient police can be ever accomplished, or when accomplished, can be steadily secured.

N<sup>o</sup> 23.  
Judicial Letter  
to Bengal,  
26 February 1817.

22.—Among the causes to which Mr. Brodie ascribes the prevalence of offences in the zillah of Hooghly, are the aversion of all ranks to become public prosecutors or witnesses, either through fear of the consequences, or the disgrace which, in their ideas, attached to a personal appearance in our courts of justice; the general corruption of the native police-officers under the present system, who are represented to be in the pay of the zemindars, &c.; the uncertainty and difficulty of convicting arraigned criminals, as arising in a great measure, from the scrupulous and punctilious rules of the Mahomedan law, as to evidence; the facility of procuring spirituous liquors; the crowd of notorious delinquents let loose upon the public after every gaol-delivery, and particularly the connection still subsisting between the zemindars and professed plunderers.

23.—The purpose which appears to have primarily engaged the attention of the magistrate in the course of his tour, was the state of the establishment of village-watchmen. We find from what he represents, that this establishment, though it had fallen through neglect into decay, and though the individuals belonging to it then received but a very scanty maintenance in land or money, which was by no means adequate to an honest livelihood, even as it then existed, was not only referrible to antient usages, but that “the darogahs of police always looked to the village-watchmen for information of any description; and that in many instances the discharge of the police duties was, in fact, committed to them.”

24.—It is hardly necessary for us, after having so fully expressed our sentiments upon the subject in our recent despatches to your Government, to declare that we fully and entirely concur with Mr. Brodie, and the superintendent of the police in the lower provinces, as to the vital importance they attach to the due organization of the village watchmen, so as to render them efficient to the original objects of their institution; and we observe, with the greatest satisfaction, that the attention of your Government has of late years been particularly directed towards the attainment of this necessary object.

25.—We have derived great satisfaction from perusing the documents referred to us on this article, in noticing the gradual amelioration of the police in the several districts of this division more particularly in those of Mymensing and Backergunge, which have so long been a reproach to the local administration, and in which the exertions of Mr. Ewer and Mr. Battye are now, as it would appear, working so desirable a change.

(19-22.) State of  
the police in the  
division of Dacca.

26.—Adverting to the outrages perpetrated by the Muggs of Chittagong, part of whom are stated by the superintendent of police to have been in open rebellion against the Government, and to the wild and unhealthy nature of the country in which these insurgents appear to have settled, that officer deemed it worthy of consideration “whether it would not be preferable to attempt an arrangement similar to that effected by Mr. Cleveland, with the rebellious hill-chiefs in Bauglepore, rather than to live in constant warfare, without a prospect of reaping any permanent advantage short of the entire extermination of these savages.”

27.—Although, as you state, the offences which have latterly been committed in the district of Chittagong may have arisen, as we in a great measure believe,

N<sup>o</sup> 23.  
Judicial Letter  
to Bengal,  
26 February 1817.

(19 & 49.) State  
of the police in the  
division of Moor-  
shedabad.

to be the fact, from causes beyond the control of the ordinary police of the country, we are nevertheless strongly inclined to think that the adoption of Mr. Shakespear's proposition would be productive of good effect among that particular race of people; and we direct that you consult the opinion of the judge and collector of Chittagong, and of the judges of circuit for the division of Dacca, as to the expediency of having recourse to that measure.

28.—Considering the extent to which decoity and other heinous crimes have prevailed in several of the zillahs within this division, the information afforded us of the state of the police within it, is on the whole satisfactory, and in no respect more so, than as it relates to the effects of the measures pursued by Mr. Sisson, the acting magistrate of Dinagepore, and which have so justly obtained for that gentleman the strong testimony of your approbation.

29.—It appears from the Report of this officer, on delivering over the charge of the district to Mr. Hartwell, that the system on which he had acted "might confidently be expected to reduce the offences of burglary and theft within the narrowest bounds that the local and the moral circumstances of the country would allow of." This system is described as being founded on a principle of self and mutual defence among the community in the apprehension of offenders, and which had been brought into efficient operation by the encouragement of rewards in particular instances of meritorious conduct, and last, though by no means least, by enforcing the prompt co-operation of the landholders, farmers, and heads of villages, in furthering the measures adopted for the amelioration of the police.

30.—"When I had effected this point (observes Mr. Sisson) I had effected every thing; for the lower classes of the community in Dinagepore have been to my hands as wax to the manufacture of the handicraftsman. They have universally entered into my plans with the utmost alacrity and cheerfulness. Was I (he adds) to arrogate to myself any merit for having brought about this sudden change, from utter supineness to activity on the part of the higher orders, and to the most cordial and zealous co-operation on the part of the lower classes of the community, I should not only be guilty of unpardonable vanity, but also of injustice; for I feel that I have done no more than what every conscientious servant, impressed as I have been, from the first, on the subject, would have readily effected, with a people so ready to receive, and to profit by advice, as I have found a vast majority of the inhabitants of this district to be."

31.—It is to this sense of mutual interest among the mass of the community, and to their united exertions in the detection and apprehension of offenders, most essentially aided and facilitated, as this great object must necessarily be, by placing the institutions of village police on an efficient footing, that we look for the diminution of crimes, and the establishment of security in person and property, among the natives under the British Government.

32.—Mr. Sisson, in the Report from which we have just quoted, and in two former ones, draws your attention to the state of things in Dinagepore, with reference to the oppressions practised by the zemindars upon the ryots, in the hope that measures would be speedily adopted to alleviate the miseries of that highly-deserving class of people, whose protection and security from injustice and rapacity it was the leading object of the permanent settlement to accomplish; but which, from the body of facts and statements which have of late years reached us, has greatly failed of its end. We might, were it requisite, advert to some striking representations on this subject, contained in the documents before us, in addition to that made to you by Mr. Sisson. It is a topic which calls loudly for your most earnest and deep consideration, and it is therefore most satisfactory to us to find, from the letter addressed by Mr. Secretary Dowdeswell to Mr. Sisson, dated the 25th October 1814, that your attention was then particularly engaged "in devising a plan for the more speedy and efficient adjustment of disputes and differences between landlord and tenant, and consequently for the maintenance of the rights of the latter."

33.—In our judicial despatch of the 19th May 1815, we took occasion to advert to the barbarous practices of the Garrows in the zillah of Rungpore. The same subject is again brought before us by the superintendent of police in his Report

Report recorded on your Consultation in this department of the 15th May 1814. He therein observes, that "with the little knowledge which was then possessed of the language and manners of the tribe, it was difficult to ascertain the real cause of the enormities which they had been in the habit of committing in the purgunnah of Carrybarree."

N<sup>o</sup> 23.  
Judicial Letter  
to Bengal,  
26 February 1817.

34.—With the view of ascertaining the cause of it, the superintendent called the attention of Mr. Scott, the magistrate, to the correspondence of his office, containing detailed accounts of the disputes between the former proprietor and Ramnauth Siharry, who were formerly stated to have excited the Garrows to take part in their disputes, as well as to the correspondence of the late superintendent, Mr. Blunt, in which it was stated, that the enormities perpetrated by the Garrows originated in the improper exactions of an inordinate tax on cotton by the zemindar Kimmatt Ulla, formerly Sheristadar in the judge's court, and late Dewan in the office of the collector.

35.—Mr. Scott appears to have proposed to visit the pergunnah in question, in order, as the superintendent observes, to qualify himself for offering some plan calculated to prevent the outrages committed by the Garrows; and the superintendent expressed a hope that the local inquiries made by that gentleman "would succeed in tracing the behaviour of the tribe to some grievance susceptible of relief, by conciliatory measures." We heartily approve of this course of proceeding, and are not without an expectation that the result (of which we desire to be informed) will throw that light upon the subject that may lead to the adoption of arrangements that will serve to remedy the evil referred to.

36.—Our attention is drawn in the papers before us, to the effectuation of the new chokeydarry system, in the three cities of Moorshedabad, Dacca and Patna. Adverting to that part of the superintendent's Report which strongly urges the necessity of a central station within the city of Moorshedabad, for the residence and office of the acting magistrate, we approve of your adoption of this proposition, and we further sanction the establishment of a separate set of native officers for its service, at the monthly charge of rupees 392. The reason and propriety of thus fixing an European authority within so extensive and populous a city, can hardly fail to excite a question why the court of the magistrate should originally have been stationed at Moidapore, nearly ten miles distant, and subsequently at Calcapore, still seven miles remote.

37.—We shall expect to receive, by an early opportunity, the separate and comprehensive Report on the complete introduction of the subsidiary police establishment at the several sudder stations of the judges and magistrates in Bengal, which you promise us in these paragraphs.

Para. 41.—We have read with satisfaction the Reports upon the state of the police in the zillahs comprehended within this division, and have noticed the mention made by Mr. Elphinstone, the second judge of circuit, of the active and meritorious services rendered by Messrs. Fleming, Sealy and Cowell, the magistrates of zillahs Ramghur, Tirhoot and Shahabad, as well as those of Messrs. Leicester and Young of the zillah of Sarum.

(19.) State of the  
police on the divi-  
sion of Patna.

42.—With reference to the difficulty that is found by the magistrate of Ramghur in procuring due attention to his summonses and orders in the estates of the Rajah of Chuta Nagpore, as stated by the second judge of the court of circuit, we fully concur in the sentiments expressed in the letter of Mr. Secretary Dowdeswell, dated the 22d January 1814, addressed to that judge, that "considering the nature of the country, and the local influence which the jaghiredars possess, circumspection should be observed in authorizing any deviation from the usages established among them." True policy would, we are persuaded, rather dictate the expediency of devising the means of giving due effect to rules and instructions existing in places of that description, for the preservation of internal peace and order, than, in the application of principles which, from their novelty and want of adaptation to local circumstances, and the ideas of the people, may produce evil instead of good.

43.—One of the great defects, as observed in Mr. Secretary Dowdeswell's letter of the 13th of May 1814, in the police of Ramghur, appears to consist

N<sup>o</sup> 23.  
Judicial Letter  
to Bengal,  
26 February 1817.

in the necessity there is for the magistrates residing in and directing his principal attention to that part of the zillah situated above the Ghauts.

44.—The prevailing offence in the zillahs of the Patna division, as we have formerly had occasion to remark, is burglary; and in speaking of its existence in Behar proper, the superintendent of police observes, that "little expectation can reasonably be entertained of suppressing this crime, until the establishments of village-watchmen are duly organized," an object which we are well pleased to learn from the same officer has already gained the attention of Mr. Sealy, the magistrate of Tirhoot, by whom we are also informed, that it is to the additional means of information derived from the village-watchmen in this zillah that he chiefly attributed the apparent decrease of burglaries and considerable thefts committed within it.

(21.) On the incursion of foreign banditti into Rungpore, &c.

45.—It is very satisfactory to us to learn that the inroads of marauders from the different independent states by which our extensive frontier is bounded, have in many parts received a considerable check; that the banditti from Morung have been successfully resisted on the side of Purneah; that similar offences are much less frequent in Agra than formerly, and that there is every disposition on the part of the Nawaub of Oude to accede to the propositions of your Government for ensuring the peace of the country on the whole line of boundary between the respective territories. In Rungpore, the evil still exists to a very serious degree, notwithstanding the abilities and energy displayed by the magistrate Mr. D. Scott. The organization of an armed police capable of resisting and repelling all such outrages seems at length to be recognized, as the only adequate, and certainly in the end, the cheapest expedient. We have little doubt but that if the main strength of the police establishment were thus stationed, the tranquillity and security of the interior parts of the country might be maintained on a proportionably diminished scale of expense.

(22.) On the decrease of gang robbery and other crimes in the Sunderbunds.

46.—This intelligence is highly satisfactory, as well as the information also conveyed to us, that these woods, which have been so long notorious for the haunts of robbers and wild beasts, should be gradually assuming the state of cultivated fields and populous villages.

(23.) On the means adopted for checking disputes relative to boundaries, crops, &c.

47.—After what we have stated to you in our judicial despatch of the 9th November 1814, we need hardly observe that we entirely concur with you in thinking that the great delay incident to the trial and decision of claims of the species here alluded to, has been almost exclusively the cause of those extensive and sanguinary affrays which have so long disgraced and defied our police administration. It is pleasing to us to learn, that the efforts of the magistrates have in some degree, arrested the course of the evil; but until adequate means shall be provided for the prompt settlement of these disputes in the first instance, a radical cure will in vain be sought.

(25.) Appointment of a superintendent over the tributary mehals in zillah Cuttack.

49.—We acquiesce in the steps you had taken relative to the appointment of a superintendent of the tributary mehals in the district of Cuttack for the purpose described in this paragraph, namely, for controlling the conduct of the several rajahs, and for gradually obtaining such an insight into their whole system of misrule, as may lead to the ultimate amelioration of the community at large, and we think you could not have delegated this commission to a more able and intelligent officer than Mr. Impey, whom, with a view to this particular agency, you have stationed as judge and magistrate of the zillah of Cuttack. We do not, however, precisely discern the necessity for your having granted an additional salary of 500 rupees per mensem to Mr. Impey, and an establishment of native officers, exclusively for the purpose of a superintendence which falls so immediately within the ordinary cognizance and jurisdiction of the magistrate, that a mere order of Government, subjoined to the detail of his instructions, should have sufficed to procure his exertions as far as his zillah duties would afford him leisure: we entirely disapprove of your having recourse to the stimulus of an augmentation of salary in instances of this kind, where the liberal provision already bestowed entitles you to dispose of the whole time and labour of your several functionaries within reasonable compass. We direct, therefore, that from the arrival of this despatch the temporary addition above mentioned, if not previously withdrawn, do immediately cease and determine.

50.—Need

50.—Need no reply.

(26, 27.) Causes adjudged and depending in the several civil courts.

51.—Will be noticed in the department of the upper Provinces.

(28, 29.) Retrenchment of judges salaries in the upper provinces.

52.—We are not, at present, aware of the great utility of making up a general Report of all the cases adjudged in the courts of sudder dewanny and nizamat adawluts; and at any rate we conceive the other duties attached to the register's office to be of more immediate importance to the public than the Report in question. The selection and publication of peculiar cases, such as are described in the address from the sudder adawluts to your Board, here referred to, should, undoubtedly be continued as it has been performed hitherto; and if upon further reflection it should occur to us that the completion of the general Report of all adjudged cases can be of any use adequate to the expense of supplying the register of the sudder courts with the necessary number of assistants, we shall give you directions accordingly.

(30, 31.) Court's orders requested relative to bringing up the arrears of adjudged causes in the sudder adawlut.

53.—Need no reply.

(32.) Reports of the judges of circuit will hereafter be transmitted in separate numbers in the packet.

54.—We have already, in our political letter of the 19th May 1815, approved of your reviving the office of commissioner in Cooch Behar, for the reasons assigned in the minute of the late Governor-General in Council, recorded on your Revenue Consultations of the 7th August 1813; conceiving, as we did, that you were fully warranted, on the general principles of self-defence, in interfering so far with the internal system of administration in Cooch Behar, as to place it on a footing competent to maintain the relations of peace and amity with its neighbours, without otherwise infringing on the acknowledged rights of the Rajah. We cannot, however, extend our approbation to your subsequent proceedings, more particularly as they concern the administration of justice within his territories.

(33.) Referring to the proceedings which have been adopted, with a view to the introduction of a regular system of judicature into the territory of Cooch Behar, through the agency of the British Commissioners.

55.—We must first observe that your Vice-President in Council appears to have altogether overlooked the facts contained in the Report of Messrs. Mercer and Chawet, dated 10th November 1788, who were in that year sent as commissioners to Cooch Behar for the purpose of investigating the whole state of that country, civil and political. Although that Report certainly afforded but little information on the mode and principles of administering justice in Cooch Behar, yet the answer given by the commissioners to the 9th article of the instructions with which they had been furnished, should alone have induced your Vice-President in Council to pause before he insisted on the indispensable necessity of introducing the Mahomedan laws, with such modifications as are adopted in our own provinces, into Cooch Behar. You might also have discovered in that answer, the grounds on which Lord Wellesley's Government, when at a subsequent period (Rev. Con. 26th Aug. 1802) they appointed a commissioner to that country, for purposes similar to those which occasioned the deputation of Mr. M'Cleod, in 1813, were led to declare, that "as criminal accusations have been, from time to time immemorial, tried in Cooch Behar by the Hindoo law, it would be advisable that all crimes and misdemeanors should be tried by that law, with such modifications and alterations, as may be deemed advisable;" a passage which was subsequently inserted in his Lordship's letter to the Rajah, written on the 11th April 1803, introductory of Mr. Pierard, the commissioner, and actually delivered by him into the Rajah's hand. The fact here adverted to, and which we find to be fully confirmed by what the Rajah himself stated in one of his letters to Mr. M'Cleod, viz. that "hitherto criminal justice had always been administered in his Rajé, under the rules contained in the Shaster," or, as he clearly means, according "to those rules, and the custom of the country," at once accounts for the earnestness with which, on the late occasion, this same Rajah deprecated the introduction of Mahomedan law (or British law, founded on the same principles) into Cooch Behar, as well as for the apprehension entertained, and most reasonably entertained, by him, that something more was meant than the mere amelioration of administrative justice, when your Vice-President in Council so widely and so peremptorily departed from the intentions of their predecessors. We are, under these circumstances, by no means satisfied with the decision of the Vice-President in Council as to the necessity of establishing that system of criminal jurisprudence to which we have referred, in the Rajah's country.



N<sup>o</sup> 23.  
Judicial Letter  
to Bengal,  
26 February 1817.

country. On the contrary, that decision involves a wide departure from a line of policy, long settled and established for the guidance of our Governments abroad, and to the attentive observance of which, we attach the highest importance, viz. that of consulting the existing institutions, customs, manners and feelings of the nations, in all our plans for the improvement of their social condition, as the only sure and solid basis on which any measures for that purpose in proceed, or that promises any reasonable hope of success.

These sentiments, we strongly enforced upon your consideration in the 85th ara. of our Revenue Despatch, dated the 12th April 1786, wherein, with reference to the civil administration of the territories subject to our own authority, we declared to you that "we were actuated in all our ideas concerning the preservation and government of our possessions in India by the necessity of accommodating our views and interests to the subsisting manners and usages of the people, rather than by any abstract theory drawn from other countries, or applicable to a different state of things." A deep impression entertained, that in the judicial administration of the Company's territories these essential considerations had in later years been, in some respects, overlooked, induced us, in our political letter to you, dated the 14th September 1808, to express ourselves upon this subject in the following terms, "The progress of civilization, and the introduction of regular government, ought to be fostered and encouraged; but the history of the world, in all ages and countries, affords innumerable examples of the impolicy of heedlessly launching new systems of government into particular districts, for no other reason than their having been adopted in others, and endeavouring to bend the people to the system, instead of gradually moulding institutions to the habits and feeling of those for whose supposed advantage they are framed; and we are not without considerable apprehension that these obvious principles had not been sufficiently attended to, in various parts of our territories, particularly in the peninsula."

57.—This unequivocal declaration of our sentiments on this important subject, conveyed to your Government but a few years antecedent to your proceedings in Cooch Behar, should have effectually obviated the possibility of recourse being had to a line of conduct, so much at variance with our views and principles.

58.—We have certainly heard of exceptions taken to certain parts of the Hindoo criminal law, as derived from the authorities of the ancient writers upon that subject, and as found to exist in the form of long-continued usage among that people, which is the practical standard to which we should refer in a case of this sort; and we are moreover willing to allow that, to the continuance of some of the rules which obtained in Cooch Behar in the administration of penal jurisprudence as derived from written sanction or well-established customs, there might be solid and substantial objections, but this furnished no valid reason for superseding the entire system. It ought rather to have led you, after due inquiry into such rules and usages, to have modified them as far as might be practicable, instead of violently superseding the whole of them, by the substitution of a system of criminal law taken from the Mussulman code.

59.—This code was itself modified by us, before we gave it a settled establishment in our own possessions. If it had any previous footing at all in Cooch Behar, it was at most very partially and imperfectly tolerated, in favour of Mahomedans; but there is no ground for believing even that degree of toleration, to have existed.

60.—We must further observe, that a very material point, as connected with the administration of justice, both civil and criminal, has been passed over without notice. We mean the process, forms and rules of proceeding, in the courts intended to be established. We shall here only remark, that if these be not primarily derived from the customary usage of Cooch Behar, but consist of those which have been at different times introduced in the Bengal territories from an early period of the British administration, and to the simplification of which we have in our judicial despatch of 9th November 1814 called your particular attention, they will not receive our approbation.

61.—It is with concern that we find ourselves compelled to observe, that the same inattention to local circumstances which has marked the proceeding of your Vice-President in Council, in regard to the system of judicature for Cooch Behar

Behar, is justly imputable to those immediately relating to the police. On this subject, the Vice-President in Council stated, that "*they should suppose that arrangements might be formed on the principle of those described in Regulation XIII. of 1813, and Regulations III. and IX, of 1814, for the support of the police at the principal town of Cooch Behar, where the commissioner, it was presumed, would ordinarily reside; that the Rajah would probably have no objection to the adoption of this plan, as, with the exception of a few superintendent officers, the expense of the establishment would be defrayed by the community for whose benefit they were maintained; and that with respect to the interior of the country, the Vice-President in Council was not prepared to suggest any arrangement preferable to the establishment of police-thannahs, on the footing of those which now exist throughout the Bengal territories.*" A disposition is here manifestly evinced to assume, that the system of police established in the possessions under your government, was applicable in all its parts, to Cooch Behar, and the best adapted to that country; and this too, while in a state of ignorance as to the nature of that branch of internal economy as then existing within it; as to the principles on which it had hitherto been concluded; through what instituted agency, and how supported and maintained; whether, in short, the police was in a state of efficiency, and if not, in what respect it was not so; how far it was capable of being restored to efficiency, agreeably to the usage of the country;—points the most obviously necessary to be inquired into and understood, before the Vice-President in Council committed themselves by the expression of any opinion as to the particular system, even in its general outlines, according to which the duties of police should be discharged. Under these circumstances, it is almost superfluous to state, that it is our desire, that the revision which we have directed to be made of the judicial arrangements for Cooch Behar be also extended to the police; and that such revision be founded on the basis of long-established constitutions and usages, a knowledge of which can only be acquired by local investigations pursued by the commissioner, aided by communication with those natives, both at the principal town, and residing in the interior, best able to furnish information on these points. Your inquiries should also be extended to the description of persons by whom, and the modes according to which, the adjustment of petty disputes occurring among the inhabitants in the villages have been heretofore settled. As connected with investigations of this important nature, it is highly necessary that care be taken to distinguish the abuses which may have crept into such institutions, from those which may have sprung from the original nature of them; connecting such information generally and particularly, respecting municipal forms and constitutions, as can be obtained through the channels above mentioned, by personal observation or any other methods. The satisfactory attainment of this species of knowledge we are sensible must in a great measure depend upon an acquaintance with the vernacular language of Cooch Behar: if, therefore, the commissioner should not be able to hold a direct and ready personal intercourse with the people of the country, we are desirous that some one of our junior servants, who can speak their language, who possesses an inquiring mind, and whose qualifications in other respects may point him out to you as a fit instrument for the purpose, may be employed as a temporary assistant to the commissioner, in the execution of the objects which we have specified, or of others throwing light upon the customs and manners of that people.

62.—We have no hesitation in saying, that the principles, and the extent of the interference which the Vice-President in Council had resolved to exercise in the administration of justice within the Rajah's possessions, through the medium of the commissioner, is not consistent with the relations subsisting between the Rajah and the Company's Government under the treaty of 1772, nor is it to be reconciled to the letter or the spirit of the Minute of the late Governor-General, recorded on your Revenue Consultations of the 7th August 1813, nor with the communication made to the Rajah by the present Governor-General, as recorded on your political consultations of the 29th April 1814, in which it was distinctly stated to be the intention "to limit the interference of Government in the internal administration of his affairs to the degree which might be necessary, with a view to prevent the occurrence of any acts of outrage and oppression."

N<sup>o</sup> 23.  
Judicial Letter  
to Bengal,  
26 February 1817.

63.—It appears, from the Minute of Lord Minto, that one object which the commissioner in Cooch Behar was to keep in view was the introduction of a code of regulations for the collection of the revenue, but we find no other notice on your proceedings on this subject than a brief allusion to some arrangements having reference thereto in the letter of Mr. Macleod to your secretary in the political department, dated the 22d June 1814, which he regarded “as extremely prejudicial to the Rajah’s interests,” and which he signified his intention of bringing hereafter under the notice of your Government. What has been done in relation to the object we here refer to, or whether any steps had been taken in the furtherance of it, we are at present uninformed. We, however, in the mean time, instruct you that the local inquiries which we have directed to be made, in regard to the points appertaining to the administration of justice in Cooch Behar, be also extended to a practical view of the fiscal administration of that territory, comprehending such information as can be obtained respecting landed tenures and rights. It is therefore our direction that the Hindoo laws and usages in both branches of judicature be admitted to predominate in Cooch Behar, with such modifications as may be found necessary for securing the impartiality of distributive justice to all parties indiscriminately, for which purpose you must revise the whole of the present system.

Letter from, 31 January 1815. 85.—Noticed in answer to paras. 14 a’ 23 of the former (4, 5.) Reports of sundry judges of letter. circuit enclosed.

(6, 7.) Reports on the police for the division of Calcutta, Moorshedabad, Dacca, and Patna. 86.—Noticed under the same distinct articles of the former letter.

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N<sup>o</sup> 24.—Extract from a Letter in the Judicial Department from the Governor-General in Council to the Court of Directors; dated 7 October 1815.

#### POLICE.

N<sup>o</sup> 24.  
Judicial Letter  
from Bengal,  
7 October 1815.

Para. 202.—In our short letter of the 27th September last we had the honour of forwarding to your Honourable Court a copy of a letter, and of its enclosures, from Mr. Shakespear, superintendent of police in the lower provinces, and acting superintendent of police in the Western provinces, submitting detailed Reports on the state of the police in those provinces respectively for the year 1814.

203.—We at the same time transmitted to your Honourable Court a copy of the reply addressed to Mr. Shakespear by our secretary, comprising our orders and observations on the various important subjects which were brought under our notice in the letter and reports above alluded to.

204.—Those documents will have afforded to your Honourable Court a comprehensive view of the actual state of the police throughout the country, during the year 1814, and of the progress made in the establishment of those reforms to which the attention of the local government of these provinces has been so long and so anxiously directed, and your Honourable Court will, doubtless, have derived satisfaction from the evident improvement which has been effected in the suppression of the more heinous offences in almost every district of the country.

205.—Any details into which we could enter on the subject of those documents would consist only of a repetition of the remarks contained in our orders on Mr. Shakespear’s Reports. We propose, therefore, on this occasion, to confine our observations regarding questions connected with the state of the police, to those documents recorded on our proceedings from the commencement of the year to the present date, which contain either more recent information regarding the police of particular districts than that submitted with our despatch of the 27th ultimo, or which, from their nature or importance, may appear deserving of the attention of your Honourable Court.

206.—The

DIVISION OF BAREILLY.

206.—The proceedings noted in the margin contain the Reports submitted to Government since the commencement of the present year, by the judges of circuit for the division of Bareilly, on the conclusion of the sessions of the several districts included in that division.

Crim. Cons.	3 Jan. 1815,	N <sup>o</sup> 39.
- - -	7 Feb. - - -	55.
- - -	7 March - - -	42.
- - -	14 D <sup>o</sup> - - -	90.
- - -	23 May - - -	78-83.
- - -	20 June - - -	37-39.
- - -	12 August - - -	61-63.
- - -	6 Sept. - - -	18 & 19.

207.—In the proceedings of the annexed dates will be found recorded the more detailed reports furnished through the medium of the nizamut adawlut, on the completion of the first and second sessions of the year 1814, the former of which was held by Mr. Ker, the late 2d judge, and the latter by Mr. Elliott, the 4th judge of the Bareilly provincial court.

Crim. Cons.	28 March 1815,
N <sup>os</sup> 15-19.	
Crim. Cons.	28 June 1815,
N <sup>os</sup> 48-53.	

208.—Copies of the last-mentioned Reports are transmitted as separate numbers in the Packet, in conformity with the orders contained in the 5th paragraph of your Honourable Court's despatch of the 8th November 1811.

209.—For our sentiments regarding the various important subjects discussed in Mr. Ker's able Report we beg leave to refer your Honourable Court to our Secretary's letter, addressed to the register of the nizamut adawlut on the date noticed in the margin.

210.—Although the general administration of criminal justice in the division of Bareilly is not exhibited in that Report in a very favourable point of view, it is gratifying to observe, as well from the statements submitted by Mr. Ker, as from the general information before us, that the police has greatly improved; that dacoity and highway robbery by Cozzauks have been materially diminished; and that the evils which remain to be suppressed are light in comparison with those which formerly prevailed throughout the districts within the division of Bareilly.

211.—We are not aware that the Report submitted by Mr. Elliott, the 4th judge of the Bareilly court on the conclusion of the 2d sessions of 1814, or the other documents cited in the margin of the 206th paragraph of this despatch, require any particular remarks from us in this place; but it may be observed, that they exhibit the police of the districts of Furruckabad, Etawa, Agra, Allyghur, the northern division of Seharunpore, and Bareilly, in a favourable point of view, and that they generally confirm the information submitted by the superintendent of police.

212.—We beg leave to draw the attention of your Honourable Court to the letter, noted in the margin, from the acting superintendent of police in the western provinces, reporting the apprehension in the district of Etawah of two considerable gangs of Buddecks, and containing much useful and valuable information regarding the habits and conduct of that class of plunderers. The zeal and ability manifested by Mr. Perry, the magistrate of Etawah, on that occasion, appeared to us to be highly creditable to that officer.

Crim. Cons.	25 April 1815,
N <sup>o</sup> 145-147.	

ALLAHABAD.

244.—We have much gratification in drawing the attention of your Honourable Court to the documents noted in the margin. The information submitted by Mr. Fortescue, of the state of the police, and of the general administration of civil and criminal justice in the district of Allahabad, confirms the justness of the observations contained in the 93d and following paragraphs of our Secretary's reply to the report of the superintendent of police, which was forwarded to your Honourable Court in our despatch of the 27th ultimo; and your Honourable Court will, doubtless, concur with us in considering those documents to afford the most satisfactory proof of the zealous exertions, the talents and judgment, manifested by Mr. Fortescue during the period in which that gentleman had charge of the office of judge and magistrate of Allahabad.

Crim. Cons.	25 April 1815,
N <sup>os</sup> 23 & 24.	

N<sup>o</sup> 25.  
Judicial Letter  
from Bengal,  
28 February 1816.

Judicial Depart-  
ment; Bengal,  
Behar, &c.

N<sup>o</sup> 25.—Copy of a Letter in the Judicial Department, from the Governor General in Council to the Court of Directors; dated 28 February 1816.

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England trading to the East Indies.

Honourable Sirs,

1.—In our recent despatches from this department we have stated, that a separate and comprehensive Report on the subject of the chowkeedaree arrangements, introduced under the provisions of Regulation III. 1814, at the several stations at which the magistrates ordinarily reside in the provinces of Bengal, Behar and Orissa, would be transmitted to your Honourable Court as soon as the arrangements in question should have been completed.

2.—We have not yet received the final Reports of the magistrates of Midnapore and Behar Proper on this subject; but we do not on that account consider it to be necessary any longer to postpone addressing your Honourable Court on the general arrangements which have been already completed in all the other districts comprehended in the divisions of Calcutta, Dacca, Moorshedabad, and Patna.

3.—Those arrangements are founded upon the provisions of Regulation III. 1814, by which the rules contained in Regulation XIII. 1813, providing for the appointment and maintenance of police chowkeedars in the cities of Dacca, Moorshedabad and Patna, were extended to the several stations at which the magistrates ordinarily reside, within the provinces of Bengal, Behar and Orissa.

4.—The basis and objects of the plan having been already brought under the immediate notice of your Honourable Court in our separate letter of the 23d March 1814, it is unnecessary for us to enlarge on that subject in this place.

5.—We shall proceed, therefore, to communicate to your Honourable Court, the arrangements practically enforced at the stations of the several magistrates within each of the four divisions of Calcutta, Dacca, Moorshedabad and Patna, offering such observations regarding those arrangements as may appear deserving the attention of your Honourable Court from their local or general importance.

#### DIVISION of CALCUTTA.

##### BURDWAN:

Crim. Cons.  
February 1815,  
N<sup>o</sup> 51.

6.—The number of chowkeedars entertained at the station of the magistrate of this district is 65, and the amount of the monthly assessment for their support is 216 rupees: This amount being levied from 2,794 Householders, the payment of each individual, on a general average of the whole, is less than one rupee per annum.

7.—The only difficulty which occurred in carrying the arrangement into effect at Burdwan originated in a misapprehension on the part of the inhabitants of its object and nature, this difficulty was easily removed by a proper explanation, and the inhabitants are stated, by the magistrate, to be duly sensible of the general advantage and security which they will derive from it.

##### JUNGLE MEHALS:

Crim. Cons.  
2 August 1815,  
N<sup>os</sup> 1, 2 & 3.

8.—The number of chowkeedars entertained at the station of the magistrate of this district is only ten, and the amount of the assessment 30 rupees per mensem; with reference to the small number of inhabitants in the town of Bancoora, to their general poverty, and to other local considerations, the magistrate originally suggested that the provisions of Regulation XIII. 1813, should not be enforced at this station.

Crim. Cons.  
4 October 1815,  
N<sup>o</sup> 16.

9.—We were of opinion, however, that although the introduction of the chowkeedaree arrangement might not be actually necessary for the support of the police in the town of Bancoora, the total exemption of the sudder station from the operation of those rules might be attended with considerable inconvenience, more especially when the time might arrive for extending the principle of the arrangement in question to other more populous and opulent towns in that district.

10.—On

10.—On these grounds we directed the magistrate to carry the provisions of the Regulation into effect at Bancoora, and we subsequently sanctioned the arrangement formed by him, by which the number of chowkeedars, and the amount of the contribution, were limited with reference to the means of the inhabitants, and to other local circumstances.

N<sup>o</sup> 25.  
Judicial Letter  
from Bengal,  
28 February 1816.

**CUTTACK:**

11.—The proceedings noted in the margin contain our correspondence with the magistrate of Cuttack regarding the introduction of the chowkeedarree establishment at that station. Although the inhabitants of that town persisted for some time in opposing the completion of the arrangement, your Honourable Court will perceive that their opposition was subdued by the temper, moderation, and firmness of Mr. Ainslie the acting magistrate, with the occurrence of only one slight casualty, and that the arrangement was ultimately completed in a manner entirely satisfactory.

Crim. Cons.  
11 October 1814,  
N<sup>o</sup> 41 a' 43.  
Crim. Cons.  
18 October 1814,  
N<sup>o</sup> 44.  
Crim. Cons.  
12 January 1815,  
N<sup>o</sup> 37 a' 39.

12.—The number of chowkeedars entertained in the town of Cuttack (viz. 55) and the amount of the assessment on the inhabitants (viz. 165 rupees) are small in proportion to the extent of the population, the explanations however, which were furnished by the acting magistrate, on these points, satisfied us on the propriety and expediency of the arrangements adopted by him, and we accordingly had no hesitation in confirming those arrangements.

**JESSORE:**

13.—The number of watchmen entertained at this station is 19, and the amount of the assessment payable by 1,467 householders is 76 rupees per mensem.

Crim. Cons.  
9 September 1814,  
N<sup>o</sup> 26.

**NUDDEAH:**

14.—The number of chowkeedars entertained at Kishenagur, the sudder station of this district, is 48, and the monthly contribution for their support amounts to 192 rupees per mensem which, on the average, gives less than one anna per mensem as the contribution of each householder.

Crim. Cons.  
9 September 1814,  
N<sup>o</sup> 30 & 31.

15.—In his letter, and in the statement annexed to it, Mr. Paton the magistrate of Nuddeah observes, that the arrangement has been attended, and is likely to be attended, with the most beneficial effects; that no thefts have been committed at the station since it had been completed, and that the inhabitants appeared entirely satisfied with it.

**HOOGLHY:**

16.—The number of chowkeedars entertained in the town of Hooghly is 45, and the total amount of the assessment is 206 rupees per mensem.

Crim. Cons.  
22 November 1814,  
N<sup>o</sup> 28 & 29.

17.—We beg leave to request your Honourable Court's attention to the following extract (paragraphs 1, 2, 3 and 4) from a Report dated the 19th November 1814, submitted to us by Mr. Oakeley the acting magistrate on this subject.

Crim. Cons.  
29 December 1814,  
N<sup>o</sup> 9 & 10.

“ I have the honour to acquaint you, for the information of his Excellency the Vice-president in Council, that the subsidiary chokeedary establishment has been duly formed in the town of Hooghly, and I have great satisfaction in stating, that not the slightest opposition to the system has been manifested by the inhabitants.

“ The town of Hooghly comprises twenty-one mohullas, in each of which a respectable person has been nominated by the inhabitants to act as mooktear, and 45 chowkeedars (the number required to guard the town), have been appointed by the mooktears.

“ From the lists that have been prepared, it appears that the number of houses, excluding those of the poor, amounts to 2,858, and the sum total of the assessment is rupees 206. 5. 3. The monthly expenditure for the payment of the wages of the chokeedars amounts to rupees 180, and the overplus, 26. 5. 3. is appropriated to defray the charge of providing paper, and to the payment of a salary to a person I have appointed to superintend the general receipts, and disbursements of the establishment.

“ I have no hesitation in saying, that, I am decidedly of opinion, the system will be attended with the greatest benefit in the suppression and the prevention of every species of crime, provided it is extended to all the large villages and

N<sup>o</sup> 25.  
Judicial Letter  
from Bengal,  
28 February 1816.

“ gunges in the several districts, and, as strongly corroborative of my assertion,  
“ I beg leave to state, that during the present month not a single burglary has  
“ been committed in the town of Hooghly, but several burglaries and thefts are  
“ reported to have taken place in villages situated a short distance from this  
“ station. It is evident from this circumstance that the burglars and thieves who  
“ formerly infested the town of Hooghly are fearful of being apprehended by  
“ the chokeedars, and are now committing their depredations in neighbouring  
“ villages where no chokeedars have as yet been appointed.”

#### SUBURBS OF CALCUTTA:

Crim. Cons.  
30 August 1814,  
N<sup>o</sup> 9.

Crim. Cons.  
29 December 1814,  
N<sup>os</sup> 21 & 22.

18.—In carrying into effect the provisions of Regulation XIII. 1813, and Regulation III. 1814, at the station of the magistrate of the suburbs of Calcutta; we deemed it proper, with reference to the dense population of a considerable portion of that jurisdiction, not to confine the operation of the system to the immediate vicinity of the magistrate's Cutcherry, but to extend it throughout that continued line of villages by which the city of Calcutta is immediately surrounded.

19.—The execution of the necessary arrangements for this purpose was intrusted to Mr. C. R. Barwell, the assistant magistrate; and your Honourable Court will observe, with satisfaction, that the establishment of the chowkeedarry system in the suburbs of Calcutta has been completed, under the zealous and very able superintendence of that gentleman, on a comprehensive scale, and in a manner calculated to secure the beneficial objects contemplated by us in the enactment of Regulations XIII. 1813, and III. 1814.

20.—The number of chowkeedars actually entertained amounts to 664, for whose maintenance the sum of 2,656 rupees is raised by an assessment levied from about 22,000 householders.

21.—We beg leave to annex, for the immediate information of your Honourable Court, the accompanying passages of a letter from Mr. Barwell, dated 23d December 1814, reporting the conclusion of this arrangement.

“ It is with great satisfaction I am enabled to state, for the information  
“ of Government, that in carrying into effect the provisions of the above-  
“ mentioned Regulations\*, nothing has been experienced by me that could  
“ deserve the name of serious opposition, in corroboration of which, I beg leave  
“ to mention that in no instance have I been under the necessity of resorting to  
“ the power vested in the magistrate by the Regulations, of attaching property  
“ for the recovery of arrears due from defaulters in the monthly payment of the  
“ assessment.

\* 13 of 1813, and  
3 of 1814.

“ In illustration of the sense entertained by a part of the native population,  
“ relative to this measure, I trust it will not be deemed irrelevant to state, that  
“ subsequently to the close of the whole arrangement petitions were officially  
“ presented to me by eight considerable villages, praying to be admitted to a  
“ participation of its advantages. These places, in consequence of their distant  
“ situation, had not been included in the original settlement, but, on this  
“ expression of their sentiments the chowkeedaree establishments were carried  
“ into effect in them on the same plan as had been already pursued in the district  
“ first subjected to the operation of the Regulations.

“ Exclusive of the promise which this system gives of successfully attaining its  
“ chief object in the suppression and detection of crime, other advantages of  
“ material importance may be expected to result from it when conducted on the  
“ extensive scale in which it exists in this district, principally in the salutary  
“ check to the corruption and oppression of police omlah, which it provides by the  
“ creation of a power altogether independent of them in authority, yet equally by  
“ the nature of their duty connected with the magistrate; and secondly, in the  
“ increased efficiency of control which the magistrate himself will be enabled to  
“ exercise by the acquisition of so many additional sources of information immedi-  
“ ately subject to his power, and necessarily engaged in frequent communication  
“ with him.”

22.—Your Honourable Court will doubtless concur with us in opinion, that the application of the inhabitants of eight considerable villages (which from their situation could not be included in the original arrangement) to be admitted

to

to a participation in the benefits of Regulation III. 1814, affords a highly satisfactory proof of the general sense entertained by the inhabitants of the important advantages already experienced from the establishment of chowkeedars under that Regulation.

N<sup>o</sup> 25.  
Judicial Letter  
from Bengal,  
28 February 1816.

DIVISION OF DACCA.

MYMUNSIING :

23.—The number of chokeedars entertained at the sudder station of the magistrate of Mymunsing is 20, and the amount of the assessment for their maintenance is 60 rupees per mensem.

Crim. Cons.  
14 September 1814,  
N<sup>o</sup> 27.  
Crim. Cons.  
20 September 1814,  
N<sup>o</sup> 30.

24.—In his letter of the 13th September 1814, Mr. Ewer, the magistrate of this district, observes, that no offences had been committed in the small town of Nuseerabad since the appointment of the chowkeedars, and that the arrangement had proved entirely satisfactory to the inhabitants.

25.—In a subsequent letter, dated 5th June 1815, Mr. Ewer has repeated that observation, and has recommended that the system should be extended to other more populous towns in the district of Mymunsing.

Crim. Cons.  
18 July 1815,  
N<sup>o</sup> 33.

26.—The reports of the magistrates of Sylhet, Tipperah, Chittagong, Backergunge, and Dacca Jelalpoore, communicating the final adjustment of the chowkeedaree arrangements at their respective stations, will be found recorded on the proceedings noted in the margin.

Sylhet:  
Crim. Cons. 13 Sept. 1814, N<sup>o</sup> 44.  
Tipperah:  
Crim. Cons. 11 October 1814, N<sup>o</sup> 10.  
Chittagong:  
Crim. Cons. 20 Sept. 1814, N<sup>os</sup> 22 & 23.  
Crim. Cons. 25 October 1814, N<sup>o</sup> 33.  
Backergunge:  
Crim. Cons. 14 October 1814, N<sup>o</sup> 40.  
Dacca Jelalpoore:  
Crim. Cons. 2 Aug. 1814, N<sup>os</sup> 4 & 5.

27.—No difficulty appears to have been experienced in the introduction of the system at any of these stations, and the information submitted to Government regarding its practical operation is generally satisfactory. The following statement exhibits the number of chowkeedars, and the amount of the assessment as fixed at these stations.

DISTRICT.	Number of Chowkeedars.	Amount of Assessments.
Sylhet	36	130
Tipperah	70	219
Chittagong	77	231
Backergunge	17	65
Dacca Jelalpoore	16	51

DIVISION OF MOORSHEDABAD.

BHAUGULPORE :

28.—It will be satisfactory to your Honourable Court to be informed, that the introduction of the chowkeedaree establishment in the town of Bhaugulpore has been effected without difficulty, and without any opposition being made to it by the inhabitants, as was the case on the occasion of enforcing the house-tax.

Crim. Cons.  
26 January 1816,  
N<sup>os</sup> 20 & 21.

29.—One hundred and seventy-three chowkeedars are entertained for the protection of this large town, the expense of which is defrayed by an assessment amounting to 519 rupees per mensem.

PURNEAH :

30.—The assessment of 472 rupees, fixed for the maintenance of one hundred and fifty chowkeedars at this station, is levied from nearly 5,000 householders.

Crim. Cons. 31 January 1815,  
N<sup>os</sup> 30 & 31.  
Crim. Cons. 12 August 1815,  
N<sup>os</sup> 13 & 14.



N<sup>o</sup> 25.  
Judicial Letter  
from Bengal,  
28 February 1816.

31.—No opposition was offered by the inhabitants to the completion of this measure, but the magistrate experienced considerable difficulty in inducing respectable men to superintend the collection of the assessment.

## DINAGEPORE:

Crim. Cons.  
7 February 1815,  
N<sup>o</sup> 52.

32.—The number of chowkeedars entertained at the station of the magistrate of Dinagepore is 147, and the amount of the assessment levied for their support is 441 rupees.

33.—The following passages are quoted from the letter of the acting magistrate, the honourable Mr. Melville, communicating to us the completion of the arrangement:

“The inhabitants of the town are, I think, reconciled to the measure; and I have much pleasure in communicating a circumstance which occurred a few days ago, and which will afford a more satisfactory elucidation of this branch of the subject than any general assertion of mine. A considerable mohulla on the borders of the town was originally assessed, and shortly after exempted, at the urgent entreaty of the inhabitants. A few days ago much the greater number of them came to me and requested they might be re-assessed in lieu of the alternate watch, an indulgence which I have accordingly granted them.

“With respect to the detail of the arrangement, I shall only mention that Mr. Hartwell requested me to state his opinion, that the richer inhabitants might with advantage be assessed higher than four annas. He also wished me to notice his opinion, that the measure is likely to be of great advantage in the prevention of the crimes towards which its operation is directed.”

## RUNGPORE:

Crim. Cons.  
13 Dec. 1814,  
N<sup>os</sup> 45 & 46.

34.—The number of chowkeedars entertained at the station of Rungpore is 21, and the assessment levied from the inhabitants for their support, amounts to 73 rupees. The magistrate, in his Report upon this subject, observes as follows:

“The inhabitants of Rungpore showed no reluctance towards contributing for the support of the chowkeedars; and although I went into the town for the purpose of revising the assessment, I did not receive even a single appeal from the rates fixed by the mokhtar.”

Rajeshahye:  
Crim. Cons.  
9 September 1814,  
N<sup>o</sup> 32.

35.—The proceedings noted in the margin contain the Reports of the magistrates of Rajeshahye and Beerbhoom on the completion of the chowkedaree arrangements at their respective stations. At Rajeshahye 70 chowkeedars are entertained, and the monthly assessment is 219 rupees.

Beerbhoom:  
Crim. Cons.  
9 September 1814,  
N<sup>o</sup> 33.

At Beerbhoom the number of chowkeedars is 14, and the amount of the assessment is 48 rupees.

Crim. Cons.  
11 October 1814,  
N<sup>o</sup> 9.

36.—The arrangements at both of these stations appear to have been accomplished without opposition, and to have been practically attended with all the advantages that could have been expected from them.

## DIVISION of PATNA.

37.—We have the honour to transmit, as separate numbers in the Packet, copy of a letter from the magistrate of Behar Proper, dated 27th January last, explanatory of the delay which has occurred in the completion of the chowkedaree arrangements at the town of Gya. That delay does not appear to be ascribable to any reluctance on the part of the inhabitants to the introduction of the measure in question, and we have directed the magistrate to expedite its completion.

## RAMGHUR:

Crim. Cons.  
16 February 1816.

38.—We have also the honour of forwarding, a separate number in the Packet, copy of a letter from the magistrate of Ramghur, dated 3d instant, reporting the completion of the chowkedaree arrangements in the towns of Chittra and Sherghotty.

39.—The small number of chowkeedars at present entertained, namely 13, arises from the poverty of the inhabitants; from whom an assessment of only 45 rupees per mensem is levied to defray the expense of the establishment.

TIRHOOT:

TIRHOOT:

40.—Under the arrangements formed by Mr. Fleming, the magistrate of this district, the inhabitants of the town of Mozufferpore defray, by an assessment of 156 rupees per mensem, the expense of an establishment of 43 chokeedars being in the proportion of one chokeedar to about 50 houses. Copies of the magistrate's Report, dated the 25th November last, and of our orders confirming the arrangements adopted by him, are enclosed for your Honourable Court's information as separate numbers in the Packet.

N° 25.  
Judicial Letter  
from Bengal,  
28 February 1816  
Crim. Cons.  
26 January 1816.

SARUN:

41.—The very satisfactory Report submitted by Mr. Elliott, the magistrate of Sarun, on the introduction of the chokeedaree system into the town of Chuprah, will be found recorded on the proceedings noted in the margin.

Crim. Cons.  
30 August 1815,  
N° 21.

42.—Your Honourable Court will doubtless derive satisfaction from the judicious and comprehensive manner in which this measure has been accomplished by Mr. Elliott, and from the information communicated by that officer that no instance of dacoity, burglary, or serious theft, had been committed in the populous town of Chuprah or in its immediate vicinity, since the introduction of the system to the date of the magistrate's letter. The number of chokeedars entertained is 310, and the amount of the monthly assessment is 930 rupees.

SHAHABAD:

43.—We have the honour to transmit a separate number in the Packet, copy of the Report \* furnished by Mr. P. Monckton acting magistrate of Shahabad, regarding the introduction of the chokeedarree arrangements at the sudder station of that district.

Crim. Cons.,  
5 January 1816,  
Dated the  
28 Decem. 1815.

44.—The number of chowkeedars entertained is 39, being in the proportion of 1 to 50 houses; the expense of this establishment is defrayed by an assessment of 143 rupees per mensem, levied from the inhabitants.

45.—The following is an extract from the acting magistrate's letter on this occasion: "It only remains for me to say, that the town, since the introduction of this new system of police, has been perfectly free from burglaries, and that the adoption of the same throughout the principle towns in the district will be productive of the greatest possible good.

"The principle is so excellent in itself, that if it fails in any respect, such failure must arise alone from bad management."

46.—The detailed lists or registers of chokeedars submitted by the several magistrates being generally very voluminous, we have not thought it necessary to submit copies of them to your Honourable Court.

47.—The following abstract statement, however, which has been prepared from those registers, and from the Reports formerly received regarding the Chokeyedaree establishments maintained in the cities of Dacca, Patna and Moorshedabad, will bring the result of the whole arrangements hitherto adopted under the provisions of Regulations XIII. 1813, and III. 1814, under the view of your Honourable Court in a clear and satisfactory form.

48.—For the further information of your Honourable Court, we have noticed, in a separate column of that statement, the number of houses comprised within the respective limits of the several cities, towns or stations therein mentioned.

N<sup>o</sup> 25.  
Judicial Letter  
from Bengal,  
28 February 1816.

## ABSTRACT STATEMENT:

DIVISIONS.	STATIONS.	Number of Chowkeedars entertained.	Amount of Assessment.	Number of Houses.
Calcutta	Burdwan - - - -	65	216	4,626
	Jungle Mehaults - - - -	10	30	792
	Cuttack - - - -	55	165	6,391
	Jessore - - - -	19	76	1,467
	Nuddeah - - - -	48	192	3,961
	Hooghly - - - -	45	206	3,085
	Suburbs of Calcutta - - - -	664	2,656	32,984
	Total - - - -	906	3,541	53,306
Dacca	Mymensing - - - -	20	60	581
	Sylhet - - - -	36	130	2,756
	Tipperah - - - -	70	219	1,750
	Chittagong - - - -	77	231	3,722
	Backergunge - - - -	17	65	522
	Dacca Jelalpore - - - -	16	51	1,017
	Dacca City - - - -	793	2,625	21,631
	Total - - - -	1,029	3,381	31,979
Mooreshedabad	Bhaugulpore - - - -	173	519	6,825
	Purneah - - - -	150	472	4,942
	Dinagepore - - - -	147	441	4,122
	Rungpore - - - -	21	73	525
	Rajeshahye - - - -	70	219	1,882
	Beerbhoom - - - -	14	48	1,129
	Moorshedabad City - - - -	917	2,761	31,941
	Total - - - -	1,492	4,533	51,366
Patna	Ramghur - - - -	13	45	2,735
	Tirhoot - - - -	43	156	2,575
	Sarun - - - -	316	930	8,555
	Shahabad - - - -	39	143	1,997
	Patna City - - - -	719	2,157	39,656
	Total - - - -	1,124	3,431	55,518
	GRAND TOTAL - - - -	4,551	14,886	192,169

49.—From the foregoing statement, your Honourable Court will observe, that on a general average of the whole, there appears to be one chowkeedar for the protection of 42 houses; and that each chowkeedar receives an allowance of three, and in some instances 4. rupees per mensem. Those proportions, however, as well as the actual amount of the assessment, vary at different stations according to the comparative opulence or poverty of the inhabitants, and to other local circumstances; but the explanations afforded by the magistrates on that point are generally satisfactory, and preclude the necessity of any detailed observations from us.

50.—Generally speaking, the number of chowkeedars actually entertained, and the amount of their respective allowances, appear sufficient for the purposes contemplated by the Regulations.

51.—The assessment is so light that it can scarcely operate as a burthen upon any individual, and we have no reason to suppose that there has been any want of attention on the part of the magistrates in the regulation of that assessment; at the same time it may be observed, that the system contains in itself an active principle of continual revision, which affords the best security for the gradual correction of any inequalities or hardships which may have originally occurred in the practical regulation of the assessment.

• N<sup>o</sup>. 25.  
Judicial Lette  
from Bengal,  
28 February 1

52.—It is highly gratifying to us to be able to report, that the introduction of these arrangements has been generally accomplished with much less difficulty than might have been expected; and that in the only instances in which any disposition to resist the establishment of the system was manifested by the inhabitants it was subdued by the magistrates without having recourse to any extraordinary measures for the maintenance of the peace.

53.—Your Honourable Court has been already informed that the provisions of Regulation XIII. 1813, have been extended by Regulation XVI. 1814, to the stations at which the magistrates reside in the divisions of Benarés and Bareilly, with exception to the city of Benares, where a corresponding system of internal police has been in force for a considerable period of time.

54.—The progress which has been already made in the establishment of the subsidiary police arrangements at the stations above adverted to is extremely satisfactory, and when the whole shall have been completed we shall lose no time in communicating to your Honourable Court a full and comprehensive Report on that subject.

55.—The information now before Government is sufficient to show, that where the system has been in force for some time, the most important practical benefits have been derived from it, and that the inhabitants themselves are generally sensible of its advantages. In some districts, indeed, the value of the protection which has been thus afforded has been so fully recognized that the inhabitants of towns and villages, not included within the limits contemplated in the provisions of the Regulations above alluded to, have voluntarily expressed their wish that the system might be further extended.

56.—Under these circumstances, we are of opinion that the provisions of Regulation XIII. 1813, may be extended with great advantage to those places where joint magistrates are stationed, and to some of the most populous and opulent towns in each district. The actual number of towns to which it may be now proper to extend that Regulation in each district must of course vary according to local circumstances; but it is conceived that the number of such towns will not, generally speaking, be less than two or three, nor more than six or seven in any district.

57.—Adverting, however, to the importance of securing a fair and judicious assessment of the inhabitants, of guarding against abuses, of affording a full and satisfactory explanation of the nature and objects of the establishment, of removing misapprehensions and unfounded objections, and, where necessary, of enforcing the prescribed arrangements by the personal authority and influence of the magistrate, we consider it to be essentially requisite, that the further extension of the system, should in every instance be superintended by the magistrates, or joint magistrates themselves; and that they should, accordingly, proceed in person to those towns in which it may be deemed expedient to introduce it.

58.—To enable us to form a judgment of the several places to which the system should be now extended, we have directed the superintendent of police to call upon the magistrates to furnish a list, showing the chief towns or gunges in their respective districts, together with such remarks as the magistrates may wish to offer, regarding the expediency of extending the system, or otherwise, to any of these places.

59.—The superintendent of police has been further instructed, after obtaining the detailed information above required, to submit to Government an abstract statement of it, together with his own sentiments on such points as may require observation, and at the same time to furnish a draft of a Regulation for extending the provisions of Regulation XIII. 1813, in the manner above described.

N<sup>o</sup> 25.  
Judicial Letter  
from Bengal,  
28 February 1816.

60.—In the mean time, we may, we trust, congratulate your Honourable Court on the establishment of a solid and efficient system of police at the head station of each jurisdiction, which, sound in its principle, light and easy in its operation, and satisfactory to the great body of the people at those places, only requires the superintendence of experienced magistrates to maintain it in full vigour. Such superintendence must, indeed, be regarded as the animating principle of all arrangements of this nature; and it can scarcely require argument to show, that if so large a body of native officers as the present establishment of chokeedars should be ever freed from the wholesome restraints arising from due vigilance on the part of the magistrates, they may become a source of serious oppression to the people whom they are paid to protect. Fortunately, no apprehensions need be entertained on that subject, so long as the zillah and city magistrates shall possess only an ordinary share of the zeal, talents, and, above all, the experience by which the present functionaries of that class are so generally distinguished.

61.—When an efficient subsidiary police shall have been thus organized in the principal and most populous towns, it will be our next object to introduce a general system of village-watch throughout the country. We have already taken the necessary preliminary measures for obtaining the requisite information to aid our judgment regarding this highly important question.

62.—In determining the general principles on which such a system should be established, and in arranging its details, we shall proceed with due deliberation and circumspection.

63.—The rules which have been prescribed in Regulation XIII. 1813, cannot be rendered generally applicable to the villages and hamlets without many and important modifications, and it may probably be necessary and expedient, that instead of introducing one uniform system of village-police throughout the whole country, the arrangements should be framed upon principles varying according to the local circumstances and peculiarities of different provinces, or even of different districts.

Fort-William,  
28th February 1816. }

We have the honour to be  
Honourable Sirs,  
Your most faithful humble Servants.  
(Signed) *Moir, N. B. Edmonstone,*  
*Arch. Seton, G. Dawdeswell.*

N<sup>o</sup> 26.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor-General in Council; dated 19th August 1818.

Answer to separate Letter, under date the 28th February 1816, relative to the introduction of the chokeydarry system into the sudder stations of the several magistrates in the provinces of Bengal, Behar and Orissa.

\* Folio 1.

Para, 34.—In your letter of the 23d March 1814 you afforded us a view of the measures which you had adopted for introducing into the three provincial cities of Bengal, Behar and Orissa, the subsidiary police arrangements provided for by Regulation XIII. of 1813, and to that letter we replied in our despatch of the 19th May 1815.

35.—Our attention is called in the letter now under reply, to the adoption of similar arrangements at all the stations in those provinces, at which the magistrates of the several zillahs ordinarily reside, under Regulation III. of 1814, passed for that purpose.

36.—We have attentively considered the documents explanatory of these arrangements; but while we continue to think that the introduction of the system into the great cities is likely to be a beneficial measure, we are by no means convinced of the necessity or propriety of indiscriminately extending it to all the sudder stations.

37.—Several of these stations are but small towns; in some instances little more than villages, having been selected as the residence of the magistrate from their central position, rather than from their wealth, importance and population; and before the introduction of the chokeydarry system into all these places was assumed to be advisable, from the mere circumstance of their being sudder stations,

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it would at least have been right that the magistrates should have been called upon to report to you, on the state and efficiency of the existing police at each of them; and to give their opinions as to the necessity of replacing the existing system, by a new one.

N<sup>o</sup> 26.  
Judicial Letter  
to Bengal,  
19 August 1818

38.—It appears that in very many instances, there has been a ready concurrence in the introduction of the chokeydarry system; that in others, where its introduction would also seem to have been expedient, it was opposed at first, but had received the subsequent support of the inhabitants. But there are instances of a different sort, to which we think it necessary to call your attention.

39.—The correspondence between your Board and the Authorities at Cuttack affords ample proof that neither necessity nor expediency called for the introduction of the chokeydarry system into that town. The establishment of police-officers is described by Mr. Ainslie to be “very efficient, and offences against the law, to be “of rare occurrence.” There could, therefore, as it appears to us, have been no special ground for the introduction of a new system of police, the expense of which was to be defrayed by a new scheme of taxation; nor has any motive, that we can find, been alleged to justify this proceeding, except the expediency of having an uniform and consistent system of police throughout all the countries subject to your Presidency. We are not insensible to the advantages, on general principles, of governing districts subject to the same authority by the same rules of management; but this advantage, great as it may be in itself, is not always attainable without the hazard of inconveniences that may more than counterbalance it. Where the circumstances of the countries, and the character and condition of the inhabitants, are precisely similar, it may be a just inference, that whatever system has been proved successful and beneficial in one case, may be advisably introduced in another; but where either a strong feeling of attachment to ancient institutions, or any essential peculiarity of habits, prejudices, affections or characters, distinguish one portion of a people from others, it by no means follows that such diversities of sentiment and condition can be at once advantageously squared to the unbending uniformity of any favourite institution.

40.—It is therefore expedient, undoubtedly, where an acknowledged and crying evil is to be remedied, that these diversities be not pleaded against the introduction of a necessary, even though it may be a distasteful, corrective; but when it appears (as in the instance of Cuttack is admitted) that the dislike to innovation is most strong, precisely where, from the efficiency of old institutions, innovation is least necessary, the mere desire of uniformity is, in our opinion, an insufficient reason for enforcing a new mode of civil police, however unexceptionable in its principles, at the hazard of the public peace, and to the diminution of political attachment. We regret, therefore, that the provisions of Regulation XIII. of 1813, were forced upon the inhabitants of the town of Cuttack, or upon the sudder stations of the Jungle mehals, with respect to the former of which, it was observed by the magistrate “that the duty of “protecting the town had, ever since the constitution of the district into a zillah, all “along devolved on and been discharged by the people belonging to the Ghaut jey “butta, within whose limits the town was situated;” and he further declared, that it had “been attended with all the beneficial consequences that could be hoped for, by “the substitution, on its discontinuance, of chokeydars;” and it was admitted by the Vice-President-in-Council, “that the rules in question might not be actually necessary for the support of the police at that place;” and as to Rungpore, Mr. Scott states, “that he was not of opinion that any considerable advantage to the police “would accrue from the operation of Regulation XIII. 1813;” and gives, what appears to us, not unsatisfactory reasons for that opinion. Sooree, the sudder station of the zillah Beerbhoom, instead of being a town of any note, is described by Mr. Morrison as one of the most inconsiderable villages in the district, where also from its poverty and other local considerations, he had “found it impossible to adhere to “all the points laid down in Regulation XIII. of 1813, and to the several rules prescribed and suggested in the circular Instructions.”

41.—The magistrate of the zillah of Mymensing also represented that his station was “a small town,” the seat of a police-thannah, where offences were always “of rare occurrence;” and it was remarked by the magistrate of the zillah of Backergunge, that “he had not observed any beneficial effects from the new arrangement at the sudder station,” who, at the same time stated, that “before its re-

N<sup>o</sup> 26.  
Judicial Letter  
to Bengal,  
19 August 1818.

“ establishment there were but very few thefts committed there; and that since the adoption of the chokeydarry system, they were as before.”

42.—These are some of the instances in which, though not attended with the same mischief as in Cuttack, the introduction of the new system appears to have been, at least unnecessary and precipitate.

43.—You are not, however, to understand us as retracting, in any degree, our approbation of the system itself, or of the principle on which it is founded.

44.—We agree with you, that where the protection which it is calculated to afford is necessary, the inhabitants may be justly called upon to pay for that protection; but we do not think that the necessity is in all cases to be presumed, in order to afford a pretext for the taxation.

45.—We concur with you in the opinion, that the increased strength which the municipal power of Government has derived from the extension of the provisions of Regulation XIII. 1813, to the stations where the magistrates of the lower provinces ordinarily reside, must, under an efficient direction and control, have the general effect of materially improving the state of the police at those stations; but we do not think the prospect of such improvement, alone a sufficient ground for superseding the ancient institutions which answer the same purposes, for the mere sake of uniformity, or at least for persevering in such a change, against the known wishes of the country.

46.—We admit the object of establishing one uniform and consistent system to be a good ground of action, where there are no conflicting considerations arising from the prejudices of the people. We admit, that even the prejudices of the people ought not to be allowed to interpose an insurmountable obstacle, where the imperfection of existing institutions to meet and correct a prevailing mischief, renders some changes absolutely necessary: but when (as in the instances to which we have adverted) there is both great unwillingness on the part of the people to receive the new system, and no necessity to justify its being forced upon them, we think that the love of uniformity ought to give way.

47.—It can hardly be necessary to add, that we highly approve of your having, as a preliminary step to any further extension of the system, directed the superintendent of police to call on the magistrates to furnish a list, showing the chief towns or gunges in their respective districts, which list they are to accompany with such remarks “as they might wish to offer, regarding the expediency of extending the system, or otherwise, to any of those places.” The magistrates will also, no doubt, be required to supply the superintendent of police not only with precise information respecting the actual police establishment, and its degree of efficiency, or capability of improvement, but also with such information as it may be in their power to afford with regard to the existence of any institution for the preservation of good order, among the people themselves.

48.—We learn, with much pleasure, that you consider it as essentially requisite “that the further extension of the system should, in every instance, be superintended by the magistrates, or joint magistrates themselves, and that they should accordingly proceed in person, to the towns in which it may be deemed expedient to introduce it.”

49.—In the concluding paragraphs of your letter you inform us that the village-police then engaged your attention; and that you had already taken measures for obtaining the requisite information to aid your judgment in this highly important question.

50.—We have in our former despatches so fully conveyed to you our sentiments upon it, as to render any further observations at this time superfluous. We must, however, express the satisfaction with which we discovered the general agreement with our sentiments and views that is contained in the paragraphs of Lord Hastings's valuable Minute of the 2d October 1815, which relate to this branch of the question. The assurance of the Vice-President in Council, in the paragraphs of their despatch, to which we have just referred, that in the adoption of measures respecting the village-police “they should proceed with due deliberation and circumspection,” has also afforded us much pleasure.

N° 27.—Copy of a Letter in the Judicial Department, from the Governor-General in Council to the Court of Directors; dated 31st May 1816.

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England trading to the East Indies.

Honourable Sirs,

IN our separate despatch from this Department of the 28th of February last, we submitted to your Honourable Court a detailed exposition of the subsidiary police arrangements which had been introduced under the provisions of Regulation III. 1814, at the several stations at which the magistrates ordinarily reside, in the provinces of Bengal, Behar and Orissa; and in the 54th paragraph of that despatch we adverted generally to the satisfactory progress which had been then made in the introduction of corresponding arrangements at the stations of the several magistrates in the divisions of Bareilly and Benares, under the rules contained in Regulation XVI. 1814.

2.—At the date of our despatch above alluded to, the arrangements in question had been carried into effect at all the stations in the western provinces, except Juanpore, Furruckabad and Bareilly; the causes of the delay which has occurred at those stations are distinctly explained in a despatch from Mr. Shakespear, the late acting superintendent of police in the western provinces, dated the third instant, a copy of which, and of the orders issued to Mr. Shakespear in reply, are forwarded as separate numbers in the Packet.

3.—Our immediate object in addressing your Honourable Court on the present occasion is to communicate to you the fullest information in our power regarding the resistance which has been opposed by the inhabitants of the town of Bareilly to the introduction of the subsidiary police arrangements prescribed in Regulation XVI. 1814, and to bring under your notice the principal circumstances connected with the progress and termination of the very serious disturbances which have recently occurred at that town.

4.—We have accordingly the honour to forward with this despatch a copy of the whole of the correspondence which has taken place in the Judicial Department on this subject, up to the present date, conformably to the list noted in the margin. Referring your Honourable Court, for more full information, to those documents, we shall confine ourselves on the present occasion to a concise narrative of the principal occurrences above alluded to, and to such general remarks as the nature of the subject suggests.

5.—In a letter addressed to the acting superintendent of police in the western provinces in January last, the magistrate of Bareilly observed, that notwithstanding every precaution and explanation on his part, the object and principle of the arrangement prescribed in Regulation XVI. 1814, had been misunderstood, and perverted by the inhabitants, but that he hoped by a course of slow and gradual measures to remove the existing prejudice, and shortly to complete the introduction of the chowkeedarree system; adding at the same time, that the delay would not be of much consequence if it contributed to the peaceable establishment of the measure in question.

6.—The course of proceeding subsequently pursued by the magistrate, and the obstacles which were opposed to his measures, are detailed in his letter of the 18th ultimo.

7.—It is sufficient in this place to observe, that his attempts to explain to the inhabitants the real purport and objects of the Regulation, to remove the unfounded impressions which had been generally disseminated by ill-disposed and designing individuals, and to carry into effect the arrangements intrusted to his execution, were attended with a partial success, and that he at length thought it necessary to superintend in person the collection of the assessment, and to proceed for that purpose into the town, under the impression, that his presence, and official authority and influence, would prevent further opposition.

8.—This expectation was frustrated by the tumultuary assemblage of an armed mob, headed by a person named Mohummud Esa.

N° 27.  
Judicial Letter  
from Bengal,  
31 May 1816.

Judicial Department.

Crim. Cons.  
10 May 1816,  
24 D°.



N<sup>o</sup> 27.  
Judicial Letter  
from Bengal,  
31 May 1816.

9.—An affray took place in the town, in which some of the magistrate's attendants, and some of the mob, were killed and wounded. Amongst the latter was Moottee Mohummud Ewuz, a man possessing great influence among the Mahomedan inhabitants, not only of the town of Bareilly, but of Rohilcund generally, and who, there is reason to suppose, had been induced to join the mob under a false persuasion that it was the intention of the magistrate to dishonour him by the seizure of his person. For a full detail of the circumstances which occurred on the 16th of April we beg leave to refer your Honourable Court to the magistrate's letter of the 18th of that month.

10.—During the night of the 16th, Moottee Mohummud Ewuz, Mohummud Esa, and a large body of the inhabitants of Bareilly, appear to have quitted the town, and to have collected together at a place of sanctity among the Mahomedans in the neighbourhood, whence they addressed letters to Rampore, and other principal towns in Rohilcund, soliciting the inhabitants to join them.

11.—The measures of the insurgents had been hitherto apparently confined to the exclusive object of resisting the introduction of the chowkeedarry arrangements. At this period, however, the insurrection assumed a different character, and in their subsequent proceedings the insurgents would seem to have been actuated rather by feelings of religious enthusiasm, than by those motives which originally led them to oppose an arrangement simply of a local and municipal nature. It will appear to your Honourable Court probable, that indistinct notions of a juncture, and circumstances, in which the Mahomedan standard might be successfully raised, had been cherished by the Mussulmans throughout Rohilcund, when the immediate corresponding sensation of the Mussulmans in the camp of Amer Khan towards the insurgents is considered. That chieftain has from ten to twelve thousand Patans, connected with Rohilcund, in his service. That kind of speculation, wild and unfashioned as it must have been, may account in some degree for the readiness with which the inhabitants of towns secure from being affected by the chowkeedarry Regulation, nevertheless made common cause with the citizens of Bareilly. It should be noticed, that there is an annual influx of Patans into Rohilcund as a station whence they can arrange their further plans, and that these adventurers, having no profession or views of employment but arms, are always prepared to share in any tumult.

12.—Considerations connected with the relative weakness of the military force stationed at Bareilly, and with the object of avoiding, if possible, the effusion of blood, appear to have induced the magistrate to refrain from any attempts to compel the insurgents to disperse; various efforts, however, were made during the course of the 17th and subsequent days, to explain to the leaders of the insurgents the guilt which they would incur by persisting in their resistance to the authority of Government, and to induce them to exert their influence for the dispersion of the mob, and the restoration of tranquillity.

13.—These overtures, however, were not attended with success; large bodies of armed men from Rampore, Pellibeat, and other towns in Rohilcund, continued to join the insurgents at Bareilly, and on the morning of the 21st, after murdering a young gentleman of the name of Leycester, in the most wanton and unprovoked manner, they immediately proceeded to attack the military detachment stationed at Bareilly.

14.—Your Honourable Court will, we doubt not, observe with approbation, the firmness, gallantry and good conduct, manifested on this occasion by all the officers and men employed, by which, under circumstances of the greatest difficulty and disadvantage for the troops, the insurgents were completely defeated and dispersed.

15.—However much we must lament the loss of lives sustained on this occasion, we have at least the satisfaction of knowing that that loss is not ascribable to precipitation, or to a want of forbearance on the part of the local officers, or to the absence of sufficient warning to the insurgents of the consequences of their proceedings.

16.—We may also observe, that the result of the action of the 21st, independent of the immediate restoration of local tranquillity, may be expected to operate as a beneficial example, and to create a permanent impression on the minds of the turbulent and evil-disposed throughout the country, calculated to deter them from forming in future illegal combinations directed to the resistance of the constituted authorities, or to the attainment of other objects by tumult and violence.

17.—We

17.—We beg leave to draw the attention of your Honourable Court to the detailed instructions which we deemed it proper to issue on this occasion to the magistrate of Bareilly under date the 10th of May, and to the further instructions of the 24th of that Month, furnished to a committee which we considered it expedient to nominate for the purpose of obtaining full and accurate information regarding the origin and causes of the recent disturbance at Bareilly, the circumstances which attended its progress, and the real grounds of that disposition to resist the authority of the British Government which was so generally manifested on this occasion by the inhabitants of some of the principal towns of Rohilcund.

N<sup>o</sup> 27.  
Judicial Letter  
from Bengal,  
31 May 1816.

18.—Your Honourable Court will perceive from the tenor of the latter document the reasons which induced us to constitute a special committee for the purposes above mentioned, and the importance which we attach to the result of their proceedings.

19.—In selecting Sir E. Colebrooke Mr. Elliott, and Mr. Perry, for that duty we were influenced not less by the reliance which we repose in their zeal, judgment and discretion, than from reference to the situation, in which, for some time past, they had been respectively placed, and which rendered it improbable that they should have imbibed any partial bias or impression regarding the recent occurrences at Bareilly.

20.—We trust that the result of their inquiries will enable us to judge what remedies may be conveniently applied to remove any well-founded causes of complaint on the part of the inhabitants, and on the other hand what measures may be requisite to repress an unjustifiable spirit of turbulence, disaffection and intrigue, and to uphold the just rights and authority of the British Government in Rohilcund. In the mean time it has appeared to us expedient, and it is consistent with the decided judgment of the local authorities, that a considerable force should be maintained for the present in Rohilcund, which we propose to render a separate command, as will be more particularly reported by another opportunity.

21.—It only remains to add, that we shall hereafter communicate to your Honourable Court the further information we may receive, or the measures we may adopt in any manner connected with the subject of this despatch.

Fort-William,  
31st May 1816.

We have the honour to be,  
Honourable Sirs,  
Your most faithful humble Servants,

(Signed)

*Moir*, *Archibald Seton*,  
*N. B. Edmonstone*, *G. Dowdeswell*.

N<sup>o</sup> 28.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor-General in Council; dated 19 August 1818.

Para. 51.—WE find from these paragraphs that, with the exception of Juanpore, Furruckabad, and Bareilly, the new chokeedarry system had, under Regulation XVI. of 1814, been introduced at most of the sudder stations in the western provinces.

Letter from 31 May 1816.  
(1 & 2.) Adverting to the details of the new chokeedarry arrangements, conveyed in separate despatch of 28 February 1816, and stating, that

the system has been completed at all the judicial stations in the western provinces, except Juanpore, Furruckabad and Bareilly.

52.—A desire of introducing the Regulation simultaneously at all the sudder stations, upon which, in the opinion of the superintendent of police, in a great degree, depended its peaceable enforcement, induced him to expedite the arrangement as much as possible. We conceive that a preferable course would have been to have drawn the attention of the magistrates in general to the importance of taking every possible method of rendering the great body of the inhabitants of the several towns acquainted with the nature and object of the intended arrangement, and of thus removing the misconceptions which they entertained respecting it. By these means, the disposition to resist the measure, which was, it seems, at first manifested in Agra, Moradabad and Bundelcund, appears to have been dispelled, and the inhabitants to have been brought peaceably to submit, and in some instances cheerfully to acquiesce

No. 28.  
Judicial Letter  
to Bengal;  
19 August 1818.

in it. The introduction of such an arrangement, without due previous explanation, and inquiry into local circumstances, is naturally calculated to produce opposition.

53.—We have yet to receive the reports of the magistrates of those zillahs into which the chokeedarry arrangement had been introduced, (having hitherto been furnished with those only for Juanpore, Furruckabad and Bareilly,) explanatory of the delay that had taken place in carrying the provisions of the Regulation into effect at those stations.

54.—From the Reports respecting the three zillahs in question, we find that an opposition had shown itself to the introduction of the measure, similar to that which had been manifested in Agra, Moradabad and Bandah, and which at the town of Bareilly had terminated in those painful and melancholy consequences which form the immediate topic of the letter to which we are now replying.

55.—Mr. Cracroft, the magistrate of the zillah of Juanpore, seems to have been recently appointed to that zillah, in lieu of the magistrate to whom the execution of the arrangement had been originally intrusted; and at the period of the transactions to which he refers in his letters, he seems to have afforded but very slight and imperfect information to Mr. Shakespear the superintendent of the police.

56.—We are of opinion, that on the receipt of Mr. Cracroft's first letter, instead of being pressed to hasten the completion of the measure, he ought to have been required to state his opinion as to whether the existing arrangement of chokeedars alluded to in his letter of the 3d April, might not be so moulded as to answer the intended purpose, without subjecting the inhabitants to inconvenience by the introduction of a new establishment.

57.—The same observation also applies to the sudder station of Furruckabad, where the existing police-establishment appears to have been, in the opinion of Mr. Wright the magistrate, sufficient for all purposes. He supports his opinion by stating, that the profoundest tranquillity reigned in that town; and adverted also to the comparatively small number of crimes, as a proof of the truth of his statement. Notwithstanding this opinion, he was ordered to proceed, and for no other reason, than that no discretionary power was left to the magistrate, and that the exemption of any one sudder station from the operation of the Regulation, would constitute an inconvenient precedent, and give rise to difficulties in the introduction of the system into other districts.

58.—We have already, in a former part of this despatch, had occasion to express our sentiments as to the course pursued under your Instructions, with reference to the introduction of the system at the sudder station in the Jungle Mehaults, which is certainly "immediately applicable," as you state, to the case now under our notice: but we need hardly add, that it furnished a precedent which we are by no means desirous to see followed up; and we regret that you should have acted upon it, in the present instance.

In that case, as in the one here before us, the inhabitants of the town were averse to the system, and the magistrate more than once, represented that the necessity of the measure was superseded by the orderly state of Soree, and the efficiency of the police already existing, "which was attended by all the beneficial consequences that could be hoped for by the substitution on its discontinuance of chokeedars." Here also, as in the instance of Furruckabad, without at all calling in question the correctness of the magistrate's opinion as to the adequacy of the establishment of police, which was then in force, it was determined that the Regulation should be carried into effect, on the simple ground that "as it was in the contemplation of the Government to extend the provisions of that Regulation to some of the principal and most populous towns in each zillah, the total exemption of the sudder station from the arrangement might operate as an inconvenient precedent.

59.—We can hardly think that the provisions of a Regulation, having for its object the general purpose of improving the police at the sudder stations, can be so peremptory as absolutely to require that they be indiscriminately enforced at all those sudder stations, without reference to any local considerations of expediency or necessity; but we must declare, that if such was the intention of the framers of that Regulation, or if the letter and spirit of it, really indicated that intention, we think that the necessity of an amendment of its provisions in that particular was evinced by the facts stated by the magistrates of Cuttack, the Jungle Mohaults, and Furruckabad,

Furruckabad, and ought to have suggested to you the propriety of adopting that course; for we can never assent to the doctrine laid down by you and the superintendent of police, that the inhabitants of any part of the country are to be burthened with an assessment for the support of a new establishment, when the old one is fully adequate to its purpose, merely because the exemption of such places might be urged as a reason for opposing the introduction of it, in other instances where its provision might be needful.

N<sup>o</sup> 28.  
Judicial Letter  
to Bengal,  
19 August 1818.

60.—We have fully expressed our sentiments on this subject in a former part of this despatch; and we desire that they may be steadily kept in view in all your future proceedings.

61.—After naturally weighing the various circumstances brought before us in this despatch, and in the accompanying documents relative to the late extensive insurrection at Bareilly, we cannot persuade ourselves that the cause of this truly formidable conspiracy is to be found in the attempt of the magistrate to introduce the subsidiary police-arrangements. We, on the other hand, conceive the attempt to be no otherwise connected with it, than as it afforded an opportunity for its explosion; and such indeed appears to be the light in which you have considered it. The short letter from Mr. Dumbleton the magistrate, addressed to the late superintendent of police in January 1816, and his further communication to your judicial secretary of the 18th April, do at least exhibit a degree of caution and conciliatory management in his endeavours to remove any prejudices lurking in the minds of the inhabitants of Bareilly against the measures of Government, that remind us of the delicate and prudent proceedings of Mr. Fortescue under a nearly similar predicament at Allahabad, for the success of which we have already, in a former part of this despatch, passed a just encomium on that gentleman. We allude here, more particularly, to this apparent resemblance of circumstances in the two cases, because we think it serves materially to strengthen our apprehension that the tumult at Bareilly must have originated, in a much deeper cause; and when we see a combination extending to so many other principal towns in the district of Rohilkund and its vicinity, such marked associations of persons whose only connecting principle was that of religious persuasion, unassisted by any common interest in pecuniary matters; when we observe a person of some consequence among the Mahomedans, Mohummud Esa, whom we cannot suppose to have been so situated as to feel the very trifling subscription of a few annas a burthen on his property, should have headed the mob; and most of all, that a man of the high and venerable rank of mufty should have been persuaded to leave his home for the purpose of giving a sort of religious sanction to these violent proceedings, and that “the sacred flag of the Mahomedan faith should have been hoisted on the occasion;” when we find too, that large bodies of armed men, from various other towns in Rohilkund were continually pouring in to join the rioters;—we cannot but apprehend that the main spring and principle of this insurrection is yet to be discovered.

(3 to 21.) Immediate subject of the despatch; sanguinary disturbance at Bareilly.

62.—Actuated by these sentiments, we have perused with much attention the document pointed out to us in your 17th and 18th paragraphs, namely, the commission issued by you on the 24th May 1816 to Sir J. E. Colebrooke, agent to the Governor-General, and senior members of the Board of Commissioners in the Western provinces, to Mr. C. Elliott, fourth judge of the Provincial Court for the division of Bareilly, and to Mr. J. Perry, judge and magistrate of the zillah of Etawah, constituting them a special commission “for the purpose of obtaining full and accurate information regarding the origin and causes of the recent disturbances at Bareilly, the circumstances which attended its progress, and the real grounds of that disposition to resist the authority of the British Government, which was so generally manifested on this occasion by the inhabitants of some of the principal towns in Rohilkund.”

63.—Of those Instructions, and of the choice of persons selected to act under them, we cannot express ourselves in too favourable terms. The commission itself is drawn out in so clear and perspicuous a form and style, and the topics which it embraces are at once so comprehensive and so precise, as to leave nothing for us to point out for correction; and the commissioners appointed are gentlemen whose long-tryed abilities, accurate judgment, and official energies, are perfectly well known to us, and whose peculiar fitness for their present task, as you state, rests on the improbability of their having “imbibed any partial bias or impression regarding the recent occurrences at Bareilly.” We look, with an anxiety proportioned to the

extraordinary

N° 28.  
Judicial Letter  
to Bengal,  
19 August 1818.

extraordinary magnitude of the question, for the result of their labours, and shall forbear, at present, from entering into any of the minuter points connected with this most important affair.

64.—We have reserved for the close of this article, the expression of our unqualified approbation of the conduct of our different functionaries employed on this critical service, and our high satisfaction at the complete suppression of this very formidable insurrection, with a force comparatively so insignificant, and with so little bloodshed. Mr. Dumbleton, the judge and magistrate, for his firm, yet temperate, and conciliatory measures throughout the whole disturbance, from the 16th to the 21st of April, is entitled to our warmest acknowledgments; to which Mr. Leycester, 2d judge of the provincial court of Bareilly, and Mr. Trant, collector of the twenty-four pergunnahs, who happened to be on the spot, have also the strongest claims for their voluntary though ineffectual interference. With the former of these two gentlemen, we sincerely condole on the loss of his son, so inhumanly and treacherously murdered by the insurgents, as he was passing *unarmed* and unattended from one of the camps to the other; a catastrophe, however, which led to the final extinction of the rebellion, by a general engagement, in which the insurgents were totally defeated. We cordially adopt, as our own, the sentiments of gratitude expressed by the magistrate in his letter to your secretary of the 27th April, to all the officers and men engaged in this unequal contest; to captain Boscawen, and all the officers of his corps who were in the engagement, and who “preserved the authority of Government from revolt, the town from plunder, and the British inhabitants from massacre; to lieutenant Lucas, who commanded a detachment of the provincial battalion; to lieutenant Sneyd of the commissariat, and lieutenant Turner of the second battalion 28th regiment, who volunteered their services from the beginning, as did also major Hearsay” (who had the command of one of the guns,) “and lieutenant Smith, the only officer wounded on this trying occasion.” We notice also, with similar approbation, the extraordinary “exertions of captain Cunningham, commanding the Rohilla cavalry, in bringing his corps from Moradabad to Bareilly in the short space of 18 hours, and for the extreme good conduct of this corps, who being mostly inhabitants of Bareilly, had to fight against their own friends and relations, and to resist their attempts, by threat or persuasion, to draw them from their duty. To these examples of high military merit must be added,” (as subsequently mentioned in the same letter) “the names of major Richards, commanding first battalion of the 13th regiment, and the officers of that corps, as well as captain Shadwell, of the 6th grenadier battalion, and lieutenant Bateman of the 1st grenadier battalion, who joined the 13th as volunteers,” who also with “this corps, arrived at Bareilly on the 21st April, after two most extended and fatiguing marches from Moradabad.”

65.—We are happy that this clear and distinct enumeration of the officers and soldiers engaged on the present occasion should have enabled us to testify to them, through you, the very distinguished sense we entertain of the value of their services, and the importance of their success; nor would we wish, that the Cazee of Bareilly should be overlooked, whom the magistrate, in the same letter, states to have “conducted himself throughout the disturbance with the utmost propriety.”

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N° 29.—Extract from a Letter in the Judicial Department, from the Governor General in Council to the Court of Directors; dated 2 August 1816.

#### POLICE.

N° 29.  
Judicial Letter  
from Bengal,  
2 August 1816.

Para. 49.—IN the 216th to 220th paragraphs of our despatch, dated 7th October last, we had the honour to report the measures adopted by us for the due organization of police-establishments, and the suppression of heinous crimes in the southern division of Seharunpore, and particularly for the introduction of good order, and of an efficient police in the extensive estate of Rajah Nyne Sing.

Crim. Cons.  
24 Novem. 1815,  
N° 23, 35.

50.—On the proceedings noted in the margin is recorded a Letter from the acting superintendent of police in the western provinces, reporting the successful introduction of regular police-establishments, on the part of Government into the estate of Rajah

Rajah Nyne Sing, and suggesting the adoption of various arrangements, with a view to place the general police establishment in the southern division of Seharunpore on a more efficient footing.

N° 29.  
Judicial Letter  
from Bengal,  
2 August 1816.

51.—The measures submitted by the acting superintendent of police for our consideration were founded on the practical experience and local information which he had acquired during the period in which he had officiated as magistrate of that district, and are explained in a clear and satisfactory manner in his Report. On these grounds, and as it appeared that the magistrate of the district concurred with Mr. Shakespear in considering the whole of the local arrangements suggested by the latter to be highly expedient and necessary, we had no hesitation in sanctioning them.

52.—It will be satisfactory to your Honourable Court to be informed, that this very important measure has been effected with no greater increase of charge in the fixed establishment of the southern division of Seharunpore than rupees 542 per mensem, viz. 477 rupees on account of the new police establishment introduced on the part of Government into the estate of Rajah Nyne Sing, and 65 rupees on account of an increased salary to the Cotwal of the town of Merut, inclusive of some of the minor charges.

53.—In connection with the arrangements adopted for rendering the police of that part of the country more efficient, we deem it proper to draw your attention to the letter from the acting superintendent of police in the Western provinces, recorded on the proceedings noted in the margin, suggesting arrangements for the improvement of police in the district of Mooradabad, in some parts of which, various heinous crimes were extremely prevalent. The prevalence of those crimes is ascribed principally to the circumstance of several notorious robbers, (who some time since affected their escape from the Bareilly Gaol) having taken refuge in Mooradabad, and having been enabled to carry on their depredations with impunity.

Crim. Cons.  
31 October 1815  
N° 23-26.

54.—The arrangement proposed by Mr. Shakespear appearing to be highly judicious, we directed it to be carried into execution accordingly.

55.—We forbear at present to enlarge on the state of the police of Moradabad, as we shall have the honour to submit to the notice of your Honourable Court by the ships now under despatch the annual Report from the superintendent of police in the western provinces, containing very copious and more recent information of the state of the police in Moradabad, and in the Western provinces generally, and to solicit the attention of your Honourable Court to the measures which we have judged it necessary to adopt, and the orders which we have issued founded on that Report.

56.—We propose in the same manner to forward, in a separate despatch, the corresponding Report which we have received from Mr. Shakespear of the state of the police in the Lower provinces for the year 1815, and shall not therefore enter into details on the present occasion, which will so shortly be brought under the view of your Honourable Court in a more convenient and comprehensive form.

57.—In the 233rd to 236th paragraphs of our despatch, dated the 7th October last, we had the honour to report the disturbed state of the pergunnah of Khyraghur, in the district of Bareilly, occasioned by the outrages committed by a person named Madhoo Sing, and his adherents.

58.—We have now the honour of drawing the attention of your Honourable Court to the proceedings noted in the margin, on which is recorded a Report from the joint magistrate of Shajehanpore, reporting the apprehension of Madhoo Sing, with three of his principal sirdars, and requiring our orders as to the disposal of those persons.

Crim. Cons.  
10 October 1815  
N° 20 & 21.

59.—Combining the interval which had elapsed subsequently to the apprehension of those persons, with the tranquil state of the pergunnah of Khyraghur, we did not deem it necessary, or indeed proper, that they should be tried by martial law, or by any special court, being of opinion that the ends of public justice would be sufficiently obtained by committing those persons to take their trial for the offences with which they stood charged before the court of circuit for the division of Bareilly, at as early a period as might be practicable.

60.—The subsequent cession of the pergunnah of Khyreeghur to his Excellency the Nabob Vizier has been made known to your Honourable Court from the

N<sup>o</sup> 29.  
Judicial Letter  
from Bengal,  
2 August 1816.

political department, and it is now unnecessary to advert more fully to the disturbance above noticed.

## MISCELLANEOUS SUBJECTS.

Calcutta Division:  
Crim. Cons. 7 Nov. 1815, N<sup>os</sup> 10 & 11.  
- - - - 14 D<sup>o</sup> - - - 10.  
- - - - 5 Dec. - - - 10.  
- - - - 29 D<sup>o</sup> - - - 34-40.

61.—The reports of heinous cases submitted immediately to Government on the occasion of each gaol-delivery, by the judges of circuit for the division of Calcutta since our last despatch, will be found recorded on the proceedings noted in the margin.

Crim. Cons.  
28 Novem. 1815,  
N<sup>os</sup> 20-23.

62.—The proceedings of the annexed date contain a Report submitted through the nizamut adawlut by the second judge of the Calcutta provincial court, in continuation of the Report furnished by that gentleman on the first sessions of 1814, which was brought under the notice of your Honourable Court in the 286th paragraph of our despatch of the 7th October last. Mr. Pattle has explained the cause of the delay which occurred in submitting this document; we are not aware that it contains any information which has not been anticipated in our despatch above quoted. A copy of it, is however submitted as a separate number in the Packet, in conformity with the orders of your Honourable Court.

Dacca Division:  
Crim. Cons. 10 Oct. 1815, N<sup>o</sup> 28.  
- - - - 24 D<sup>o</sup> - - - 30.  
- - - - 7 Nov. 19, 29 to 33.  
- - - - 28 D<sup>o</sup> - - - 36, 38.  
- - - - 5 Dec. - - - 32 & 33.

63.—The proceedings noted in the margin contain the Reports of heinous cases submitted immediately to Government since the date of our last despatch, by the judges of the court of circuit for the division of Dacca, on the conclusion of the gaol-deliveries of Backergunge, Tipperah, Dacca, Jelalpore and Chittagong, and of the monthly gaol-delivery of the city of Dacca.

64.—It seems sufficient on this occasion to observe, that those Reports exhibit a favourable view of the state of the police in the several districts to which they refer, and more particularly in the districts of Dacca, Jelalpore, and Tipperah.

Moorshedabad Division:  
Crim. Cons. 10 Oct. 1815, N<sup>o</sup> 7 to 9.  
- - - - 12 Dec. - - - 15 to 17.  
- - - - D<sup>o</sup> - - - 47 & 48.

65.—The proceedings noted in the margin contain the Reports of heinous crimes submitted to Government since our last despatch, by the court of circuit for the division of Moorshedabad, on the conclusion of the gaol-deliveries of zillahs Rungpore, Bhaugulpore, and Dinagepore.

66.—The judge's Report on the former district is dated so immediately after the period to which the observations contained in the 261st to 271st paragraphs of our last despatch refer, that we are not aware that it requires any particular notice on the present occasion.

67.—The remarks contained in Mr. Oswald's Report on the diminution of gang-robbery in Dinagepore will we doubt not be satisfactory to your Honourable Court.

N<sup>o</sup> 30.—Copy of a Letter in the Judicial Department, from the Governor-General in Council to the Court of Directors; dated 29 November 1816.

To the Honourable the Court of Directors for the Affairs of the Honourable the United Company of Merchants of England trading to the East Indies.

N<sup>o</sup> 30.  
Judicial Letter  
from Bengal,  
29 Nov. 1816.

Honourable Sirs,

WITH our separate despatch of the 27th September 1815 we had the honour to transmit to your Honourable Court a copy of the annual Report furnished to us by Mr. Shakespear, regarding the state of the police in the whole of the territories immediately subject to this Presidency, during the year 1814, together with a copy of the orders issued by us on the subject of that document.

2.—Adverting to the care and attention with which the periodical Reports of the superintendents of police are prepared from the most authentic sources, they appear to us calculated to furnish a very distinct and comprehensive view of the progress of reform in the practical administration of the police: the orders issued by us on a consideration of those documents exhibit the special measures which are pursued with a view of correcting local evils, and show the grounds of such legislative enactments

ments as are from time to time framed for the purpose of general improvement of the police.

3.—Under the foregoing impressions we propose on all future occasions to submit to the notice of your Honourable Court the periodical Reports of the superintendents of police, together with the orders passed on them, in separate despatches; and in pursuance of this intention we have now the honour to transmit to your Honourable Court, separate numbers in the Packet, the under-mentioned documents:

Copy of a Report from Mr. Shakespear regarding the police of the lower provinces for the year 1815.

Copy of the Orders issued in reply of the present date.

4.—Referring your Honourable Court, for more detailed information to the documents above mentioned, it will be sufficient to observe, that although the state of the police differs materially in different districts, and although the degree in which public offences prevail in many of them still demands the utmost vigilance and exertion on the part of the public officers, the reforms already accomplished are in the highest degree satisfactory.

5.—This observation would be just were we only to contemplate the actual state of the police in the last year, with reference to its condition in the two or three years immediately preceding; but if we cast our eyes back to the year 1807 or 1808, when the number and atrocity of public crimes, committed in almost every district in the lower provinces, were equally alarming, the improvements already effected are calculated to reflect the highest degree of credit on the public functionaries who have so cordially and ably exerted themselves in carrying into effect the arrangements prescribed by Government. The conviction of their meritorious energy, and of its beneficial result, will be rendered still stronger, when it is considered that the improved state of the police brings to view, at present, many transgressions which in its less perfect condition, might have escaped detection, whence the favourable contrast between this and former periods as to the amount of crimes committed, will be in reality beyond what is shown by the comparative numbers exhibited in the superintendent's Report. At the same time your Honourable Court will, we doubt not, concur with us in opinion, that however praiseworthy the conduct of the local magistrates may have been, the important office of superintendents of police held by Mr. Blunt and Mr. Shakespear has afforded to those gentlemen a still wider field for exertion, and that the success of their labour has been commensurate with the zeal and ability by which their efforts for the establishment of good order and tranquillity have been distinguished.

6.—Your Honourable Court will have learnt, from the instructions communicated to Mr. Shakespear (a copy of which was enclosed as a separate number in our address to your Honourable Court, of the 27th September 1815) the importance which we attached to the careful revision of existing police-establishments, and that it was our intention to adopt the requisite measures for ascertaining the degree in which the charges at present incurred on that account could be reduced without hazard to the public safety and tranquillity.

7.—The more full and complete developement of our views on that subject was postponed until Mr. Blunt should return from the Cape of Good Hope (whither he had proceeded for the recovery of his health), and should resume the charge of his office.

8.—We have now the honour to solicit the attention of your Honourable Court to the accompanying copy of instructions issued by us on the 5th April last, for the guidance of Mr. Shakespear and of Mr. Blunt, in the execution of the important duties above noticed.

9.—With a view to give due effect to those instructions, a circular letter was, on the same date, addressed to the several magistrates in the western and lower provinces respectively; and we subsequently enacted Regulation XVII. 1816, the rules contained in which were intended to provide “for the occasional revision of the regular police and gaol establishments; for the due support and regulation of the establishments of chokeedars; for amending the rules in force for the appointment and removal of police-officers; for modifying the constitution of the offices of the superintendents of police, and for reducing the miscellaneous business of the courts



N<sup>o</sup> 30.  
Judicial Letter  
from Bengal,  
29 Nov. 1816.

“ of circuit, and court of nizamut adawlut.” A copy of the circular letter, and of the Regulation alluded to, are forwarded to your Honourable Court’s information, as separate numbers in the Packet.

10.—The principles and objects of the arrangements in question are so distinctly stated in the Instructions to the superintendents of police, and in the Regulation itself, that it is unnecessary to offer any detailed observations on the subject in this place.

11.—The experienced zeal of the present superintendents of police satisfied us that every practicable exertion would be used by them for the complete execution of the additional functions confided to them; and we trust that your Honourable Court will be of opinion that the arrangements that we have adopted are calculated not only to render the office of superintendents of police more extensively useful, but to relieve the nizamut adawlut and the courts of circuit from some portion of miscellaneous business, to promote the general efficiency of the police, and to produce a considerable, though a gradual, reduction in the amount of the judicial charges.

We have, &c.

Fort-William  
the 19th Nov. 1816.

(Signed) *Moir, N. B. Edmonstone,*  
*Arch. Seton, G. Dowdswell.*

N<sup>o</sup> 31.—Report of Superintendent of Police; dated 15 May 1816.

To W. B. Bayley, Esquire, Secretary to Government in the Judicial Department, Fort-William.

Sir,

I HAVE the honour to submit my Report on the state of the police in the lower provinces during the year 1815.

	1814.	1815.	
Decoitee -	- 336	294	
Highway Robbery	- 102	82	
Violent Affrays	- 120	84	

2.—It will be satisfactory to Government to remark, that the improvement of the police in these provinces, with respect to the less frequent occurrence of the generality of heinous offences, is progressive, and particularly that the crime of gang-robbery, accompanied by all the enormities which formerly characterized that offence, is now extremely rare.

	1814.	1815.	
Dinagepore -	- 34	11	
Tipperah -	- 21	6	

3.—The most marked decrease in the prevalence of gang-robbery during the last year is observable in the districts of Dinagepore and Tipperah.

4.—The decoities attended with murders have chiefly been perpetrated by the Choars in Midnapore, and the robberies coming under this class in other districts are for the most part cases in which persons have died some time after the robbery, from wounds received during the attack.

5.—Even the cases recorded under the head of gang-robbery, accompanied with torture or wounding, are robberies which in former years would have been considered of a very inferior description, the sudden application of a torch, without any deliberate intention of torture, producing a wound, however slight, being entered under this head; and the wounding by swords or spears being seldom of a desperate nature.

	1814.	1815.	
Murder -	- 200	205	
Homicide -	- 98	53	

6.—The number of murders is nearly the same, but a marked decrease is apparent in the offence of homicide not amounting to murder.

7.—Serious affrays have been less numerous; and those originating in land disputes, and attended with loss of lives, are for the most part confined to a few districts in the division of Patna, and there are only a small number of these offences reported from that quarter, which can in strictness be designated by the term gohar, in its common acceptance.

8.—Some increase is apparent in the number of burglaries and thefts reported to this office during the last year; but the actual extent to which these offences prevail

prevail is still, I apprehend, so imperfectly ascertained in different parts of the country, that no reasonable conclusions can be drawn with regard to the increase or diminution of the offence, at the same time it is probable that the pressure of want, arising from the severe scarcity felt in the northern districts during the last year may have driven the lower classes to the commission of crimes.

N<sup>o</sup> 31.  
Report of Superintendent of Police,  
15 May 1816.

9.—On comparing the monthly Reports received from the police-darogahs throughout these provinces, I find that during the last year burglaries were more frequent in the thannah of Bewarah, in the district of Tirhoot, than in any other police-division in the country.

10.—This thannah comprises within its jurisdiction two hundred and ninety-five villages, and the number of burglaries ascertained to have been committed therein during the year amounts to two hundred and eighteen.

11.—Supposing this to be the extent of the injury, it does not after all amount to any very crying evil, that is, it does not average a burglary in each village in the course of a twelve-month.

12.—Independent of the statements usually submitted with these Reports, I have annexed in the Appendix\* a statement prepared from returns received in this office from the local authorities, which I think will enable Government to form a more comprehensive idea of the proportion of criminal business performed by the different magistrates in these provinces. • Vide App. (A.) p. 225.

13.—The statement in question shows the number of persons tried and punished by the magistrates and their assistants, and the number of miscellaneous petitions disposed of during the year; and, with the view of affording a notion (however imperfect) of the comparative population of the different districts, I have given a separate column, showing the number of villages included in each district as ascertained by the darogahs of police.

14.—If I might be allowed, in this place, to offer an opinion regarding the comparative state of the police, and of the prevalence of crimes in the western and lower provinces, I should say, that offences were proportionately numerous in both, but their character differed essentially.

15.—In the lower provinces, with exception of the depredations committed by the Choars in pergunnah Bogree, and in a few of the frontier districts by marauders from foreign territory, offences are for the most part perpetrated by stealth, whereas in the western provinces the most desperate and flagrant outrages are commonly committed with little, and frequently no concealment.

16.—The number of heinous offenders prosecuted to conviction before the courts of circuit during the period under review, is, in both divisions, very considerable, although, with exception to persons convicted of murder, it bears but small proportion to the number of crimes ascertained within the year.

	Convicted:	
	W. P.	L. P.
Murder - -	121	134
Decoities - -	45	292
Burglary - -	318	506
Affray - -	452	302

17.—In the lower provinces the ryots in some districts are in a most abject state of dependence, and much may be done to improve their situation by a suitable interposition on the part of Government, to protect them from the never-ceasing tyranny and extortion of the landholders and their agents.

18.—In the western provinces the condition of the ryots is comparatively good, and Government has hitherto reserved to itself the power of bettering it at pleasure; it will be a more easy task therefore to secure them from oppression, than to rescue the ryots of the lower provinces from that system of rapacity to which they have so long been subjected.

CHILD MURDER:

19.—The accompanying abstract\* contains the sentiments of the magistrates of Nattore, Sarun, Rungpore, Mymensing, Cuttack and Tipperah, on the subject noticed in the 21st paragraph of your letter of the 21st of September last; and a statement is likewise annexed, showing the number of children ascertained to have been murdered during the last seven years in these provinces, for the sake of the ornaments with which their bodies were adorned. • Vide App. (B.) p. 226.

N<sup>o</sup> 31.  
Report of Superin-  
tendent of Police,  
15 May 1816.

20.—Information on the same subject has already been submitted with my Report on the state of the Police in the divisions of Bareilly and Benares, for the last year.

21.—The general result of the opinions expressed by the magistrates is adverse to the interference of the police, in regard to the decoration of children.

22.—The magistrates of Rajeshahy and Cuttack write in favour of the prohibition of the custom; the majority, however, object strongly to the measure, as calculated to create discontent, and to occasion much vexatious annoyance to the inhabitants, and also to afford additional opportunities to the police-officers for extortion, without in any material degree ensuring the object proposed.

23.—The entire number of children destroyed for the sake of the ornaments on their bodies, during the last seven years in the lower and Western provinces, amounts only to 216, which, with reference to the population, cannot, I conceive, be deemed very considerable.

24.—As it would be wholly impracticable under any circumstances to enforce the prohibition completely throughout the country, I am disposed to coincide in the opinion expressed by the magistrate of Sarun, that “a simple notification of the views of Government, setting forth the imprudence of the custom, and the danger resulting from it, to be promulgated in the form of a proclamation, would answer all good practicable purposes, without risking many of the bad effects to be expected from a formal prohibition.”

#### ROBBERY OF CATTLE:

25.—In the Appendix to my last Report on the state of the Police in the Western provinces, I had the honour of submitting the opinions of the magistrates in that division of the country respecting the best means of checking the prevalence of cattle-stealing; and I now beg leave to submit similar information, collected from the magistrates of the lower provinces, with this difference, that the statement of offences of this description in the Western provinces contains an account of the entire number of robberies committed during the year, whereas that which accompanies this report has reference only to the last six months of 1816.

Vide App. (C.)  
p. 229.

26.—I am desirous of drawing the particular attention of Government to the great prevalence of an offence which is attended with such ruinous consequences to the most industrious and useful class of our subjects, namely, the cultivators of the soil.

27.—The papers above adverted to will show the sentiments of the several magistrates with regard to the most effectual means for rendering the property in cattle more secure.

28.—It seems to be generally urged, that the imposition of certain restrictions in respect to the sale of cattle is desirable; several of the magistrates propose that persons disposing of cattle should be required to register all sales before the darogahs of police, the munsiffs, cauzies, canongoes or putwarries, but the plan which in its operation would probably prove most effectual, and seems at the same time least liable to abuse, is, that the sale of cattle should be restricted to a single haut in each thannah-division; and that persons purchasing by private sale, otherwise than at those hauts, should be declared liable to specific penalties on stolen cattle being found in their possession, whether proved to have been obtained under a knowledge of their being stolen, or otherwise, unless they had previously reported the circumstances of the purchase to the darogah of the jurisdiction in which the bargain might have been made.

29.—This arrangement, with some little variation, is suggested by the magistrate of Sarun, and it is, I think, deserving the attention of Government.

#### ACCIDENTAL DEATHS:

30.—In pursuance of instructions conveyed in your letter of the 12th of January last, I have the honour to submit the accompanying Abstract\*, containing the opinions of the magistrates, on the suggestions offered by the magistrate of Sarun in regard to the precautions desirable to be adopted for preventing the fatal accidents so frequently occasioned by persons falling into wells.

\* Vide App. (D.)  
p. 234.

31.—This

31.—This evil, to which Mr. Elliott has drawn the attention of the Government, appears to be most prevalent in the several districts named in the margin.

Sarun -	77
Shahabad -	43
Paina -	43
Ramghur -	36
West Provinces:	
Futtehpore -	73
Bundelcund -	9

32.—In parts of Behar and the Western provinces it is not uncommon to observe a well in the corner of each field, and it is probable that the greater portion of those accidents happen during the process of irrigation, rather than in the villages and towns.

33.—Any direct interference on the part of the police could not avail in enforcing general attention to the benevolent precautions recommended by Mr. Elliott, and if the measure was attempted, it might, I fear, occasion considerable dissatisfaction, and probably open a door to much vexatious extortions.

34.—Under these considerations, I do not think that it would be expedient to enact or promulgate any rules for the attainment of the end contemplated, though it might be desirable to instruct the magistrates of those districts where these accidents are most common, to use their influence in persuading the inhabitants of towns or considerable villages to render their wells more secure, and on the occurrence of a death of the description referred to, to insist on the well being closed, unless they agree to the erection of a parapet wall, or to the construction of a frame over the mouth of the well.

**PUBLIC WORKS :**

35.—The opinions of the several magistrates in the lower provinces, in regard to the most important and desirable objects to which the labour of the convicts might be applied, are submitted for the information of Government.

Vide App. (E.)  
P. 236.

36.—The works of most essential public advantage appear to be the opening a canal from Kidderpore to Channel Creek, as suggested by Mr. Elliott, the magistrate of the suburbs of Calcutta, and the excavation of tanks in the city of Moorshedabad, as proposed by the magistrate, for the purpose of filling pits and holes with the excavated earth, and by draining the stagnant water to improve the salubrity of the place, and to check the dreadful mortality so prevalent at particular seasons in this city.

37.—I would recommend that such convicts as can be conveniently removed from other districts in the lower provinces be sent in the first instance to Allipore, and to Moorshedabad, for the performance of the works above mentioned.

**SUTTEE :**

38.—With exception to the districts of Midnapore, Backergunge, and Dacca, from whence returns have not yet been received, I remark that 310 instances are reported of women having burnt themselves during the last year on the funeral piles of their deceased husbands.

39.—Six instances are likewise reported of the widows of Joogees having been buried alive with their husbands in the districts of Tipperah.

40.—A more full report on this subject, will, I understand, hereafter be submitted to Government, by the court of nizamat adawlut, and it will be sufficient to remark here, as a matter connected with the police, that the practice appears to be of most common occurrence in the three districts named in the margin.

Burdwan -	59
Hooghly -	70
Nuddea -	50

**INDIGENT PROSECUTORS AND WITNESSES :**

41.—The information required by the instructions conveyed in 67 and 68 paragraphs of the Orders of Government, dated the 27th September last, is now submitted in the two Statements marked (F.) and (G.) in the Appendix.

Vide App. (F.) & (G.)  
p. 240 & 242.

42.—From these papers it would appear, that the expense incurred in the subsistence allowed under the Regulations to indigent prosecutors and witnesses, during their continuance in attendance on the criminal courts of justice is, comparatively speaking, a charge of no serious consideration, amounting, in all the courts of the lower provinces, during the year 1814, to rupees 13,409.

43.—The expense has of late years experienced the most marked diminution in those districts where the offence of gang-robbery has been chiefly suppressed.

	1807. Rupees.	1814. Rupees.
Burdwan -	1,017	212
Jessore -	1,982	202
Dinajepore -	1,405	657
Nuddea -	2,453	811

N<sup>o</sup> 31.  
Report of Superin-  
tendent of Police,  
15 May 1816.

## LUNATICS:

44.—I beg to point out the circumstance of 31 insane persons being confined in different gaols of these provinces, on the 31st December last, as particularized in the column of Remarks affixed to the Statement N<sup>o</sup> 3, which accompanies this Report, and to suggest the expediency of their being removed to the insane hospital of the division in which the districts referred to are included.

## DIVISION OF CALCUTTA.

## BURDWAN:

45.—Only seven instances of gang-robbery have been reported from this district during the last year, two of which were attended with wounding.

46.—One of these robberies was committed by Choars from the purgunnah of Bogree, in Midnapore, and another by robbers from the district of Beerbhoom.

47.—Two instances of the murder of children for the sake of their ornaments on their bodies, are included under the head of murder; and likewise a case in which a man is stated to have been murdered at a ghaut by persons unknown.

48.—The only instance of highway-robbery which has occurred appears to have been committed by Choars.

49.—The police of this district has not perceptibly experienced any material alteration since the date of my last annual Report.

50.—The extraordinary number of 2,257 miscellaneous petitions were received in the foudarry court during the year.

51.—Of 1,478 persons apprehended, 821 were punished by the magistrate and his assistant.

Cutwa, Ambooa,  
Choochul, Sumoon-  
derghur, Sullin-  
rabad.

52.—I remark, that the magistrate's Reports make mention of only 69 instances of burglary, but that those received from the police-darogahs state the occurrence of 114, exhibiting a comparative increase of the offences during the last year, in the several thannahs mentioned in the margin.

## JUNGLE MEHALS:

53.—No instance of gang-robbery has been reported from this district during the last year.

54.—One of the murders included in the Statement is that of a body found hanging near to a zemindar's catcherry; another is a case where a husband is stated to have killed his wife and her gallant in the act of adultery.

55.—Four of the five cases of highway-robbery mentioned in the Statement are women robbed of their neck-rings.

56.—One of the affrays appears to have been a dispute between the servants of a talookdar and his ryots, in which 35 persons were concerned, and one killed.

57.—In another case the dispute occurred between certain zemindars and farmers, and two persons were killed in the affray by arrows, and one wounded with a sword.

58.—Of 45 persons committed to the court of circuit for this offence 11 have been sentenced to punishment.

59.—Two summary suits for dispossession were instituted, and 10 decided at Bancoorah during the last year.

60.—The number of crimes is nearly the same as that stated in my Report for 1814.

61.—The criminal business of this court would appear to be light, only 781 persons having been apprehended, and 275 punished by the magistrate, and only 250 miscellaneous petitions having been received in the criminal court during the year.

62.—Whilst passing down the new road early in the present year, great numbers of that useful class of police-officers, the ghautwalls, came in a body to me at Omda, in the purgunnah of Bissenpore, and also at other places in the jungle mehals, and urged what they stated to be serious grievances, affecting rights and interests.

63.—These

63.—These and similar petitions induced me to institute some inquiries, and to communicate with the acting magistrate of the jungle m<sup>o</sup>hals on the subject, and being aware of the importance attached by Government to the due support to these establishments I take the liberty of submitting the papers contained in the Appendix (H.)

N<sup>o</sup> 31.  
Report of Superintendent of Police,  
15 May 1816.

64.—In some places, the ghautwalls, stationed on the high road, insisted much upon the inadequacy of their allowances, and stated, that they were not on the same footing with the majority of the ghautwalls in this district, being obliged to keep post night and day for a pecuniary consideration amounting only to one rupee per mensem. The acting magistrate \* thinks that this allowance is too little, and proposes to endeavour to persuade the zemindars to equalize the rates with those granted to the ghautwalls of Puchite.

\* Vide Appx. (H.)  
P. 243.

65.—One petition complains, in the name of certain ghautwalls, that since the establishment of chokeedars for the protection of the town of Bancoorah under the provisions of Regulation XIII. 1813, they have been compelled to remain in the town, and not allowed to relieve each other as was formerly the case; that consequently they are unable to cultivate the lands assigned them, and for which they pay revenue to Government.

66.—Other petitions set forth the hardships they sustain from their complaints being referred to the civil court, contrary to the mode of procedure formerly adopted by Mr. Blunt; and in one petition, it is urged by a number of ghautwalls, that the ryots employed by them for the cultivation of the lands assigned for their own support, are setting up rights of occupancy, and refuse to allow them a due proportion from the produce of the soil.

67.—From these petitions, and from the examination of the darogah of Pondah, there appears reason to believe, that a fluctuating policy has of late years been pursued with regard to the maintenance of the ghautwallee tenures, and it may, I think, deserve consideration, whether the magistrate has it in his power, under the existing Regulations, to afford the ghautwalls that support requisite to ensure the permanency of these establishments.

Vide App. (II.)  
P. 243.

MIDNAPORE :

68.—The magistrate has stated, in his quarterly Reports, the occurrence of only 33 gang-robberies during the last year, but these Reports do not appear to include the robberies and depredations committed by the choars.

69.—On consideration of the circumstances attending the several cases reported throughout the year, including such of the outrages committed by the choars as may properly be termed gang-robberies, there would appear to have occurred 9 cases of decoitee and murder, 8 of decoitee and torture, 5 of decoitee and wounding, and 22 decoitees of an inferior description, besides which, 72 instances of incursion and depredation on the part of the choars are reported.

70.—In three cases, 5 persons appear to have been seized and afterwards ransomed, and 35 persons are stated to have been carried off by the choars, concerning whose fate no information has since been transmitted to this office.

71.—Two instances of gang-robbery are reported, in which the robbers seem to have purposely assumed the appearance of choars, in order to strike the greater terror.

72.—In a few cases, the decoits appear to have entered the Midnapore district from the opposite side of the Roopnarain or Hooghly river, in boats.

73.—Amongst the murders, a case is mentioned, in which the bodies of two travellers were found in a tank near the high road.

74.—The only violent affray noticed in the statement originated in a dispute regarding land; and of 225 persons said to have been concerned, two appear to have been wounded.

75.—Of 55 persons committed for trial for affrays, 35 have been prosecuted to conviction.

76.—The number of persons in confinement on the 31st December last, pending the investigation of their cases before the magistrate, amounted to 138, being more than 533.

N<sup>o</sup> 31.  
Report of Superin-  
tendent of Police,  
45 May 1816.

than treble the number of persons of this description confined at that period in any other district of the lower provinces.

77.—It appears unnecessary to enter heré upon the subject of the arrangements which have been adopted, under the special instructions of Government, with the view of restoring tranquillity and order in the pergunnah of Bogree, or to remark on the outrages recently perpetrated in the pergunnahs of Bhunjbhoom and Bahmumbhoom, the circumstances attending which have already been communicated to Government by the magistrate of Midnapore, in his letter of the 11th March last.

78.—Of 1,353 persons apprehended 176 are stated to have been sentenced to punishment in the magistrate's court.

79.—The miscellaneous foudjarry petitions presented during the year amount only to 356.

80.—The number of villages in this district is estimated at no less than 10,675.

#### CUTTACK :

81.—Some of the murders reported from Cuttack are of an atrocious nature, assuming, in some degree, the character of a deliberate assassination.

82.—The only instance of highway-robbery mentioned in the statement is the case of a Sepoy, proceeding in company with a Bramin to his house in Hindoostan, being induced to take food from a stranger, and having, with his fellow traveller, been plundered while in a state of insensibility.

83.—A serious affray appears to have occurred in consequence of the attachment of smuggled salt.

84.—The criminal business would seem to be comparatively light.

85.—The general state of the police of this district appears nearly on the same footing as on the date of my last Report.

#### JESSORE :

86.—In one of the cases recorded under the head of gang-robbery attended with torture, the robbers were traced to the district of Rajshahy, and apprehended with the stolen property.

87.—Amongst the murders, two cases are reported of men killed by persons unknown.

88.—Under the head of highway-robbery, an instance is mentioned of four persons, sent from Calcutta to an indigo factory, with the sum of 1,000 rupees, having been found on the high road with their throats cut.

89.—In this case the magistrates visited the spot in person, but no clue has as yet been obtained which might lead to the detection of the perpetrators of the act.

90.—The number of burglaries ascertained during the last year is nearly double the number reported in 1814.

Sulkeea, Pungrah,  
Nawabad, Hareeda.

91.—The increase has chiefly occurred in the several thannabs mentioned in the margin.

92.—On the 31st December last there were only 30 persons confined, whose cases were then under investigation before the magistrate. The number of persons held to bail on criminal charges amounted on that date to 269.

93.—Thirty-seven persons are stated to have been convicted of burglary before the court of circuit in this district, which is more than treble the number of persons prosecuted to conviction for this offence in any other district in the Calcutta division.

#### NUPDEA :

94.—Three gang-robberies appear to have been perpetrated in this district during the first quarter of the last year, in places situated at a considerable distance from the sudder station.

95.—The

95.—The gangs are stated to have been small, and the robberies unattended with any circumstances of peculiar aggravation.

96.—Three cases of children murdered for the sake of the ornaments on their bodies, are included in the statements; also two cases in which four travellers were found near the high roads with their throats cut.

97.—At the close of the year there were only twenty-six persons confined pending the investigation of their cases.

98.—The miscellaneous business of the judge and magistrate at this station is considerable; 3,668 petitions in the civil department, and 1,473 in the criminal, having been disposed of during the year.

99.—I am given to understand that the navigation of the Assammuty and Matabhanga rivers is rendered extremely dangerous from the trees which have been permitted to fall into the bed of these streams; and that owing to the frequent encroachment of the river, and want of precaution in clearing away the trees near the banks; the evil is daily increasing.

100.—Doctor Robertson, who has recently passed down these rivers, informs me, that his boat was entangled a whole day on a tree sunk in the bed of the stream, about ten coss below the chokee station for the collection of the toll, at the head of the Issammuty.

101.—In 1812-13, considerable pains were taken in clearing these rivers, and, at an heavy expense to Government, buoys, with iron chains, were fastened to such of the trees as could not be moved.

102.—With reference to the amount of revenue at present realized by Government from the collection of tolls in the Issammuty, I beg to submit the expediency of some measures being taken for keeping the river clear from obstructions in future, by requiring the zemindars to cut down the trees annually within a given distance from the bank of the stream, and by lifting, removing from the bed, or destroying such trees as at present impede the navigation, by fastening buoys on those trees which are much below the surface of the water, and cannot be removed; and by preserving those buoys, and preventing their being stolen, by formally delivering them over to the charge of the landholder in whose estate they may be fixed.

103.—For the better attainment of these objects I would recommend that an annual Report of the state of the rivers be submitted to Government by the local authorities of the district.

HOOGHLY:

104.—The number of gang-robberies reported from this district, during the last year, is much less\* than the number reported in 1814. The statement does not, however, include eleven cases of depredations committed by choars from the pergunnah of Bogree.

* 1814	1815.
31.	17.

105.—The police of this district has undoubtedly experienced considerable improvement under the administration of Mr. Oakley, and only one case of gang-robbery appears to have been ascertained during the last six months of the year.

106.—In the case of a child murdered for the sake of its ornaments, one woman is stated to have held the child whilst another cut its throat; both the women have been committed to take their trial on their confessions.

107.—An instance is mentioned of a woman having taken two of her children, one in each hand, to a tank, and having drowned them because they cried for more food, though they had just been fed.

108.—I should conceive that the criminal business of this district is comparatively inconsiderable, as the number of persons apprehended during the year does not exceed the number apprehended in some districts in a single month.

109.—The number of villages reported to be included in the district of Hooghly\* far exceeds the number said to be comprised in the adjoining district of Burdwan†, and yet the number of persons tried and punished by the magistrate in those districts respectively bears no comparison.

	* 4,934.	
	† 3,496.	
	Apprehen <sup>d</sup> .	Punish <sup>d</sup> .
Hooghly	- 275	179
Burdwan	- 1,478	821

N<sup>o</sup> 31.  
Report of Superintendent of Police,  
15 May 1816.



N<sup>o</sup> 31.  
Report of Superin-  
tendent of Police,  
15 May 1816.

110.—The considerable number of thirty-one persons are stated to have been convicted at Hooghly of gang-robbery before the court of circuit, during the period under review.

#### CHINSURAH :

111.—Three murders, forty burglaries, and nineteen thefts, are the only considerable offences reported to have occurred within the jurisdiction of the magistrate of Chinsurah during the last year, and within the same period one person is stated to have been convicted of murder, two of burglary, and three of theft; and of five hundred and six persons tried by the magistrate on miscellaneous charges, ninety-one have been convicted and punished.

#### 24 PERGUNNAHS :

1814. | 1815.  
27. | 20.

112.—The number of offences reported from this district as gang-robberies during the past year is nearly the same as in the statement for 1814.

113.—Only one of these decoities appear to have been attended with wounding, and three with slight personal injury. The gangs have seldom exceeded ten or fifteen men; and five instances are, in fact, only attempts, the alarm having been given, and the robbers driven off by the villagers.

114.—The loss sustained in the majority of these robberies is inconsiderable, but a gang of thirty-five men appeared to have obtained considerable booty on one occasion, having plundered a house of rupees 52,800 in cash.

115.—Two of these robberies occurred on boats in the river Hooghly.

116.—Twenty persons were convicted before the court of circuit of gang-robbery in the 24 pergunnahs during the last year.

117.—A man and his wife found with their throats cut, a traveller murdered on the highway, and a man murdered whilst sleeping in his house, by persons who appear to have been instigated to the act by enmity, are the only cases recorded in the statement deserving of particular notice.

118.—Ten persons were prosecuted to conviction for murder in this district during the year under review.

119.—Three serious affrays, attended with the loss of lives, are noticed in the statement, and fifteen persons have been convicted of this offence by the court of circuit.

120.—Seventy-three summary suits for dispossession have been tried and decided during the last year.

121.—Nine hundred and sixty-three persons were apprehended, and 192 punished, and 1,258 petitions were disposed of in the criminal court during the year.

122.—I hear grievous complaints regarding the frequency of robbery and theft in the military cantonment at Barrackpore, but as the officers of police have no jurisdiction within these cantonments, I have no means of ascertaining the extent to which the evil prevails.

#### SUBURBS OF CALCUTTA :

123.—In the months of January, April and May, 1815, three gang-robberies occurred in the suburbs of Calcutta, none of which were attended with personal injury. Two instances also have occurred in the thannahs of Nowhuzaree and Sulkeea during the months of February and March of the present year, neither of which require particular remark.

124.—One of the nine murders mentioned in the statement appears to have been committed in the prosecution of robbery.

125.—The body of a murdered stranger is reported to have been found in a tank in a monick tullah thannah, and there seems reason to believe that the murder must have been committed in the town, and the corpse conveyed from thence.

126.—A man

126.—A man is represented to have been beaten severely by the servants of an indigo-planter, for trespass, and to have died in consequence.

N<sup>o</sup> 31.  
Report of Superintendent of Police,  
15 May 1816.

127.—Four cases of highway-robbery are mentioned in the Statement, but I conclude that three of the charges were exaggerated, as I remark that the persons accused in these cases were admitted to bail.

128.—The cases entered as affrays are rather broils and disputes amongst a few individuals.

129.—The detail of criminal business in the suburbs appears very heavy.

130.—During the year, 1,075 miscellaneous petitions appear to have been heard in the foudjarry court.

131.—Four thousand six hundred and forty-eight persons appear to have been taken up by the police during the year, and 463 punished for various offences.

132.—The useful labours of the magistrate, Mr. Elliott, and the general satisfaction afforded by his exertions for the benefit of the inhabitants residing within his jurisdiction, are too well known to require comment in this place.

133.—The acting assistant magistrate has been equally assiduous, and I find on inspection of the Records of the magistrate's office, that a very considerable arrear of criminal business has been disposed of by Mr. Bailey during the present year.

#### DIVISION of PATNA.

##### RAMGHUR:

134.—Two of the gang-robberies reported from this district are cases in which hooories are stated to have been plundered of their merchandise, in villages situate near the high roads, at which they had halted for the night.

135.—In one case a gang of 300 armed men from Singboom are mentioned to have carried off a herd of 84 cattle, and to have wounded two persons.

136.—The gang was pursued by the inhabitants, and four of the robbers secured.

137.—The chief part of the murders reported from this district, appear to have been instigated by jealousy.

138.—Of 50 persons committed for burglary in this district, during the period under review, no less than 40 are stated to have been convicted.

139.—The jurisdiction of the thannah of Nurungabad would appear to be too extensive to be controlled by a single darogah.

140.—This thannah is stated by the darogah to comprise within its limits 1,200 villages, and to extend in the direction of Behar for 12 coss from the thannadar's residence.

141.—In passing through Ramghur towards the close of last year, it was repeatedly observed to me by natives in the eastern quarter of the district, that the dearth had been so severe for several years that the lower orders were reduced to great misery, many being compelled to substitute jungleberries for a portion of their customary food.

142.—Highway-robbery has been more\* prevalent in this district during the last year than in the year preceding; and various complaints were made to me whilst passing down the great western road, of the insecurity of that part of the road leading through the jungle estates. I have reason also to believe, that the extent to which the evil prevails is not duly reported from those places where the police is managed by the zemindars.

\* 1814. | 1815.  
16. | 21.

143.—In the jungle mehals this road is protected by small posts, at the distance of two or three miles, a part consisting of a police-burkendaz and two or three ghautwalls, who keep watch in a hut on the edge of the road, night and day.

144.—On this subject, I remark, that on the 27th April 1810, a letter from the magistrate of the jungle mehals, regarding the measures pursued in that district for the protection of the great western road, was transmitted to the acting magistrate of Ramghur, with instructions from Government to report on the arrangements desirable to be adopted for the same purpose, in the latter district.

N<sup>o</sup> 31.  
Report of Superin-  
tendent of Police,  
15 May 1816.

145.—On the 20th July following, the acting magistrate, Mr. Walpole, appears to have submitted the Report required from him, and on the 3rd of August of the same year he was instructed to make further inquiries, and to defer carrying the plan submitted into effect, until the result should be reported to Government. I have not been able to trace any further orders on this subject, and the great insecurity of that part of the western road which leads through Ramghur induces me again to draw the attention of Government to these papers.

146.—From Chass, on the western boundary of the jungle mehals to Dhungae, a small chokee at the foot of the hills, about eight coss east of Shehurghatty, the road passes for 110 miles through a thick jungle, approaching to the very edge of the highway. It is this part of the road which appears to demand the most protection, and in which the system adopted in the jungle mehals under the management of Mr. William Blunt would prove of the greatest advantage.

147.—Below the ghaut from Dhungae westward, to the Soane river, the country is for the most part open, and travellers and merchants are exposed to less risk; the necessity for any immediate alteration in the existing arrangement of police for the protection of that portion of the road is not, therefore, so urgent as in the jungle estates.

148.—Mr. Walpole, in the Report above adverted to, remarks, “The zemindars of Ramghur and Kyndu can urge no valid objections to provide the requisite number of deegwars, because at the decennial settlement a considerable deduction was made from their yearly revenue, that they might institute and support police-establishments in their respective territories, and of course they are bound to provide and support such establishment as the wisdom of Government may think necessary for purposes of police, but the whole country on the borders of the road, from Dhungae to the banks of the Soane, is divided into several petty zemindaries, with the proprietors of which no agreement of this nature has ever been concluded, nor have they the charge of the police within the limits of their respective lands.”

149.—Fifty-nine instances of highway-robbery were perpetrated on this road on the jungle mehals during the years 1809-10; but since the introduction of Mr. Blunt's system not a single instance of the offence has occurred on that portion of the road.

150.—The plan proposed by Mr. Walpole differs, in some respects, from that introduced by Mr. Blunt in the jungle mehals, but the latter has so completely answered the purposes for which it was devised, and I am so satisfied, from personal inspection of its efficiency, that I strongly recommend its being adhered to, and immediately introduced between Chass and Dhungae.

151.—There can, I apprehend, be no question that the deegwars may be employed for the protection of the roads in the manner that the ghautwalls are stationed in the jungle mehals, and all that will be necessary to give effect to the arrangement is to station a few regular police-officers for their support; but if Government is pleased to agitate the subject again, it cannot be in better hands than those to which I am about to deliver over charge of this office, and it would be superfluous, therefore, to discuss the question further in its present stage.

152.—The increase\* of affray is the only marked difference in the police of this district since the date of my last Report.

153.—The greater portion of these cases have their rise in disputes regarding land, contested crops, right of irrigation, &c.

154.—In one instance, the catcherry of a zemindar is stated to have been fired, and the darogah and police-officers resisted by the rioters.

155.—Thirty-six summary suits for dispossession appear to have been instituted during the year, and no causes of this description to have been decided during the same period.

156.—Of 141 persons committed to the court of circuit for affrays 101 have been sentenced to punishment.

157.—The number of highway-robberies is considerably less than that reported in 1814.

158.—One

\* Behar.  
1814. | 1815.  
6. | 11.

158.—One hundred and three persons have been committed for burglary, and 66 convicted of that offence during the last year.

TIRHOOT:

159.—Murders, burglaries, and violent affrays, have been rather more prevalent in this district during the last year.

	1814.	1815.
Murders - - -	6.	11.
Burglaries - - -	1,047.	1,171.
Affrays - - -	2.	7.

160.—Only two of the affrays come under the description of that offence termed gohar.

161.—Thirty-seven summary suits for dispossession were instituted in 1815, and only six decided during the year.

162.—Six persons have been convicted by the court of circuit of murder, 45 of affrays, and 15 of burglary during the period under review.

163.—More than ordinary pains were taken by Mr. Sealy to render the village-watch in this district efficient, and in ascertaining the extent to which crimes exist, these establishments have probably proved more useful than in any other district in the Behar division; at the same time, as no means can be adopted for ensuring the payment of the allowances to which the chokeedars are entitled, little has been done in the way of prevention, and they themselves are frequently found preying upon the public.

164.—The number of burglaries (1,171) ascertained in this district during the last year, exceeds the number reported from any other district in these provinces.

165.—The foudarry duties at the station of Mozufferpoor are apparently very heavy; the number of persons apprehended and punished in the magistrate's court exceeds (with the exception of Dinagepore) the number apprehended and punished in any other zillah in the lower provinces.

SARUN:

166.—No instance of gang-robbery has occurred in this district during the last year.

167.—Under the head of murder, a case has been reported of a child having been emasculated by the direction of its father, and dying under the operation.

168.—The chief part of the highway-robberies\* committed in this district appear to have been perpetrated on persons returning from bazars and haunts in the evening.

	1814.	1815.
	11.	12.

169.—Under the head of highway-robbery, a case is recorded which has every appearance of having been perpetrated by the Thugs of the western provinces.

170.—A Sepoy returning to his house in the district of Ghazeepoor, falls in with five strangers at the tukeed of a tukeer, near Mangee, in the district of Sarun, and was persuaded to accompany them on their journey. Arriving at the Dewah river, one of the five watching his opportunity, flung a noose over the Sepoy's neck, when the rest seized, and closed with him and wounded him: he fell senseless, and the robbers rifled him and cast him into the river; but recovering his senses, he contrived to reach the shore, and arriving at the thannah of Manjee gave the foregoing account of this outrage.

171.—Some very daring outrages have been reported during the year under the head of affrays, although there are only two instances attended with the loss of lives.

172.—In one case, a thukedar and four of his servants would appear to have been murdered in cold blood by a gohar, consisting of 150 villagers, who having attacked the thukedar whilst he was engaged in reaping the crops of a village, murdered him and one of his servants, and having wounded three others, carried away the dead bodies and the persons wounded on carts, and flung both living and dead into the river with their hands tied behind them.

173.—Several cases of affrays appear to have originated in the trespass of cattle.

174.—Forty-three summary suits for dispossession have been instituted, and 20 decided, during the period under review.

N<sup>o</sup> 31.  
Report of Superintendent of Police,  
15 May 1816.

175.—The police of this district would appear to be highly efficient in prosecuting offenders to conviction. Of 1,031 persons whose cases were tried and finally disposed of by the magistrate, no less than 811 having been convicted and punished.

#### SHAHABAD :

176.—The only case of decoity which occurred during the last year in this district was an attack of eight robbers upon some herdsmen in a village at night.

177.—Four persons are stated to have been killed, and 15 wounded, in the 10 affrays mentioned in the detailed statements.

178.—Only 10 summary suits for dispossession were instituted, and one decided in this district during the last year.

179.—Some of the villages included in the thannah jurisdiction of Mohunca would appear to be situated at a distance of 12 or 13 coss from the thannah-station; and of 10 burkundazes attached to that thannah, two are stated to be continually employed in guarding the dawk banjey on the new road.

180.—The foudjarry duties of Shahabad appear lighter than those of any other district of the provincial division of Patna.

#### CITY PATNA :

181.—The Statement does not exhibit any material alteration in the Police of this city since the date of my last Report. I have reason to believe, however, that the present acting magistrate, Mr. Robertson, has recently paid particular attention to the improvement of the subsidiary establishment of police maintained under the provisions of Regulation XIII. 1813.

182.—Two cases of poisoning are included under the head of murder, and one of a child murdered for the sake of the ornaments on its body.

183.—Of the 268 cases of burglary mentioned in the statement, only 37 occurred within the precincts of the city, which is less than the number reported in 1814, and the decrease in the prevalence of thefts has been in the same proportion.

184.—In the second quarter of the year the sum of rupees 85,000 was reported to have been carried off in a single robbery; on inspection, however, of the proceedings held in the foudjarry court, the case would appear to be a dispute between a master and his servant, and the charge of robbery to have been false and unfounded.

185.—The details of inferior criminal business are very heavy in this city, the cases of 4,648 persons having been finally disposed of by the magistrate during the year.

#### DIVISION MOORSHEDABAD.

##### BHAUGULPOOR :

186.—The Statement exhibits a general increase in the prevalence of crimes in this district during the last year, but particularly of gang-robbery.

187.—Several of these cases appear to have been committed in the vicinity of the sudder station, and apparently by people residing in the town of Bhaugulpoor.

188.—A traveller is stated to have been found murdered on the high road near Pointy.

189.—Of 46 persons committed, 45 are stated to have been convicted of decoity and wounding, during the last year.

	Apprehend <sup>d</sup> .	Punish <sup>d</sup> .	190.—The number of persons apprehended and punished in the
Bhaugulpoor - - -	619	445	court of the joint magistrates at Monghier far exceeds the number
Monghier - - -	2,291	822	apprehended and punished at the sudder station of the district.

191.—The provision of Regulation XIII. 1813, might be extended with great advantage to Monghier, which has become a very populous town, and is filled with numbers of idlers, connections and dependents of the invalids.

PURNEAH :

## PURNEAH:

192.—Gang-robbery has been less frequent in this district during the last than in the preceding year.

193.—A few of these robberies appear to have been perpetrated by marauders from the Moorung.

194.—A case of murder by Thugs has been reported to this office by the acting magistrate, Mr. Halhed, in the following words; “Nusseeroodeen Huzaree, Syce, Hubil Gurewan, a Mussulman, and a Hindoo, were travelling from Dinageepoor for Canonge, where they arrived at Balgatchee near Russulpoor, where they were murdered by Thugs. Bachnelaul, havildar, and some Sepoys belonging to the provincial battalion of Purneah, were in company with them some part of the way; the travellers went a-head the day of the murder, and the advanced guard of the Sepoys on arriving at Belgatchee saw two men standing on the road. The Sepoys asked them who they were: they answered they were Beoparies, and offered to guide the Sepoys; the Sepoys marched on, when the pretended Beoparies ran away, and the Sepoys found five bodies still warm and bleeding, strangled and stabbed, lying by the fires which they had lighted to cook their meals. The proceedings in the above case were sent to Dinageepoor, and from the answer received it appears that Nusseeroodeen, one of the persons murdered, was brother of Ruozodein the acting darogah of Peergunje, who having died, they went to bring his property from Peergunje, and were killed on the way; much inquiry was made, but it has not been ascertained who killed them: 120 rupees in cash, with some property, are said to be taken away by the murderers; and a large proportion of the property which the murderers had not time to take away, with a cart and bullocks, some money, &c. was brought into court. Ishtear given that the property will be delivered to the persons who may claim it, and proclamations for the apprehension of the villains issued throughout the district. The murder has certainly not been committed by natives of the district, but in all probability by some of the sindouse gangs.”

195.—I have communicated this case to the acting magistrate of Cawnpore, in order that that gentleman may endeavour, through the darogah of Canonge, to ascertain whether any of the persons who accompanied Nusseeroodeen to Dinageepoor have since returned to their homes; in which case a clue to the detection of these Thugs may possibly be obtained.

196.—Under the head of highway-robbery, a case is mentioned of a Sepoy from the Kishengunge lines having been seized whilst attempting, in company, with another person, to rob some inhabitants returning from a bazar.

197.—In one case a ryot appears to have been confined for arrears of rent, and his death caused by ill treatment. In another, four ryots were beaten to death by the servant of a talookdar employed to attach tobacco cultivation.

198.—Thirteen persons were convicted of murder before the court of circuit in this district during the period under review.

199.—The number of burglaries ascertained during the last year is considerable; but the number of persons (sixty-seven) prosecuted to conviction for this offence, is particularly large.

200.—By reports from the magistrate's office it would appear, that between the 1st February, and the 20th March 1815, upwards of two hundred flourishing putties, &c. dependencies on the thannals of Nautpoor, Mutharee, Arraricha, and Bahadoor Gunge, were burnt and destroyed by the enemy on that frontier; and the loss in grain and property is estimated by the magistrate at two lacs of rupees.

## DINAGEPOOR:

201.—In no part of the country has the suppression of decoity advanced with more rapid strides than in the district of Dinageepoor.

N<sup>o</sup> 31.  
Report of Superintendant of Police,  
15 May 1816.

202.—In 1812, one hundred and nineteen gang-robberies were ascertained, eighty-one of which were attended with torture.

203.—In the last year only eleven instances of this offence occurred, and of these only one has been attended with torture.

204.—The great improvement effected in the police of this district is principally ascribed to the organization of the Gholbundee establishments by Mr. Sisson.

205.—I remark three cases of persons having been confined, or committed to take their trial, for killing burglars and thieves in the act of robbery.

206.—Sixty-nine persons are stated to have been convicted of burglary in this district during the last year.

207.—Of 2,076 persons tried by the magistrate, the very considerable proportion of 1,002 are stated to have been convicted and punished.

208.—The number of persons tried by the joint-magistrate stationed at Maldah, amounted, during the last year, to 1,333, of whom 163 were punished, and the remainder discharged.

#### RUNGPOOR:

209.—The police of this district, with respect to the prevalence of crimes, appears nearly on the same footing as on the date of my last Report.

210.—A few of the gang-robberies are stated to been perpetrated by marauders from Bôotau and Nij Behar.

211.—In the month of September last an Assam rebel, named Soorjdutt, at the head of 300 armed men, appears to have attacked a house in the thannah-division of Ranganmutty, to have wounded an individual, and to have carried off property valued at rupees 1,214.

212.—The Garrows have perpetrated various outrages during the year, but as the particulars have already been communicated to Government, and as special measures have been taken in order to trace the cause, and to put a stop to the depredations and cruelties committed by this people; it appears unnecessary to dwell upon the subject in this place.

213.—Several cases have been reported to the office of persons belonging to the Gholbundee establishments, having been apprehended, confined, and proceeded against in the criminal court for killing thieves in the act of robbing. One instance also is mentioned, from which it would appear that a man was seized and beaten to death under pretence of his having committed robbery.

214.—Under the head of murder three cases are mentioned of ryots having died from confinement and ill-treatment by pykes and other persons employed in the collection of the land-rents.

215.—Much tyranny and oppression on the part of the landholders towards the ryots is stated to prevail in this district.

216.—The two cases of affray mentioned in the statement originated in disputes regarding land; both instances were attended with arson, and the numbers assembled appear considerable, but no personal injury resulted from these breaches of the peace.

217.—Only one summary suit for dispossession stated to have been instituted during the last year.

218.—Of 2,711 apprehended on inferior charges, 605 were punished by the magistrate, and the remainder discharged.

219.—The miscellaneous business of the criminal court at this station would appear to be peculiarly heavy, no less than 4,034 petitions having been disposed of in the criminal court during the period under review.

220.—I beg to annex in the Appendix, a paper containing an explanation of the nature of these petitions.

Vide App. (1.)  
p. 250.

221.—The

Names of Thannahs.	Number of Villages.
Gobind Gunje	1,014
Burrabarce	472
Dhap	563
Putgaon	15
Tukeer Gunje	10
Dewan Gunje	63
Benakoree	11
Barnee	45
Chulmaree	68

221.—The division of this district into police jurisdictions would appear to be unequally and injudiciously arranged.

222.—A few, but not all, of these thannahs are frontier police-stations.

223.—The acting magistrate, Mr. Halhed, computes the kuchuks, nuths, harboorahs, and other vagrants under the denomination of bazugurs, to amount in this district to 3,000 persons, and complains, that although they are notoriously thieves and robbers, and inhabitants of other parts of the country, he is unable, under the Regulations; to impose any check, or exercise any control over their conduct.

RAJESHABY :

224.—The Statement exhibits a decrease\* in the prevalence of gang-robbery, and the majority of the cases reported are of a very unaggravated character.

\* 1814. | 1815.  
40. | 36.

225.—Only five instances of decoitee occurred in this district during the last quarter of the year.

226.—Two cases are mentioned of persons found murdered on the high roads, and in one, the hands of the person murdered are stated to have been bound to the feet.

227.—Only two affrays are exhibited in the Statement.

228.—One hundred and sixty-seven summary suits for dispossession were instituted in this district during the last year, and 70 decided.

229.—One thousand seven hundred and nine petitions were disposed of in the criminal court during the year.

230.—At the close of the year only 35 persons remained in custody under examination before the magistrate on the same date; however, there appears to have been 63 heinous cases pending for trial, and 493 charges of a petty nature, in which the parties accused had been admitted to bail.

231.—Two thousand eight hundred and forty-nine persons are stated to have been tried in the magistrate's court, and 259 punished, and the remainder discharged:

232.—By a report from the magistrate of Rajeshahy I understand that up to the 23d March 1816, no gaol-delivery had been holden in this district for 1815.

233.—A gradual decrease in the offence of gang-robbery was apparent in this district during the last year; but I regret to observe, that during the first three months of the present year one instance of decoitee with torture, seven of decoitee with wounding, and three unattended with circumstances of aggravation, has occurred.

BEERBHOOM :

234.—The police of this district has apparently experienced little alteration since the date of my last report.

235.—The number of villages included in each of the several thannahs of this district vary from 74 to 1,057. It may be advisable, therefore, to revise the disposition of the police-establishments.

MOORSHEDABAD :

236.—The reports received in this office exhibit the police of this district as nearly stationary, in regard to the comparative prevalence of crimes during the last two years.

237.—The police, too, of the city, is still extremely defective, and with reference to the improvement which has been effected in the police of other cities in the lower provinces, I am impressed with the belief, that the subsidiary establishments of police are not in this district placed upon so efficient a footing as they might be.

238.—Three



N<sup>o</sup> 31.  
Report of Superin-  
tendant of Police,  
15 May 1816.

238.—Three of the gang-robberies noticed in the statement were perpetrated in the city. In one of these cases a gang of 60 decoits attacked the house of Nazir Mahomed Ali, and having wounded him and a Khidmutgar, and murdered a Saus, carried off cash and property to the amount of 3,400 rupees; several of the robbers mentioned in the last-mentioned case are stated to have been apprehended, and 108 rupees of the property to have been recovered.

239.—Nearly the whole of the gang-robberies committed in the zillah were unattended by circumstances of aggravation, and the gangs were generally small, and none of them headed by known sirdars.

240.—Three cases of death by poison are entered under the head of murder.

241.—In the instance of violent affrays noticed in the statement, a ryot having been confined for two or three days in a zemindaree cutcherry, the cutcherry appears to have been stormed by a mob estimated at 300 people, and two persons are said to have been wounded in the disturbance.

242.—Forty-one summary suits for dispossession were instituted in this district during the last year, and five decided during the same period.

243.—One hundred and eighty-four burglaries were reported to this office as having occurred within the limits of the city during the year 1814; during the last year the number reported amounted to 188, of which number 35 cases were only attempts, and 24 were instances in which a burglarious entry was effected, but no property stolen:

	Apprehend.	Pun <sup>d</sup> .
Magistrate	1,265	523
Joint Magistrates	4,136	310
Total	5,401	833

Two thousand four hundred and one persons are stated to have been tried, and 833 punished, during the last year in the courts of the magistrate and joint magistrate.

245.—A considerable proportion of persons committed to take their trial before the court of circuit have been prosecuted to conviction at Moorshedabad during the period under consideration.

## DIVISION OF DACCA.

### MYMENSING:

246.—Every branch of the police of this district has improved under the management of Mr. Ewer.

247.—In the month of December last, a party of 12 decoits are stated by the acting magistrate to have broken into an indigo factory; and one case of decoitee attended with murder, one with wounding, and two of an inferior description, have been reported during the first quarter of the present year.

248.—No instance of affrays has been reported from this district during the period under review.

249.—Several cases have occurred of travellers having been missed, who are supposed to have been made away with by boatmen, on a great river bordering this district; some, also, have occurred of travellers on the high roads.

250.—The proportion of convictions to the number of commitments is very considerable.

251.—For burglary alone, 46 out of 57 persons were sentenced to punishment by the court of circuit in 1815.

252.—Considering the great population of this district, the business of the magistrate's court would appear, comparatively light, only 761 persons having been tried, and 211 punished, by the magistrate in the course of the year.

Thannahs.	N <sup>o</sup> of Villages.	N <sup>o</sup> of Burkundoes.
Puckullah	1,610	10
Madnapoor	1,235	10
Sherpore	538	10
Hajeepore	166	10
Total	3,549	40

253.—The police establishments of this district are, with reference to its extent and population, comparatively small.

254.—In

254.—In this district there are only twelve police-thannahs distributed among 8,667 villages, and the jurisdiction allotted to each of these thannahs would appear to be very unequally arranged.

N<sup>o</sup> 31.  
Report of Superin-  
tendent of Police,  
15 May 1816.

#### SYLHET:

255.—The Reports transmitted to this office only mention the occurrence of two instances of gang-robbery in this district during the last year, and no material alteration is perceptible in regard to the comparative prevalence of crimes since the date of my last Report.

256.—Three affrays, attended with homicide, and originating in contested rights to land, crops, and wood, are included in the Statement, and seven persons appear to have been convicted of this offence by the court of circuit.

257.—Exclusive of cases under reference to the court of nizamut adawlut, a very considerable proportion of the commitments to the court of circuit appear to have failed in this district during the last year.

258.—The number of summary suits for dispossession instituted during the year amounted to 30, and during the same period 24 were decided.

259.—With exception of the city of Dacca, the number of persons convicted and punished in the magistrate's court exceeds that of any other district in this division; but with reference to the considerable number of villages comprised in Sylhet, and to the small number of burglaries and thefts reported during the year it is possible that the extent to which offences prevail in this district is not fully known. On the other hand, it is observable, that during the greater part of the year, this district is almost entirely under water, and the villages being at a considerable distance from each other, robbers could not, with facility, come unperceived by water, and an inhabitant would probably be deterred from robbing in his own village, as he could not well convey away the stolen property without being noticed, neither could he detain it in his own house without constant risk of detection.

#### TIPPERAH:

260.—The comparative Statement exhibits a considerable decrease \* in the offence of gang-robbery.

1814.	1815.
21.	6.

261.—One of the cases reported is that of an English merchant proceeding to Calcutta with cloths having been plundered by a party of 10 armed decoits, who are stated to have boarded the boat, to have wounded 3 persons and to have carried off the property, when being overtaken by a storm in the middle of the river, their boat was upset, and the decoits swimming to an island, application was made to the zemindar's gomastah, who succeeded in securing eight of the robbers.

262.—A second case is reported in the following words; "On the 17th July the darogah's report was received, stating, that on the 11th July, at midnight, about eight men, with lighted torches, and armed with swords and clubs, attacked the house of Zuheeroodein, inhabitant of Debyparah, in Pergunnah Shaestanagur, Zemindaree of Kurreekishin, and Gospital Kishen Chowdrees. On hearing the alarm the neighbours instantly came to his assistance, and among them Mahomed Afzul, an established cauzee of that pergunnah, with his relations, encountered Gholam Nubbee, the sirdar decoit of the gang; and although they were severely wounded by him, they nevertheless succeeded in securing him. During the interval of the scuffle between the neighbours and the sirdar decoit, the remainder of the gang effected their escape with the booty, amounting in value to about sicca rupees 117, 8. The persons who apprehended the sirdar decoit took him to the thannah, where he confessed the crime, and alleged that his comrades, who, as well as himself, were all inhabitants of the district of Backergunge, compelled him to accompany them to the house of the mugroot minho. It appeared, moreover, from the records of this office, that the aforesaid Gholam Nubbee had been formerly convicted on a charge of decoitee, and sentenced to three years imprisonment, prior to the expiration of which term he had broke gaol, and was again subsequently apprehended and convicted of the same crime

N<sup>o</sup> 31.  
Report of Superintendent of Police,  
15 May 1816.

“ as above specified in the district of Dacca Jelalpore, where he was sentenced to a term of eight years imprisonment, and from the gaol of which station he also effected his escape after a very short period of his confinement had elapsed. The darogah, by great exertion, succeeded in tracing out the remainder of the gang, consisting of six persons, who, together with Gholam Nubbee, were committed to take their trial before the court of circuit at the present sessions, and the magistrate is happy to add, that the whole are now disposed of as follows; Gholam Nubbee referred to the nizamut adawlut, with a recommendation to be sentenced to perpetual imprisonment, or banishment beyond the seas, and the rest are sentenced by the court of circuit to trial zamin indefinitely.”

263.—It may be advisable to confer some reward or mark of distinction on cauzee Mahomed Afzul for his spirited conduct on this occasion.

264.—On the 31st December 1814, there were two hundred and five persons in confinement pending the investigation of their cases before the magistrate, and three hundred and ninety-six under orders to find security for their future good behaviour.

265.—At the close of 1815 there were no persons of the first description in confinement, and only thirty of the latter.

#### CHITTAGONG :

266.—Gang-robbery has been less frequent in this district during the past year than formerly; and the general state of the police is apparently improving.

#### BACKERGUNGE :

267.—The Statement shows an increase in the number of gang-robberies in this district. They are mostly, however, of an inferior nature, though I am concerned to remark the occurrence of eight offences of this description during the first quarter of the present year.

268.—The number of persons in confinement, whose cases were under examination at the close of the year, amounted to eighteen.

269.—The extraordinary number of 2,023 miscellaneous petitions are stated to have been presented in the criminal court during the period under review, 516 of which were “ requesting that the magistrate’s proceedings might be brought up.”

#### DACCA JELALPORE :

270.—The two instances of gang-robbery mentioned in the Statement were unattended with circumstances of aggravation.

271.—An instance of affray is mentioned, originating in a trespass on an indigo-field, in which an individual appears to have lost his life.

272.—The number of summary suits instituted for dispossession amounted to fifty, and the number decided during the last year to twenty-four.

273.—Two thousand and thirty persons were tried, and three hundred and twenty punished by the magistrate during the period under review.

#### CITY DACCA :

274.—Of the eleven gang-robberies recorded in the Statement only two were attended with personal injury.

275.—I am concerned to state, that during the first quarter of the present year no less than seven instances of decoitee have been reported to this office, two of which are represented to have been attended with torture.

276.—Under the head of murder, an instance is mentioned of a woman having been robbed of a neck-ring, and her throat to have been cut on the high road. She survived sometime, but continued speechless till her death.

277.—Another case also is mentioned of a woman having been robbed and strangled.

278.—Only

278.—Only nine burglaries and forty thefts occurred within the limits of the city during the last year.

N<sup>o</sup> 31.  
Report of Superintendent of Police,  
15 May 1816.

279.—On the 15th February last, the magistrate communicated to me his intention of visiting the thannah of Rajabarry, under the instructions conveyed in the 166th paragraph of your letter of the 27th September last, but no further communication on the subject has since been received from that officer.

Office, Sup. Police, }  
Calcutta, }  
15 May 1816. }

I am, &c. &c.  
(Signed) John Shakespear, Sup. Police.

LIST OF THE APPENDIX.

Referred to in the preceding Report of the Superintendent of Police, 15 May 1816.

- No. 1.—Amount, showing the total number of heinous Crimes committed in the Lower Provinces in 1814 and 1815 - - - - - p. 220.
- No. 2.—Table showing the number of Persons apprehended, committed, acquitted, or punished, in the year 1811 - - - - - p. 222.
- No. 3.—Statement showing the Number of Convicts or other description of Persons in Confinement, the 31st December 1811 - - - - - p. 224.
- (A.)—Statement showing the Number of Persons tried by the Magistrates, the Number of Petitions read in 1815 - - - - - p. 225.
- (B.)—Statement showing the Number of Children murdered in the Lower Provinces, during six years - - - - - p. 226.
- (C.)—Statement of Cattle-Stealing from 1st July to 31st December 1811 - - - - - p. 229.
- (D.)—Accidental Deaths by falling into Wells - - - - - p. 234.
- (E.)—Abstract of Replies received from the Magistrates, regarding the labour of Convicts p. 236.
- (F.)—Abstract showing the Total Amount of Expense incurred in each year for the support of indigent Prosecutors and Witnesses from 1807 to 1814 - - - - - p. 240.
- (G.)—Statement showing the Amount of Diet Allowance to Prosecutors and Witnesses before the Courts in the Lower Provinces - - - - - p. 242.
- (H.)—Letter from A. Anderson, Esq. Acting Magistrate, to John Shakespear, Esq. Superintendent of Police - - - - - p. 243.
- (I.)—Statement showing the Number of Miscellaneous Petitions presented in Courts of the district of Rungpore, from January to December 1815 - - - - - p. 250.

## Appendix

FORT-WILLIAM, 29th November 1816.

N<sup>o</sup> 1.—COMPARATIVE STATEMENT, showing the Total Number of heinous Crimes ascertained to concerned; and the computed Value of Property

Z I L L A H S.	Decoity with Murder.		Decoity with Torture.		Decoity with Wounding.		Simple Decoity.		River Decoity.		TOTAL Decoities.		Murder.		Homicide, not amounting to Murder.	
	1814.	1815.	1814.	1815.	1814.	1815.	1814.	1815.	1814.	1815.	1814.	1815.	1814.	1815.	1814.	1815.
CALCUTTA:	Burdwan	-	-	-	-	2	9	5	-	-	9	7	2	5	2	2
	Jungle Mehals	-	-	-	-	-	1	-	-	-	1	7	7	6	2	-
	Midnapoor	-	9	6	8	2	25	22	-	-	33	46	10	4	2	1
	Cuttack	-	-	-	-	-	1	-	-	-	1	-	9	9	13	5
	Jessore	-	-	-	2	1	1	-	-	1	2	3	6	7	1	2
	Nuddea	-	-	-	-	-	-	2	-	-	-	3	8	11	7	1
	Hooghly	1	1	3	1	7	3	20	12	-	-	31	17	2	4	3
	Chandernagore	-	-	-	-	-	1	-	-	-	1	-	1	1	3	1
	24 Pergunnahs	2	-	-	-	5	2	20	25	2	2	27	29	9	8	8
	Suburbs of Calcutta	-	-	-	-	-	-	-	3	-	-	3	-	9	-	-
TOTAL	3	11	9	11	15	13	77	69	1	2	105	108	54	66	39	13
PATNA:	Ramghur	-	-	-	1	3	6	-	-	-	7	3	13	16	2	2
	Behar	-	1	-	-	2	-	1	-	-	4	9	7	-	-	1
	Tirhoot	-	-	-	-	-	-	-	-	-	-	6	11	2	1	
	Sarun	-	-	-	1	-	-	-	-	2	3	22	12	13	3	
	Shahabad	-	-	-	-	1	-	-	-	-	-	1	7	4	5	1
	City Patna	-	1	-	-	1	-	1	-	-	1	2	6	9	3	1
TOTAL	-	2	-	-	3	6	6	2	2	-	11	10	63	59	25	9
MOORSHEDEBAD:	Bhaugulpore	1	-	1	1	1	4	1	5	-	4	10	5	8	6	3
	Purnea	-	1	1	1	14	8	8	7	-	23	17	19	5	3	
	Dinagepoor	2	1	4	1	8	2	20	7	-	34	11	9	11	5	
	Rungpoor	8	2	3	11	10	14	12	6	1	34	33	7	14	4	
	Rajshahy	4	4	7	6	7	9	22	16	-	40	36	8	4	1	
	Burbhoon	1	-	-	-	6	3	2	7	-	9	10	8	4	-	
	City Moorshedabad	-	1	-	-	7	2	6	11	-	13	14	4	9	2	
TOTAL	16	9	16	20	53	42	71	59	1	1	157	131	60	55	21	
DACCA:	Mymensing	1	-	-	-	3	3	-	1	3	7	6	3	4	2	
	Sylhet	1	-	-	-	-	1	3	1	1	5	2	5	3	2	
	Tiperah	-	1	-	-	2	1	18	2	1	21	6	-	2	1	
	Chittagong	1	1	-	1	2	1	6	3	-	9	6	2	3	2	
	Bauker Gunge	-	1	-	-	2	2	4	5	2	4	6	12	7	5	
	Dacca Jelalpoor	-	-	-	-	-	-	2	1	-	2	2	2	3	1	
	City Dacca	1	-	1	1	1	1	8	5	2	4	13	11	4	5	
TOTAL	4	3	1	2	8	9	41	18	9	13	63	45	23	25		
GRAND TOTAL	23	25	26	33	79	70	195	148	13	16	335	294	200	205		

Office of Sup<sup>r</sup> Pol<sup>r</sup> Calcutta, }  
15th May 1816.

ADMINISTRATION OF JUSTICE IN BENGAL.

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Appendix.

FORT-WILLIAM, 29th November 1816.

have been committed in the Lower Provinces;—also the Number of Persons ascertained to have been robbed or stolen in 1814 and 1815.

Highway Robbery.		Burglary.		Thefts exceeding 10 Rupees, or attended with aggravating circumstances.		Receiving stolen Property.		Violent Affrays.		Computed Number of Persons concerned; the computed Value of Property robbed or stolen, and Value recovered.					
1814.	1815.	1814.	1815.	1814.	1815.	1814.	1815.	1814.	1815.	Number ascertained to have been concerned.		Value of Property robbed or stolen.		Value of Property recovered.	
1814.	1815.	1814.	1815.	1814.	1815.	1814.	1815.	1814.	1815.	1814.	1815.	1814.	1815.	1814.	1815.
4	1	52	69	52	62	-	1	3	-	542	422	9,072	7,995	533	316
4	5	116	150	91	66	-	-	6	2	408	525	8,668	7,833	1,394	1,572
2	3	106	138	55	74	5	3	1	1	1,501	1,339	10,860	20,833	725	500
-	1	14	12	5	4	1	-	7	1	253	325	3,283	4,844	1,910	147
-	1	265	570	10	28	-	1	1	-	397	800	7,219	14,427	74	529
-	2	284	308	55	52	6	3	1	3	571	675	7,861	6,591	871	451
5	4	103	162	51	28	3	-	2	-	764	788	13,008	5,294	958	132
-	-	10	40	22	19	1	-	-	-	39	14	2,820	1,683	125	313
12	1	240	214	48	10	4	-	30	5	1,727	984	16,608	67,796	431	8,392
-	1	-	115	-	64	-	-	-	6	-	-	178	12,380	-	1,814
27	19	1,190	1,778	389	407	22	8	51	18	6,202	6,050	79,399	149,676	7,020	14,166
16	21	126	144	116	93	1	-	1	-	828	526	22,313	6,000	5,923	247
17	7	381	377	226	231	9	9	6	11	931	1,023	19,891	14,367	1,091	1,033
2	-	1,047	1,171	264	289	1	-	1	7	2,687	4,540	20,386	26,189	236	132
11	12	207	258	83	111	8	10	21	20	1,290	1,054	30,631	13,342	5,025	358
7	4	268	284	98	131	-	43	9	10	1,169	1,290	7,416	12,065	267	842
-	3	249	268	85	76	9	7	2	1	524	500	15,653	21,286	2,523	4,848
53	47	2,278	2,502	867	931	28	69	40	49	7,429	8,933	116,290	93,249	15,065	7,460
-	2	172	194	135	167	3	3	3	-	366	799	14,720	25,348	449	748
-	2	1,152	1,098	36	58	2	-	4	1	2,566	2,822	23,889	20,736	711	284
3	3	640	787	84	98	-	-	1	-	1,412	1,518	16,750	15,292	2,199	1,720
4	2	275	584	49	48	17	2	1	2	1,136	2,052	24,136	47,361	1,131	1,544
3	3	315	246	37	60	5	4	2	2	1,409	830	11,918	14,734	361	835
3	3	82	106	82	61	-	-	5	-	205	166	8,846	7,804	1,153	810
7	1	358	317	126	100	1	-	10	1	640	1,026	32,302	25,549	2,238	402
20	16	2,994	3,332	549	592	28	9	26	6	7,734	9,213	132,461	156,824	8,242	6,043
-	-	144	163	18	14	-	1	2	-	415	349	6,026	4,400	561	882
-	-	92	96	15	14	-	-	-	3	271	334	5,953	7,140	204	1,190
-	-	46	52	15	2	-	-	1	1	396	195	9,441	2,216	83	163
-	-	10	13	3	12	2	-	3	-	209	200	7,418	2,272	124	227
-	-	97	127	12	32	-	-	2	1	460	471	6,876	11,947	174	36
1	-	263	184	16	6	-	-	-	2	447	422	4,922	4,423	15	335
1	-	193	136	56	64	9	14	4	4	1,074	675	88,019	14,283	495	1,835
2	-	845	771	135	144	11	15	12	11	3,212	2,646	126,655	46,481	1,656	4,668
102	82	7,307	8,383	1,940	2,074	89	101	129	84	24,577	26,842	456,805	446,230	31,983	32,337

(Errors excepted.)

(Signed) J. Shakespear, S. P.

N<sup>o</sup> 2.—TABLE showing the Number of Persons apprehended, committed, acquitted, or punished, in the Divisions of CALCUTTA, PATNA,

## CONVICTED OR ACQUITTED BEFORE

ZILLAS.	Decoy with Murder.		Decoy with Wounding.		Decoy with Torture.		Simple Decoy.		River Decoy.		Murder.		Highway Robbery.		Arson.	
	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.
<b>CALCUTTA:</b>																
Burdwan	-	-	5	-	-	-	8	-	-	-	15	8	1	1	1	-
Jungle Mehals	-	-	-	-	-	-	-	-	-	-	8	2	-	-	-	-
Midnapore	-	-	-	-	1	1	93	65	-	-	6	-	-	-	-	-
Cuttack	-	-	-	-	-	-	-	-	-	-	10	2	-	-	-	-
Balasure	-	-	-	-	-	-	9	-	-	-	-	-	3	-	-	-
Jessore	-	-	9	6	24	11	1	-	3	3	15	4	17	1	3	2
Nuddea	4	-	1	1	1	-	2	1	-	-	26	1	1	1	1	1
Hooghly	8	5	9	9	-	-	30	17	-	-	4	1	5	1	1	1
Chandernagore	-	-	-	-	-	-	-	-	-	-	4	1	-	-	-	-
24 Pargunnahs	-	-	-	-	-	-	21	16	4	4	16	10	-	-	5	1
Suburbs of Calcutta	-	-	-	-	-	-	2	2	-	-	12	7	-	-	-	-
<b>TOTAL</b>	<b>12</b>	<b>5</b>	<b>24</b>	<b>16</b>	<b>26</b>	<b>12</b>	<b>166</b>	<b>101</b>	<b>7</b>	<b>7</b>	<b>116</b>	<b>45</b>	<b>27</b>	<b>4</b>	<b>11</b>	<b>4</b>
<b>PATNA:</b>																
Ramghur	-	-	-	-	49	13	-	-	-	-	21	6	11	3	2	2
Behar	-	-	17	10	-	-	14	14	-	-	21	12	14	11	5	-
Tirhoot	-	-	-	-	-	-	-	-	-	-	9	6	-	-	4	3
Sarun	-	-	-	-	-	-	-	-	-	-	14	11	-	-	-	-
Shahabad	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-
City Patna	-	-	-	-	-	-	6	6	-	-	17	9	5	5	-	-
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>17</b>	<b>10</b>	<b>49</b>	<b>13</b>	<b>20</b>	<b>20</b>	<b>-</b>	<b>-</b>	<b>84</b>	<b>44</b>	<b>30</b>	<b>19</b>	<b>11</b>	<b>5</b>
<b>MOORSHEDEBAD:</b>																
Bhaugulpoor	-	-	46	45	-	-	-	-	-	-	6	2	1	-	2	-
Monghier	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Purneah	-	-	15	8	-	-	15	7	-	-	30	13	1	-	2	1
Dinagepoor	-	-	4	4	3	-	4	2	-	-	10	3	1	-	2	1
Rungpoor	6	-	9	-	-	-	9	1	1	-	4	-	-	-	-	-
Rajshahy	2	-	-	-	-	-	44	-	-	-	19	-	1	-	12	1
Maldak	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Burbhoom	-	-	-	-	-	-	13	-	-	-	1	-	4	-	2	-
City Moorsshedabad	-	-	-	-	-	-	-	-	-	-	6	1	-	-	1	1
Zillah Moorsshedabad	1	1	4	-	-	-	15	9	-	-	9	4	3	1	2	1
<b>TOTAL</b>	<b>9</b>	<b>1</b>	<b>78</b>	<b>61</b>	<b>3</b>	<b>-</b>	<b>100</b>	<b>19</b>	<b>1</b>	<b>-</b>	<b>85</b>	<b>23</b>	<b>11</b>	<b>1</b>	<b>23</b>	<b>5</b>
<b>DACCA:</b>																
Mymensing	-	-	10	8	-	-	-	-	6	6	10	7	-	-	-	-
Sylhet	2	-	-	-	-	-	15	-	3	-	9	-	-	-	3	-
Tiperah	5	5	7	7	-	-	2	-	7	-	2	2	-	-	-	-
Chittagong	3	-	2	-	-	-	1	-	-	-	8	3	-	-	-	-
Bauker Gunge	1	1	-	-	-	-	-	-	-	-	15	9	-	-	-	-
Dacca Jullalpoor	-	-	-	-	-	-	-	-	-	-	8	-	-	-	-	-
City Dacca	-	-	-	-	-	-	-	-	-	-	7	1	-	-	7	-
<b>TOTAL</b>	<b>11</b>	<b>6</b>	<b>19</b>	<b>15</b>	<b>-</b>	<b>-</b>	<b>16</b>	<b>-</b>	<b>16</b>	<b>6</b>	<b>59</b>	<b>22</b>	<b>-</b>	<b>-</b>	<b>10</b>	<b>-</b>
<b>GRAND TOTAL</b>	<b>32</b>	<b>12</b>	<b>138</b>	<b>102</b>	<b>78</b>	<b>25</b>	<b>302</b>	<b>140</b>	<b>24</b>	<b>13</b>	<b>344</b>	<b>134</b>	<b>68</b>	<b>24</b>	<b>55</b>	<b>14</b>

Year 1815, by the Courts of Circuit, and by the Magistrates in the several Districts comprised in the MOORSMEDABAD, and DACCA.

THE COURTS OF CIRCUIT.										CONVICTED OR ACQUITTED BEFORE THE MAGISTRATES.							
Violent Affrays.		Burglary.		Theft.		Receiving stolen Property.		Perjury and Forgery.		Coining.		Petty Thefts.		Petty Assaults.		Various other Offences.	
Commitments	Convictions.	Commitments	Convictions.	Commitments	Convictions.	Commitments	Convictions.	Commitments	Convictions.	Commitments	Convictions.	Apprehended.	Finished.	Apprehended.	Finished.	Apprehended.	Finished.
10	9	11	6	29	22	8	3	13	3	-	-	505	175	119	108	854	538
45	11	18	7	12	9	2	2	-	-	-	-	252	112	471	124	58	39
55	35	11	10	58	48	9	7	-	-	-	-	290	73	176	11	887	92
-	-	14	3	3	3	-	-	5	-	-	-	222	105	49	2	687	99
-	-	-	2	-	-	3	-	8	-	-	-	18	14	18	10	37	24
-	-	73	37	21	16	2	-	11	7	-	-	241	67	120	44	237	54
14	6	15	12	43	24	7	7	11	5	-	-	199	91	68	24	1,353	233
2	1	8	7	33	24	5	4	2	2	-	-	54	37	72	27	149	115
-	-	3	3	3	3	2	-	-	-	-	-	105	30	-	-	401	61
41	15	8	2	18	14	8	3	1	-	-	-	214	48	146	24	603	120
34	19	2	2	34	26	-	-	1	-	-	-	363	152	474	106	3,811	205
201	96	163	18	256	189	44	26	56	17	-	-	2,463	904	1,713	480	9,077	1,580
-	-	50	40	1	1	-	-	-	-	-	-	256	100	-	-	1,158	194
141	101	103	66	19	7	20	12	-	-	-	-	820	251	643	181	1,256	337
67	45	18	15	25	19	-	-	7	-	-	-	573	204	1,979	361	1,124	427
18	6	1	1	-	-	-	-	-	-	-	-	423	309	542	439	66	63
12	-	3	1	-	-	1	1	-	-	-	-	186	123	54	49	154	90
24	7	27	18	17	16	12	7	6	4	-	-	516	120	189	11	3,670	1,150
262	159	202	141	62	43	33	20	13	4	-	-	2,774	1,107	3,407	1,041	7,422	2,267
-	-	4	2	5	2	4	3	1	-	1	-	113	73	95	70	411	302
-	-	-	-	-	-	-	-	-	-	-	-	258	90	359	163	1,664	569
-	-	112	67	25	10	-	-	15	-	-	-	742	301	302	133	2,467	355
1	1	91	69	18	9	6	-	3	1	10	4	699	487	223	99	1,154	416
5	-	41	26	4	1	-	-	-	-	-	-	211	118	67	8	2,433	479
23	-	14	-	21	-	12	-	6	-	1	-	206	39	499	43	2,054	107
-	-	-	-	-	-	-	-	-	-	-	-	249	37	47	2	1,037	124
-	-	25	-	7	-	2	-	-	-	-	-	905	528	-	-	1,005	541
2	2	6	4	8	6	3	1	-	-	-	-	120	64	-	-	1,016	246
23	16	12	10	21	21	5	4	3	2	-	-	322	162	184	83	759	278
54	19	305	178	109	49	32	8	28	3	12	4	3,915	1,699	1,776	601	14,010	3,487
-	-	57	46	19	9	3	2	1	1	3	3	263	86	90	24	408	101
17	7	18	11	3	-	-	-	3	-	-	-	259	168	130	76	841	284
-	-	8	6	-	-	1	-	-	-	-	-	254	112	504	42	935	128
3	3	14	5	4	1	-	-	-	-	-	-	514	237	43	33	807	239
32	12	16	13	-	-	-	-	6	1	-	-	128	14	28	23	362	285
-	-	17	13	9	8	-	-	-	-	-	-	157	32	348	37	1,525	251
22	6	14	5	54	28	1	1	8	7	-	-	209	112	74	55	727	386
74	28	144	99	89	41	5	3	18	9	3	3	1,784	761	1,217	290	5,605	1,674
591	302	814	506	516	322	114	57	117	34	15	7	10,936	4,471	8,113	2,412	36,114	9,002

(Errors Excepted.)

(Signed) J. Shakspear, S. P.



N<sup>o</sup> 3.—STATEMENT showing the Number of Convicts, or other Descriptions of Persons in Confinement, on the 31st of December 1815, in the several Zillah and City Gaols in the Lower Provinces.

Z I L L A H S.	Persons confined under sentences of Courts of Circuit or Nizamut Adawlut.	Persons required to find Security by orders of Courts of Circuit or Nizamut Adawlut.	Persons required by the Magistrate to find Security.	Persons sentenced by the Magistrate to temporary Imprisonment.	Persons in custody under examination before the Magistrate.	Total Number of Convicts or Prisoners.	REMARKS.
CALCUTTA:	Burdwan - -	497	230	80	110	- - -	934
	Jungle Mehals - -	346	28	10	26	16	428
	Midnapoor - -	500	117	55	8	138	875
	Cuttack - -	76	2	41	41	8	172
	Jessore - -	158	221	138	22	30	633
	Nuddea - -	186	272	402	65	26	981
	Hooghly - -	102	178	92	25	35	441
	Chandernagore - -	21	10	5	7	6	92
	24 Pergunnahs - -	57	62	52	27	8	219
	Suburbs of Calcutta	-	-	-	-	-	-
Allipore - -	-	-	-	-	-	2,603	{ In Gaol of Suburbs In D <sup>o</sup> at Allipore - Employed in Outwork
TOTAL - -	1,943	1,120	875	301	267	7,378	
PATNA:	Ramghur - -	161	31	21	68	15	362
	Behar - -	110	61	96	132	41	652
	Tirhoot - -	597	33	65	190	48	991
	Sarun - -	141	14	131	234	5	660
	Shahabad - -	65	4	4	81	13	220
	City Patna - -	299	13	16	64	27	458
TOTAL - -	1,373	156	333	769	149	3,343	9 Insane.
MOORSHEDEBAD:	Bhaugulpoor - -	225	53	15	118	28	577
	Purneah - -	149	52	69	124	44	558
	Dinagepoor - -	190	152	4	170	33	734
	Rungpoor - -	257	71	32	101	16	615
	Rajshahy - -	109	106	249	20	35	698
	Burbhoom - -	110	76	70	59	10	386
	City Moorshedabad	157	107	107	63	30	537
TOTAL - -	1,198	617	546	645	196	4,105	1 Insane.
DACCA:	Mymensing - -	95	167	161	16	29	503
	Sylhet - -	52	14	17	71	17	197
	Tippera - -	100	38	30	52	- - -	240
	Chittagong - -	50	11	122	67	5	267
	Bauker Gunge - -	50	185	19	129	18	432
	Dacca Jullalpoore - -	215	104	8	48	22	417
	City Dacca - -	178	58	12	14	8	325
TOTAL - -	740	577	367	397	99	2,381	4 Insane 2 D <sup>o</sup> 3 D <sup>o</sup>
GRAND TOTAL - -	5,254	2,470	2,121	2,112	711	17,207	

Office of Sup<sup>r</sup> Police, Calcutta,  
15th May 1816.

(Errors excepted)

(Signed) J. Shakspear, S. P.

Appendix, (A.)

COMPARATIVE STATEMENT, showing the Number of Persons tried by the Magistrates, the Number of Miscellaneous Petitions received in 1815; and also the estimated Number of Villages comprized in each District of the Lower Provinces.

N<sup>o</sup> 31.  
Appendix (A.)  
to Report of Super-  
intendent of Police  
15 May 1816.

ZILLAS.	Number of Persons apprehended.	Number of Persons punished.	Number of Miscellany Foujdary Petitions.	Number of Villages comprized in each District.	REMARKS.
CALCUTTA:	Burdwan	1,478	821	2,257	3,496
	Jungle Mehals	781	275	250	4,241
	Midnapore	1,353	176	356	10,675
	Cuttack	958	206	133	10,298
	Bulasore	73	48	53	—
	Jessore	598	165	509	4,775
	Nuddea	1,620	348	1,473	4,784
	Hooghly	275	179	1,240	4,934
	Chinsurah	506	91	303	2
	24 Pergunnahs Suburbs of Calcutta	963 4,648	192 463	1,258 1,075	2,907 763
TOTAL	13,253	2,964	8,907	46,875	
PATNA:	Ramghur	1,414	294	9	—
	Behar	2,713	769	1,952	5,541
	Tirhoot	3,676	992	970	7,223
	Sarun	1,031	811	34	7,051
	Shahabad	394	262	393	4,507
	Patna	4,375	1,281	3	1,069
TOTAL	13,603	4,409	3,361	25,391	
MOORSHEDEBAD:	Bhaugulpore	619	445	289	5,567
	Monghier	2,201	882	107	—
	Purneah	3,511	789	585	4,785
	Dinagepore	2,076	1,002	110	12,315
	Rungpore	2,711	605	4,034	5,788
	Rajshahy	2,894	259	1,709	8,710
	Maldah	1,333	163	53	—
	Beerbhoom	1,910	869	423	5,129
	Moorshebad	1,265	523	185	2,855
	Joint Magistrate	1,136	310	526	—
TOTAL	19,701	5,787	8,021	45,149	
DACCA:	Mymensing	761	211	755	8,667
	Sylhet	1,230	528	15	9,800
	Tipperah	1,693	282	273	6,203
	Chittagong	1,364	509	265	1,307
	Bauker Gunge	518	322	2,023	2,051
	Dacca Jellalpore	2,030	329	309	2,713
	Dacca	1,010	553	406	2,594
TOTAL	8,606	2,725	4,046	33,335	
GRAND TOTAL	55,163	15,885	24,335	150,750	

Office of Sup<sup>r</sup> Police, Calcutta, }  
15th May 1816. }

(Errors excepted)

(Signed) J. Shakespear, S. P.

N<sup>o</sup> 31.  
Appendix (B.)  
Report of Super-  
intendent of Police,  
May 1816.

## Appendix, (B.)

STATEMENT showing the Number of Children murdered in the Lower Provinces, during Seven  
Years, for the sake of the Ornaments with which their Bodies were decorated.

ZILLAS.	1809.	1810.	1811.	1812.	1813.	1814.	1815.	TOTAL	REMARKS.
CALCUTTA:	Burdwan		1	2			2	5	
	Jungle Mehals								
	Midnapore				1			1	
	Cuttack		1			2	1	4	
	Jessore		1	1				2	
	Nuddea			2		2		4	
	Hooghly	1						1	
	Chinsurah			1				1	
	24 Pergunnahs Suburbs of Calcutta			1			1	1	2
TOTAL	1	3	7	1	2	3	8	25	
PATNA:	Ramghur					1	1	2	
	Behar			1		1		2	
	Tirhoot								
	Sarun			1				1	
	Shahabad					1	1	2	
	Patna		1	1	1	1	1	1	6
TOTAL		1	3	1	1	4	3	13	
MOORSHEDEABAD	Bhaugulpore		2				1	4	
	Purneah		2	2	1	1		6	
	Dinagépore		1			1		2	
	Rungpore					1		1	
	Rajshahye			1			1	2	
	Berbhoom	3	1	1	3	2		1	11
	Moorsshedabad				1	1	1	1	4
TOTAL	3	6	4	5	6	3	3	30	
DACCÁ:	Mymensing		1				1	2	
	Sylhet								
	Tipperah		1					1	
	Chittagong								
	Bauker Guinge			1	1		1	3	
	Dacca Jellalpoore Dacca	1	2	1	1	1		1	5
TOTAL	3	4	4	3	1	1	1	15	
GRAND TOTAL	5	14	18	10	20	11	15	83	

Office of Sup<sup>r</sup> Police, Calcutta,  
15th May 1816.

(Errors excepted)  
(Signed)

J. Shakespear, S. P.

CHILD MURDER,

For the sake of their Ornaments.

N<sup>o</sup> 21.  
Appendix (B.)  
to Report of Super-  
intendent of Police  
15 May 1816.

Natton :  
H. Shakespear,  
Magistrate.

THE practice of decorating children with gold and silver ornaments does not appear to be exclusively confined to any description of people. The Mosulmans of rank never ornament their male children, and the females never go out. On the other hand, the children of opulent Hindoos are seen decorated and playing with those of the lower classes; and equally unattended.

The practice is founded on custom, not on any religious or superstitious feeling; and the magistrate is of opinion, that restrictions of the nature proposed, so far from exciting dissatisfaction, would be cheerfully observed, as justifying the reduction of an expense which is chiefly incurred from the common vanity of people wishing to appear in better circumstances than they actually are.

To prevent abuse on the part of the police-officers, the concealment from the magistrate of any cases in which they may have enforced the Regulation, should subject to severe punishment, the ornaments should be immediately forwarded by those police-officers to the magistrates, with a list of them, the names of the witnesses before whom they were taken from the child, the child's name, and that of its father; and the parents should be directed to attend the court to offer any objections that they might have to urge against the forfeiture of the ornaments; the forfeiture not to be declared till the expiration of one month from their being received by the magistrate.

A regulation of such general application cannot be carried into effect without abuse, but even the abuse will tend to check the custom, and so far promote the object of the law.

It deserves consideration how far the restriction could be enforced by the police; and it would be unsafe to trust the power in any other hands. It can only be intended to apply to children actually found wearing ornaments out of doors, and the effect therefore would be extremely limited.

A police-officer, in the centre of a jurisdiction of 20 miles in circumference, would have few opportunities of enforcing the rule, except in the immediate neighbourhood of his thannah, where the probability of children being made away with for their ornaments would be less than in remoter parts.

The practice is not exclusively confined to any particular caste or class.

It originates almost solely in the ostentation of individuals of the middling and lower orders, and is little if at all connected with the religious or superstitious feelings of the people.

The Hindoo badges, such as the kunthee, may with even greater propriety be composed of other materials than gold and silver, and it is equally unexceptionable to wear charms, taweez, enwrapped with wax-cloth, or other materials best calculated to preserve them.

A regulation of the nature proposed would not be considered disgraceful by any class; neither is the magistrate prepared to affirm that it would create any general dissatisfaction. The most vigilant precaution, however, on the part of the magistrates, in carrying it into execution, could not prevent oppression and inconvenience.

With respect to the necessity of such a Regulation, the magistrate's judicial experience supplies him with only one instance which occurred when he was register at Allahabad. The records of his present office mention only two cases from 1809 to 1814 inclusive.

In regard to the question of its expediency, though it may not affect religious feelings, yet vanity, and the love of personal ornaments, have ever characterized Asiatics, and the lower orders of all countries. Many people of the middling and lower classes cannot afford servants to attend their children, nor could a servant, indeed, be continually at their heels whenever they might choose to run out into the bazar. In this event, a police-officer seizes the children, and either extorts money from its parents, or reduces them to the hard alternative of being carried to the thannah. Such a case never reaches the magistrate's knowledge, or if it does, the parents are involved in the inconvenience of an attendance at the court.

The intention of those who suggested this measure was benevolent; but it is an observation never to be lost sight of, that the mandates and prohibitions of law be not extended to any action not immoral in its nature, nor prejudicial to the well-being of society in its consequences. Such a Regulation would assume the appearance and effect of a sumptuary law. The lower orders too, who do not look to remote consequences, might not feel so much gratitude to the Government for its benevolent intentions, as disgust against the executive officers for what they would consider an unnecessary interference with an established and innocent usage.

From the foregoing reasoning, and the consideration of the jealous regard of the natives for their habits and customs, the magistrature is induced on the whole to think that a regulation authorizing the police, or other native officers, to seize children wearing ornaments, would be extremely unpopular. A simple notification of the views of Government, setting forth the imprudence of the custom, and the dangers resulting from it, to be promulgated in the form of a proclamation, would answer all the good purposes, without risking many of the bad effects to be expected from such a Regulation.

Sarun :  
J. B. Elliott,  
Magistrate.

Rungpoor:  
D. Scott,  
Acting Magistrate.

The custom of decorating children is universally prevalent amongst people of all classes who can afford it.

The practice is unconnected with religious or superstitious feelings, (although charms are often enclosed in gold and silver cases); and the ornaments are merely considered as tokens of the donors affection, who are as frequently the near relations, as the parents of the child.

Restrictions of the nature proposed would produce great public dissatisfaction, and would be considered as evincing a disposition to legislate too much, and to interfere in matters which parents will think might be left to their own discretion.

A Regulation prohibiting the custom will, under any conceivable modification, consistent with its due execution, be converted, in the remote parts of the country, into a pretext for open robbery by the ill-disposed, and for extortion by police-officers, and by the zemeendaree umlah, who generally exercise an assumed authority in the moofussil. "The whole country will be involved in quarrels and litigation, and the magistrates overwhelmed by the multitude of informations and counter-accusations to which it will give rise."

In the event of the enactment of such a law, the magistrate recommends that its operation be confined to those parts where the offence of murdering children for their ornaments may be so prevalent as to warrant the measure, which is not the case in Rungpoor.

Mymensing:  
T. J. Harrington,  
Acting Magistrate.

The practice of decorating children with ornaments is not confined to any particular class or caste; it arises from custom, and is considered by parents as a mode of evincing their affection for their children.

The enforcement of a Regulation of the nature described, might, at first, cause discontent; but might be reconciled to the people by an explanation of its object, and successfully introduced by the magistrate; the abuses of the inferior police-officers would, however, subject the inhabitants of the interior to serious hardships.

Cuttack:  
Mr. Ainstie,  
Acting Magistrate.

The practice of decorating children with gold and silver ornaments does not appear to be exclusively confined to particular classes or caste.

"The practice originates in the superstitious and religious feelings of the parents, in many instances, and frequently, but not exclusively, in motives of vanity and adherence to custom."

To propitiate the Deity, and particularly to obtain a son from a hitherto barren wife, a superstitious native pledges himself, in addition to other religious services, to adorn his first-born with jewels and ornaments of a certain value.

Custom, however, more frequently than superstitious vanity or religious feeling, influences the practice.

A regulation of the nature proposed appears desirable and expedient. Its enforcement can be attended with no difficulty, because its object is obviously beneficial to all classes. Can fix no disgrace, because it does not prevent the native from spending his money as he pleases, or decorating his child, if he chooses to do so; misconception might create dissatisfaction, but misconception might be obviated by proper proclamations. The children of the higher classes seldom go abroad unattended, or stray beyond the precincts of their parents grounds. With respect to those of the middling and lower orders, no objections on the score of disgrace could be advanced, and the feelings of affection would reconcile the parents to a law, the object of which was to promote the safety of their offspring.

To ensure uniformity, recommends that a form of proclamation be embodied in or fixed to any regulation which may be enacted of the nature described.

Also, that a certain age, not less than twelve years, be stated, under which no child should be permitted to go abroad unattended.

Police-officers found guilty of abuses in enforcing the regulation to be declared liable to imprisonment, not exceeding six months, and to a fine not exceeding two hundred rupees, as well as to the forfeiture of a sum equal to five times the value of the ornaments on the body of the child,—“in consequence of which the abuses were committed,” commutable on default to a period of six months imprisonment without labour.

The present magistrate, Mr. Impey, concurs generally in the sentiments above expressed.

Tipperah:  
J. Hayes,  
Magistrate.

The practice alluded to has been universally adopted by all casts and conditions of natives, and is not connected with religious or superstitious notions, “but proceeds from that inclination to pageantry so characteristic of the Asiatic.”

Its prohibition in the manner and to the extent proposed would not affect the religious feelings of the natives, or prove disgraceful to them, but would be productive of dissatisfaction, as restraining a custom in which they have immemorially been permitted freely to indulge, and of oppression, as granting a dangerous power to police-officers, (who would be the executive instruments of the regulation,) which they would pervert, or enforce, as might seem most beneficial to themselves.

(True Abstract.)

(Signed)

J. M. Macnabb, A. S. P.

Appendix (C.)

STATEMENT of Cattle-Stealing from the 1st July to 31st December 1815.

No. 31.  
Appendix (C.)  
to Report of Super-  
intendent of Police,  
15 May 1816.

Z I L L A H S.	Number of Officers.	Number of Cattle Stolen.	Number of Persons supposed to have been concerned.	Number of Persons apprehended.	Number of Persons punished by the Magistrate.	Number of Persons committed for Trial.	REMARKS.
<b>CALCUTTA:</b>							
Burdwan - - -	9	12	11	6	4	2	
Jungle Mehals - - -	7	37	10	5	4	1	
Midnapore - - -	4	5	9	8	—	1	
Cuttack - - -	1	1	5	5	1	—	
Balasure - - -	—	—	—	—	—	—	
Jessore - - -	7	7	13	13	—	5	
Nuddea - - -	16	25	42	38	4	17	
Hooghly - - -	13	11	12	12	—	8	
Chinsurah - - -	—	—	—	—	—	—	
24 Pergunnahs - - -	11	28	19	19	—	11	
Suburbs of Calcutta - - -	—	—	—	—	—	—	
<b>TOTAL - - -</b>	<b>68</b>	<b>126</b>	<b>121</b>	<b>106</b>	<b>13</b>	<b>45</b>	
<b>PATNA:</b>							
Ramghur - - -	16	37	28	20	9	—	
Behar - - -	40	83	27	24	11	—	
Tirhoot - - -	20	25	40	6	2	4	
Sarun - - -	14	27	29	29	23	—	
Shahabad - - -	27	74	77	53	16	—	
City Patna - - -	7	10	16	10	—	—	
<b>TOTAL - - -</b>	<b>124</b>	<b>256</b>	<b>217</b>	<b>142</b>	<b>61</b>	<b>4</b>	
<b>MOORSHEDEBAD:</b>							
Bhaugulpore - - -	3	4	4	4	2	—	
Monghier - - -	3	5	6	6	5	—	
Purneah - - -	69	116	92	24	3	6	
Dinagepore - - -	70	144	109	49	35	4	
Rungpoor - - -	49	124	231	29	5	9	
Rajshahye - - -	8	12	8	6	1	—	
Maldah - - -	2	2	4	4	1	—	
Beerbhoom - - -	18	30	31	31	22	—	
Moorshebad - - -	8	20	16	16	12	—	
City Moorshebad - - -	—	—	—	—	—	—	
<b>TOTAL - - -</b>	<b>230</b>	<b>457</b>	<b>501</b>	<b>169</b>	<b>86</b>	<b>19</b>	
<b>DACCA:</b>							
Mymensing - - -	9	24	20	18	5	—	
Sylhet - - -	3	5	8	8	5	—	
Tipperah - - -	6	9	9	9	6	—	
Chittagong - - -	3	12	16	6	2	—	
Bauker Gunge - - -	10	25	28	27	5	—	
Dacca Jullapore - - -	5	10	11	10	6	4	
City Dacca - - -	2	2	2	2	1	1	
<b>TOTAL - - -</b>	<b>38</b>	<b>87</b>	<b>94</b>	<b>80</b>	<b>30</b>	<b>5</b>	
<b>GRAND TOTAL - - -</b>	<b>460</b>	<b>926</b>	<b>933</b>	<b>497</b>	<b>190</b>	<b>73</b>	

Office of Sup<sup>r</sup> Police, Calcutta,  
15th May 1816.

(Errors excepted)

(Signed) J. Shakspear, S. P.

## CATTLE-STEALING.

- Burdwan:**  
Mr. C. R. Mattin,  
Magistrate.
- ON assuming charge of the district, found cattle-stealing a prevalent offence, and that in the cases which came before him, butchers were frequently implicated. Accordingly directed darogahs to take mochulkas from all butchers to report to the police prior to their purchasing cattle, that the necessary inquiries might be made by the police-officers. This measure, in conjunction with proclamations to a similar end, promulgated in the different markets, has checked the offence. Is aware of no other mode calculated to attain that object.
- Jungle Mehals:**  
Mr. A. Anderson,  
Acting Magistrate.
- Cattle-stealing is an offence, that, considering the habits "of the Hindoos especially, will often be discovered by the cattle being found, and the severe punishment enacted by Regulation I, 1811, against the receivers of stolen cattle, must in time operate to the prevention of the offence."
- Has observed that the offence prevails more in Chyth and Bysakh than at other times of the year, owing probably to the great demand for cattle in those months.
- Midnapore:**  
Mr. H. Hodgson,  
Magistrate.
- The crime of cattle-stealing, when compared with former years, is now by no means prevalent. It has decreased considerably since his taking charge in 1811. It was formerly customary to punish it as a petty offence, but the magistrate invariably commits to court of circuit, and to the severe punishment awarded by that court he attributes its decrease.
- Balasure:**  
Mr. A. J. Colvin,  
Joint Magistrate.
- Cannot venture to offer an opinion with respect to the measures best calculated to check the offence, and is unaware of any difference between this description of theft and every other.
- Only two instances of cattle-stealing occurred during the first six months of 1815, in both of which the cattle, owing to a want of precaution in their owner, were carried off while grazing, but without any act of violence.
- Jessore:**  
Mr. C. Chapman,  
Magistrate.
- Few instances of cattle-stealing came to the knowledge of a magistrate, and stolen cattle are often recovered without reference to the police. The facility with which the animals are moved, their constant demand and unquestioned sale, account for the prevalence of this offence.
- The nature of the people renders it impracticable to apply an effectual remedy to the evil, but it might in some measure be prevented by the activity of the police-darogahs, and the zealous co-operation of the zemindars and of the community at large.
- Nuddea:**  
Mr. Paton,  
Magistrate.
- During the first half of 1815, twenty-five instances of cattle-theft ascertained; sixty-five persons supposed to have been concerned, of whom forty-eight were apprehended. Considers the punishment usually awarded sufficiently severe. Transmits the following extract of a letter, addressed by the junior judge of circuit at the close of one of the sessions:
- "Burglary and cow-stealing seems still to be somewhat prevalent offences in your district: both perhaps were to be expected as the natural consequence of the suppression of the more heinous offences of gang-robbery; but probably the number of those offences might be diminished by a more general publication throughout your district of the provisions in Sections 3, 4, 6, 7 and 8, of Regulation I, of 1811. I would, therefore, beg leave to recommend your ordering proclamations of the above Sections to be made in every town and village, and at every haut or market, by beat of tom-tom, on three successive market-days, notifying that any one purchasing cattle at hauts from strangers, and not before reputable witnesses, will be considered as purchasers of stolen cattle, and punished according to the law in Section 7, above quoted. This measure may, I think, tend to render both the magistrates and this court's duty lighter in future."
- Hooghly:**  
Mr. W. Forrester,  
Acting Magistrate.
- Transmits Statements of the number of instances of cattle-stealing which occurred during the year 1815.
- The offence not prevalent in the district, owing to its high state of cultivation, and consequently little pasturage.
- Does not consider any alteration in the existing laws, with respect to cattle-stealing, necessary, as far as regards his district; the insufficiency of his information regarding the character of the offence, and the mode of disposing of the stolen cattle in the grazing districts, prevents his hazarding an opinion on the subject of the superintendent's letter.
- Persons concerned.  
No. apprehended.  
Ditto punished.
- Foreign Settlements:**  
Mr. G. Forbes,  
Magistrate.
- Cattle-stealing almost unknown in these settlements. Is not prepared to offer any opinion regarding the most efficient means of checking the offence.
- 24 Pergunnahs:**  
Mr. R. B. Gardiner,  
Magistrate.
- Is of opinion that cattle-stealing might be considerably checked by the enactment of a rule, requiring all purchasers of cattle to make a previous inquiry into the character and right of the seller, under pain of fine and imprisonment in all cases where the fact of knowingly receiving stolen property might not be established. Twenty-two instances of this offence were reported during the first six months of 1815, in which twenty-nine persons are supposed to have been concerned, fifteen of whom have been apprehended.
- Ramghur:**  
Mr. G. French,  
Magistrate.
- Ascribes the infrequency of cattle-stealing in his district to the nature of the country, the risk incurred in passing the ghauts with the stolen cattle, and the difficulties in disposing of them.
- The existing penalties for the offence are fully adequate, but if the "disposers of cattle were directed to give security," it would operate as a check.

The

The offence of cattle-stealing, though prevalent, is rarely attended with aggravating circumstances; from which its frequency would appear to be chiefly attributable to a want of due precaution on the part of the proprietors of cattle. An efficient village-watch would tend to check the offence, provided the owners of the cattle were required to fasten them up at night, and place them under the care of the village-chokeedars, in such a manner as to render him chargeable with neglect in the event of a theft.

Behar:  
Mr. P. E. Patton,  
Acting Magistrate.

During the first six months of 1815, seventy-six instances of cattle-stealing; 1814 persons supposed to have been concerned, of whom twelve have been prosecuted to conviction.

Tirhoot:  
Mr. Fleming,  
Magistrate.

The offence most common in the western and northern parts of Tirhoot, sometimes in the eastern pergunnahs, but seldom or ever in the central or southern thannahs: believes that a greater number of cases occur in the northern thannahs than are reported.

Conceives that it would ever be difficult to detect offenders in the pergunnahs bordering the Terrae, in those places where the thief may convey his booty across the borders in twelve hours.

Cattle usually stolen by pasbans and gowallas, and almost always with the knowledge of the former, who are in the habits of engaging to procure the restoration of the property, for a pecuniary consideration of at least one fourth of its value.

The cattle are in the mean time intrusted to some accomplice, who, on the owner agreeing to the payment of a stipulated sum, conveys the cattle into some jungle, or places them among the cattle of an indifferent person.

When the pasban is apprehensive that the transaction may come to the knowledge of the police, he gives information to the thannah, and endeavours to save himself by charging the individuals in whose hands the cattle may be found; should he fail in procuring the promise of a reward from the owners, he finds a ready sale for the cattle to the gowallahs in the Terrae.

Little probability of preventing this sort of traffic without the better regulation of the chokeedarry system.

Maliks and jole ryots ought to be required to keep a watchful eye over the pasbans and gowallahs of their respective villages, and to be careful that every theft of cattle, every act of neglect on the part of the chokeedars, and every instance of money received by them for the restoration of property, be reported to the thannah.

The heads of villages should also be required to report whenever the dosads or gowallahs have cattle in their possession, of which they can give no satisfactory account.

Proposes that it be declared improper to purchase cattle from strangers at a distance from a village; and that purchasers be required to have witnesses to the purchase, and to be cautious of buying but from respectable persons.

A few cattle disposed of to butchers in the vicinity of large towns.

Cattle-theft more prevalent in the dry and cold seasons than during the rains.

Has been most particular in impressing on the minds of persons robbed of cattle (or other property) the necessity of giving timely notice to the police-thannahs, and has prohibited the giving of purwannah (a reward) to persons for the recovery of their property: Has also inculcated the necessity of prosecuting, even after a lapse of time, whenever they may discover the possessors of their property; and has punished persons acting in opposition to these orders.

Saun:  
Mr. J. B. Elliot,  
Magistrate.

On the occurrence of any considerable theft, the gomastah putwarree, and pasban of the village, are required to make search, and if they fail after a certain period, the pasban is summoned to the court, and on proof of neglect or connivance is either flogged or imprisoned.

When stolen cattle are found in a village, the zemindar or gomastah, the putwarree and pasban, are sent for, and if suspected of connivance are fined or imprisoned.

In addition to these and other usual measures, magistrates would recommend,

1st.—All police-officers and landholders to be strictly enjoined to stop all persons of suspicious appearance conveying cattle from one thannah or village to another, and if they should be unable to give a good account of themselves, to forward them to the magistrate.

2nd.—A haat or market for the sale of cattle to be established at the distance of every ten coss (or within every thannah-jurisdiction), and all persons strictly prohibited from disposing of cattle, except in such market. The markets to be held every ten days or twice a month, and two respectable persons to act as dullals, for the purpose of appreciating and determining the propriety of the sale. The purchaser to receive a bill of sale, specifying the age, colour and marks of the cattle, the name of the seller, and the price; to be signed by the authorized dullals; reports of these sales to be transmitted through the thannahs to the magistrate.

3d.—All suspected persons wishing to dispose of cattle to be apprehended and sent to the thannah.

4th.—All purchasers by private sale should, in the event of the cattle being subsequently proved to be stolen, in addition to the loss of the property, be liable to fine and imprisonment should they neglect to produce the vender.

The dullals to be allowed a fee of one anna per head on all sales of cattle negotiated by them.

People should be invited to mark their cattle, and to register their purchases at the office of the pergunnah-cazees. An obligation to do so would create a greater evil than that which it is intended to remedy.

Shahabad:  
Mr. P. Moncton,  
Magistrate.



- Patna :  
Mr. Douglas,  
Magistrate.
- During the first half of 1815, 25 cases; 431 persons concerned; 31 apprehended. The crime not difficult of commission, and the means of detection easy, a greater proportion of offenders having been apprehended than for any other offence. The increase of punishment the only unobjectionable measure for the suppression of the evil.
- Purneah:  
Mr. J. A. Pringle,  
Acting Magistrate.
- Is of opinion, that if the theft of cattle from pens, sheds, or stakes, were visited with severe penalties, it would tend to reduce its prevalence. The great neglect of the owners in not appointing persons to attend their cattle while grazing, is productive of frequent and ruinous trespasses, from whence arise disputes, and not uncommonly false charges of cattle-theft. Remarks that cattle-thefts are most frequently reported from those thannahs in which there is most arable land.
- Monghyr:  
J. C. Sutherland,  
Joint Magistrate.
- The offence has not attained any extraordinary prevalence in this part of the country; has no suggestions to offer for its suppression.
- Dinagapore:  
Mr. J. Ahmuty,  
Magistrate.
- Has pursued the system established by the late acting magistrate, Mr. Sisson, of discouraging itinerant cattle-venders; and cattle are now only trafficked by respectable inhabitants of the district, who are bound by mochulkas not to be concerned in any such transactions, except publicly, and to deal only with unsuspecting persons; these restrictions have occasioned no apparent inconvenience to the community; and have given a material check to the crime. The establishment, however, of a village-watch will furnish the greatest check. Suggests in the mean time that no dullals, but only licensed agents or principals, be allowed to dispose of cattle at the public hauts, under the above-mentioned restrictions. The crime being already sufficiently punishable, is not aware that enhanced severity would produce the desired effect.
- Rungpore:  
Mr. D. Scott,  
Magistrate.
- The offence might be materially checked if all persons were prohibited selling or buying cattle except at the public hauts, and from slaughtering them, without giving notice to the head man of the village; such an arrangement could be introduced in this district without inconvenience, but might not be applicable to others; and as Mr. Sisson's proposal has been disapproved of empowering magistrates to reward immediately, persons apprehending thieves with the stolen property, (by which plan the magistrate is informed that cattle-stealing was put a stop to in Dinagapore) he is unable to suggest any remedy particularly, calculated to suppress the offence.
- Rajeshahye:  
Mr. H. Shakespear,  
Magistrate.
- The greatest facility occurs in the commission of this crime, both with respect to the place where cattle are usually kept, the little chance of discovery, and the ready sale which is found at every haut. Is not prepared to suggest any efficacious check. Advantage might be derived by rendering the zemindar and superintendent of the haut liable for neglecting to ascertain the character of the people selling cattle in their market. But this, like all other native agency, might generate abuse.
- Maldah:  
Mr. M'Braddon,  
Joint Magistrate.
- Has succeeded in checking the offence, by prohibiting persons acting as dullals for the sale of cattle. Is of opinion that the crime could not prevail if the police-darogahs were directed to keep a watchful eye over persons of the above description, and to forward them to the magistrate when infringing the prohibition. Is unaware of any other effectual restraint, unless it were practicable to introduce distinguishing cattle-marks for each village.
- Beerbhoom:  
Mr. D. Morriesson,  
Magistrate.
- Considering the constant demand for cattle, the mode in which they are kept, and their being frequently intrusted while grazing to children, it is astonishing that depredations are not more frequent and more serious. The natural apathy of the natives, and a total absence of public zeal and disposition to cooperate with the police, discourage all expectation of any great diminution in the number of crime. When individuals exert themselves for the recovery of their cattle they frequently regain them, even after a lapse of some months, and at a great distance from their own village. Restrictions should be imposed on the sale of cattle; and the practice, which is already frequently observed, of requiring the seller to attend the gomastah and munduls, for the purpose of giving an account of himself and the cattle, and of furnishing security previous to the conclusion of the bargain, should be framed into a law, and a deviation from it declared subject to a penalty, not exceeding the amount of the purchase-money. Sales conducted under circumstances warranting the presumption of the illicit acquisition of the cattle, and in which more than one head of cattle may have been disposed of, should render the receiver liable to commitment and punishment, under Section 7, Regulation I, of 1811. In the event of the vender giving a suspicious account, the gomastah and munduls should instantly forward him to the nearest thannah. Similar authority should be vested in the village-officers with regard to persons driving cattle during the night, who may be unable to give a satisfactory account of themselves. Public hauts, which are great marts for cattle, require general regulation; but the characteristic venality of all native agency opposes a serious obstacle to the attainment of this desirable object.

Cattle-stealing is far from being a prevalent crime in this district.

City Moorshedabad :  
Mr. W. Loch, Magistrate  
and Moorshedabad : Mr. F. Magniac, Joint Magistrate

The sale of cattle should be confined to the regular hauts, and the darogah of each should be required to take a descriptive list of the cattle brought for sale each day, and the name of the seller, and to publish its contents to the persons frequenting the market. He should also prohibit the sale on the first day, but after making out the above list, should inform the seller that he would be at liberty to dispose of them on the ensuing market-day.

Mymensing :  
Mr. W. Ewer,  
Magistrate.

The offence of cattle-stealing was very prevalent in this district until about three years ago, when the late magistrate declared it penal for any person to sell or purchase cattle without giving notice to the nearest police-thannah. This rule has checked the crime, but is attended with inconvenience to the poorer ryots. A similar effect might, perhaps, be obtained by only requiring purchases of cattle to be made in the presence of zemindars.

Sylhet :  
Mr. J. Ewing,  
Magistrate.

Twenty cases of this description were reported to have occurred during the first six months of 1815.

The constant demand and facility of disposal encourages the commission of this offence. The sale of cattle should be subjected to restrictions. Individuals desirous of disposing of their cattle should be required, previously, to report their intention to the local police-darogah ; " and also to state, in writing, such particulars respecting themselves as in cases of " necessity might be the means of facilitating their apprehension." Tickets of permission should then be delivered to them by the darogah, and sales negotiated without an authority of this description might be declared invalid, and obnoxious to punishment.

Tipperah :  
Mr. J. Hayes,  
Magistrate.

P. S. The police-thannahs, or central spots, might be exclusively appointed for the sale of cattle, an arrangement which would be preferable to the present mode of disposing of them at public hauts.

Two cases of cattle-stealing were reported to the magistrate during the first six months of 1815, in which two persons were concerned, both of whom have been apprehended and punished.

Chitta Gong :  
Mr. P. Pechell,  
Magistrate.

Is not prepared to offer any suggestion for the purpose of checking the perpetration of this offence in particular ; but is inclined to attribute the prevalence of crimes, in general, to the supineness of the darogahs under the imperfect power of control at present possessed by the magistrate ; to the unwillingness of all classes to aid the police in apprehending, or to give evidence against, people of bad characters ; and to a systematic neglect and wilful evasion on the part of the landholders of the duties required from them by the Regulations.

Cattle-stealing would be effectually checked if when the value of the stolen cattle exceeded three rupees the offender was sentenced to imprisonment, in banishment for 10 years.

Backergunge :  
Mr. W. Sage,  
Magistrate.

Persons should not be allowed to purchase cattle at a market without security from the vender, to be deposited with, and the purchase made in the presence of, the head-man of the market or village where the transfer is made.

Persons infringing these rules to be imprisoned for five years, and the head-man permitting the deviation to be punished by fine and imprisonment.

Twelve instances of cattle-stealing were ascertained to have occurred during the first six months of 1815, in which 28 persons were supposed to have been concerned, and an equal number have been apprehended.

Dacca Jelalpoore :  
Mr. H. Pigou,  
Acting Magistrate.

With the view of deterring persons from bringing to market cattle stolen, or obtained in a suspicious manner, the proprietors of hauts should be required to take a list of the cattle brought for sale, and to make a verbal summary inquiry prior to their being permitted to be sold, taking down the name of the sellers, and reporting them to the thannah.

City Dacca :  
Mr. G. C. Master,  
Magistrate.

If during the inquiry a strong suspicion of theft should appear, the seller might be detained for examination by the police-darogah, who should be informed without delay.

(True Extracts.)

(Signed) J. M. Macnabb, A. S. P.

N<sup>o</sup> 31.  
Appendix (D.)  
Report to Superin-  
tendent of Police,  
15 May 1816.

## Appendix (D.)

## ACCIDENTAL DEATH,

By falling into Wells.

**Burdwan:** WELLS not much used in this district, but when dug, are surrounded by a parapet of masonry, or earth, three or four feet high; accidents, therefore, very rarely occur in drawing water from them.  
**Mr. C. R. Martin,**  
Magistrate.

**Jungle Mehals:** Wells are uncommon. The number of persons drowned by falling into them, during the year 1815, amounting to four. Twenty-six persons lost their lives during the same period by falling into tanks, and nine were drowned in the river.  
**Mr. A. Anderson,**  
Acting Magistrate.

Thirty-three suicides were committed in 1815;—32 by hanging, and the other by shooting. “It might be worthy of consideration, whether any measures could be adopted, which, by marking the offence with infamy, might be the means of restraining persons from wilfully committing suicide.”

**Cuttack:** The evil described by Mr. John Elliott prevails in this district, though not to the extent stated in Sarun; and the mode proposed by him appears well adapted to the end.  
**Mr. E. Impey,**  
Magistrate.

Number of persons drowned during 1815: - - - In wells - - 11  
In rivers - - 90 } 122.  
In tanks - - 21

**Jessore:** No accidents of the nature described by Mr. Elliott have occurred in this district.  
**Mr. C. Chapman,**  
Magistrate.

**Nuddea:** From the construction of the wells, and the parapets of three or four feet in height, with which they are always furnished, accidents of the nature represented in Mr. Elliott's letter are very rare in this part of the country.  
**Mr. W. Paton,**  
Magistrate.

**Hooghly:** Wells being very little used, have no remarks to offer on Mr. Elliott's plan. Ninety-six persons were drowned in rivers or tanks during the year 1815, almost all of whom were either children, very old people, or persons affected with epilepsy (mirgee). It is probable, from the indifference with which the natives commit suicide, that persons are often supposed and reported to have been accidentally drowned, who have, in fact, put a period to their own existence; and the frequency of such reported accidents, combined with the character of the natives, “may, perhaps, warrant the suspicion entertained by Mr. Elliott, that females are thus occasionally got rid of by their male relations on the score of infidelity, real or alleged.”  
**Mr. W. Forrester,**  
Acting Magistrate.

Is aware of no remedy for the evil.

**Foreign Settlements:** No public wells at these settlements. Is not aware that the evil adverted to by Mr. Elliott is at all prevalent here.

**Mr. G. Forbes,**  
Magistrate.

**24 Pergunnahs:** Only ten persons appear to have been drowned during the last year while drawing water from wells.  
**Mr. T. Dashwood,**  
Acting Magistrate.

**Ranghur:** The number of persons drowned during 1815: - - - In wells - - - 36  
In rivers - - - 7 } 68.  
In tank - - - 1  
In water-courses 24  
**Mr. G. French,**  
Magistrate.

**Tirhoot:** Although the number of persons ascertained to have been drowned during the two last years (1814 and 1815,) is greater than in Sarun, yet the number lost by falling into wells is considerably less; the numerous tanks and rivers in this district rendering wells less necessary.

The proposed wooden grates over wells would prevent accidents, but magistrates can discern “no mode of rendering drawing water from rivers less dangerous.”

Many lives are lost in crossing ferries; and ferry-men should be prohibited, under severe penalties, from taking too many persons at a time into their boats.

Number of persons drowned during 1815:

	Men.	Women.	Children.	TOTAL.
Wells - -	3	8	6	17
Rivers - -	27	44	63	134
Tanks - -	7	11	31	49
Total - -	37	63	100	200

**Shahabad:** The number of persons drowned during 1815: - - - In wells - - - 45 } 60.  
**Mr. A. B. Tod,**  
Magistrate. In tanks - - - 15

Thirty-

Thirty-three women and ten men were drowned in 1815, by falling into wells. Although most of these were probably accidental, yet good reason exists for apprehending that females suspected of infidelity are frequently made away with in the mode described by Mr. Elliott.

Wells being rarely used in this district, the casualties mentioned by Mr. Elliott are not frequent.

A strong wooden grating would be the most economical and effectual remedy for the evil alluded to.

Mr. Laing, when acting magistrate, called upon the zemindars to surround their wells with some defence, to the height of a cubit and a half, leaving the materials to their option.

The walls or fence should be breast high, and a chokeedar stationed at each well to prevent people ascending to the top, otherwise the plan would be nugatory.

In consequence of the numerous lives lost in attempting to cross rivers by the aid of cattle, the magistrate has been induced to invite the people to use reed floats, or earthen pots.

Of 106 deaths by drowning, which occurred during the year 1815, three only were occasioned by falling into wells.

Six persons were drowned during the past year by falling into wells, and 149 in rivers, jheels, and tanks.

Adverting to the small proportion of the former, the interposition of Government appears unnecessary; and as almost all the wells in this and the neighbouring districts are private property, and considered subject to much the same rules in respect to purity as earthen vessels, the adoption of the proposed measures might interfere with the prejudices of the people.

In Goruckpore, in Mr. Ahmuty's time, the public wells were covered with a grating, which had the desired effect; locks appear unnecessary; and it would be a dangerous experiment to intrust the keys to the chokeedars, who are frequently doosads, and in some places not allowed to draw water from the common wells.

Wells are not in general use; and the few are so narrow that little danger is to be apprehended.

The accidents mentioned by Mr. Elliott are very uncommon here. The landholders might be called upon to erect parapets round their wells, and to furnish them with a pulley. Wooden gratings would be unnecessary, these occurrences in this district being entirely accidental, and not from design as in Sarun.

The evil described by Mr. Elliott is unknown in this jurisdiction.

No wells in this district; conceives that "Mr. Elliott's suggestion of locking up the water" would not be found practicable."

Wells are very rare, but mortality to a considerable extent is occasioned by falling into tanks; recommends the erection of kutch-turfed ghauts at public tanks, and adoption of other precautionary measures to provide against accidents of this nature.

One hundred and thirty persons were drowned in tanks, and five in rivers, during the year 1815.

Wells are seldom used in this district.

No wells in this district.

The number of wells is extremely limited, and not a single occurrence of any casualty by falling into wells has been reported during the two last years.

Number of Persons.	Mode of drowning.
Ten	River.
Eleven	Creek.
Eight	Tank.
Four	Jheels.
Eight	Ditch or Hole.
Five	Wells.
Twelve	Inundation.
Two	Pool.

Sixty persons were accidentally drowned during the year 1815.

The influence of the magistrate would induce the proprietors of wells to surround them with a substantial fence.

City Patna:  
Mr. T. C. Robertson,  
Acting Magistrate.

Bhangulpore:  
Mr. E. Parry,  
Magistrate.

Purneah:  
Mr. S. Bird,  
Magistrate.  
Rungpore:  
Mr. D. Scott,  
Magistrate.

Beerbhoom:  
Mr. D. Morriesson,  
Magistrate.

City Moorsheadabad:  
Mr. W. Loch,  
Magistrate.

City Moorsheadabad:  
Mr. F. Magniac,  
Joint Magistrate.

Sylhet:  
Mr. J. Ewing,  
Magistrate.

Tipperah:  
Mr. J. Hayes,  
Magistrate.

Chittagong:  
Mr. P. W. Pechel,  
Magistrate.

Bauker Gunje:  
Mr. J. W. Sage,  
Magistrate.

Dacca Jelalpore:  
Mr. H. M. Pigou,  
Assistant in charge.

City Dacca:  
Mr. G. C. Master,  
Magistrate.

(True abstracts.)

(Signed)

J. M. Macnabb, A. S. P.

N<sup>o</sup> 31.  
Appendix (E.)  
Report to Superin-  
tendent of Police.  
15 May 1816.

## Appendix (E.)

ABSTRACT of replies received from the magistrates to a circular letter regarding the application of the labour of convicts to works of the greatest public utility.

Burdwan:  
Mr. C. R. Martin,  
Magistrate.

Magistrate is of opinion that the convicts could not be more beneficially employed than in making a cut, which should unite the Dumoodur and Hooghly rivers, as lately proposed to Government by Mr. Walcheers, and which would render the former navigable at least six months in the year.

Convicts are at present employed in digging a large tank in the town of Burdwan, another is proposed to be dug "on the other side of the town."

The present number of convicts is small, and a proportion of that number being incapacitated for labour by illness, the completion of the works above alluded to would be obstructed were any of the prisoners ordered to be drafted from the district.

Jungle Mehals:  
Mr. A. Anderson.

The Gaol is capable of accommodating 550 prisoners, who might be employed with great public benefit, in laying open the country, by making roads, and in improving its salubrity, and extending cultivation by clearing large tracts of jungle. Exclusive of the foregoing considerations, Government would be entitled to receive "an additional assessment of revenue on the land being brought into cultivation and given in lease," and the labour of the convicts thus be rendered productive of profits which would overbalance the expense incurred.

Extracts are enclosed of letters from the judges of circuit to the magistrate, suggesting applications to the superior court for an additional number of convicts to clear the jungles, and to construct a road towards Burdwan, and another between Bishenpore and Biba.

One hundred convicts are employed by the orders of Government, of the 18th November 1814, under the superintendence of Mr. Leake, in clearing ground for a teak plantation.

Cuttack:  
Mr. E. Impey.

There are several "jheels and nullahs in this district, but none of them are such as will answer the purposes Government have in view."

The repair of the roads (which are very extensive), and the deepening and cleaning a few old tanks about the town, are the only works of public utility.

Jessore:  
Mr. Chapman.

Is not aware of any public works in his district, which could or require to be undertaken by a larger portion of convicts than that already in the gaol. The annual inundation of the jheels in the eastern quarter of the district would defeat all endeavours to drain them. Considering draining as impracticable, the natives frequently attempt, by cutting small canals, to introduce muddy floods from a neighbouring river, "to fill up the jheels." By these means extensive jheels and swamps have been recovered, at a small expense and trifling labour, particularly in the thannahs Koostea, Kooksa, Pangsah Moomhamudpoor, and in a smaller degree in thannah Jenidoh. The pergunnah Mohkimpoor, formerly assessed with a jumma of rupees 6,000 per annum, has since its sale by public auction in 1207, paid a yearly revenue of 24,000 rupees, "and is known to yield a profit of one lac of rupees annually from the filling up of very extensive jheels, and from the forming of new churs appertaining to this zemindaree."

The zemindars in the eastern division of the district have obtained such immense profit by these methods, that no assistance from Government is requisite. But on the western boundary the lands have been impoverished from the failure of the annual inundation, which the magistrate attributes "chiefly to the closing of the mouths of all the chief rivers running between the Issamutty and the Chandeia, and to the new direction which the Howlee has taken." Is not prepared to offer any suggestion for restoring the lands to their former cultivation, more especially as the turning the course of the rivers into their own channels, and re-opening, by canals, their mouths might probably close up the navigation of the Matabhunga, strongly "recommends, that in such parts of Bengal where the courses of the rivers are so frequently changing, and by which the cultivation and navigation are so materially affected, no measure of the kind be adopted" without a previous and skilful survey.

Nuddea:  
Mr. Paton.

The labour of the convicts is proposed by the magistrate to be employed,  
1st.—In preparing and extending the Honourable Company's teak plantation at Kishnagar, on which work 100 prisoners are at present engaged.

2ndly.—In shortening the course of the Issamutty and Choornee rivers by the excavation of canals, and in removing old trees and rubbish from their beds.

3rdly.—In shortening the course of the Jellinghy by several cuts, "and probably, with the assistance of an engineer officer," rendering it navigable throughout the year.

4thly.—In building a library for the Hindoo College at Nuddea under the civil architect.

5thly.—In repairing and completing that part of the road from Dum Dum to Jessore, which runs through zillah Nuddea, 300 prisoners are at present engaged on this work, by order of Government.

6thly.—In continuing and finishing the military road from Barasut to Berhampoor, and in making other roads.

7th.—In building seraies.

Limited

Limited local knowledge renders the acting magistrate unable to submit the required Report, but any useful information which he may hereafter obtain will be duly communicated.

There are no public works of the description mentioned in the superintendent's letter in which it would be advisable to employ any great number of convicts.

Does not conceive that the 205 convicts now in his gaol can be better employed than they are at present.

Ninety-two are employed on the Barasut road; 46 in digging a tank at the gaol; 22 in keeping the gaol clean, and carrying water for the prisoners; 15 are ill, and the remainder are engaged in various duties.

Proposes on the completion of the Barasut road to repair that which leads from the catcherry to Calcutta.

Transmits copy of his letter to the nizamut adawlut, dated 13th October 1815, enumerating various projected public works, and requesting an additional number of convicts to execute them.

Hopes that the assistance will be afforded without delay, as the increasing value of land, which, in consequence of the improvements around the metropolis, has already risen from six rupees per begah, to six rupees per cottah, will otherwise compel the Government to relinquish the undertaking from considerations of its expense.

In his Report to Government of 10th May 1814, on the River Police, he stated his intention to open a communication with the city from various points of the river. Convicts might be employed in constructing roads from the old powder-mills, from Myanpore, from Budge-Budge, and from Futtah to Calcutta, but more particularly from Sulkea to Tumlook, which would facilitate the march of troops to Midnapore and Cuttack, and promote the supply of the Calcutta markets.

Had it in contemplation to propose the union of the two small rivers to the eastward of the Hooghly, to form a communication with Channel Creek. Mr. Betts, the Poolbundee agent of the 24 pergunnahs, has given it as his opinion, founded on his own surveys, that a canal could be cut from Kidderpore to Channel Creek, at an expense of from 3 to 400,000 rupees; magistrate's personal observation encouraged a confidence of its practicability.

Mr. Betts is now engaged in a survey of the country, which will, on its completion, be submitted by Mr. Palmer, and the commercial body, to Government. The aid of convicts would tend to accelerate the accomplishment of the proposed undertaking, which will save a distance of 40 or 50 miles; gunges will be established on the banks of the canal; villages will rise; swamps and bogs of every description be removed; cultivation will be extended; the salubrity of the air improved; and as the route of the canal will be to the southward of the metropolis, the benefits that will result from this grand undertaking are incalculable; moreover, it will, no doubt, redound to the high credit of the Government of the day.

The magistrate, in his letter to the nizamut adawlut above mentioned, requests, as the number of convicts under sentences of limited imprisonment, and hard labour, have of late been greatly reduced, that he may be furnished with an additional supply from other districts, for the purpose of executing the following works:

- 1st. "The opening of extensive roads from the town, northward and eastward, as well as to the south; the same on the Sulkeah side."
- 2dly. Extensive watercourses, to the "effectual draining of the town and suburbs."
- 3dly. "Extending these watercourses to that width as to make them convenient places for the washermen of the town to resort to."
- 4thly. "Forming a bund and canal on the borders of the salt-water lake, from Dum-Dum to Tolly's Nullah at Russah."
- 5thly. "Digging tanks all along the east side of the circular road."

No works of public utility on which the convicts can be employed. The nature of the country would render it very unsafe to employ them in any other mode than in repairing the roads around the stations Chittrah and Shuhur Ghattee.

A number of the convicts are employed, with great advantage to Government, on the stud-lands of Poosah and Hazeepore.

Of the remaining convicts, a great proportion are, and will be, employed during the present and ensuing year, in the construction of a new gaol. The labour of the rest is directed to the repair of the public roads.

Magistrate is not "aware of any rivers or nullahs which require cleaning, or of any swamps that could be drained." The much-frequented roads to Hajeeepore and Singeah require annual repair.

A road to Durbungah, which should be passable during the rains, would be a most advantageous, though, from the low ground in that direction, a most laborious work. The communication between the sudder station and that part of the district is at present frequently cut off.

A number of deep pits which have been excavated in building houses in the town of Mozuffurpoor, and which from the filth and stagnate water they contain, not only occasion sickness, but a loss of lives by drowning, might be filled up with earth dug out in making one or two large tanks.

The thorough repair of the high roads on the eastern, western, and northern boundaries of the district, tended greatly to facilitate the march of the army during the last and present campaign.

Hooghly :  
Mr. Forrester.

Chinsurah :  
Mr. Forbes.

24 Pergunnahs :  
Mr. Sage,  
Magistrate.

Suburbs of Calcutta :  
Mr. J. Eliot.

Ramghur :  
Mr. French.

Tirhoot :  
Mr. Fleming.

Sarun :  
Mr. Elliott.

N<sup>o</sup> 31.  
Appendix (E.)  
to Report of Super-  
intendent of Police,  
15 May 1816.

To the north of the town of Chuprah is an extensive marsh, which being considerably below the level of the surrounding country, is overflowed during the rains, and the inundation at some seasons not only injures the crops, but lays the roads under water, and must be prejudicial to the health of the town. To exhaust the water, and as a work of general convenience, and much required, the convicts have been for some months employed in digging a tank.

Requests superintendent's attention to his (the magistrate's) letter to Government, suggesting that he be authorized to convert such portion of the ground known by the name of the Company's Garden, under charge of the saltpetre gomastah at Chuprah, "as has not hitherto been applied to the use of Government, to the purposes of a chouk suray and tank for the service of the public."

The magistrate hopes to finish these works entirely by subscription, and the labour of the convicts.

As ample room remains for the manufacture of saltpetre, exclusive of the above-mentioned ground, magistrate is not aware of any reasonable objection to his proposal.

The main stream of the Ganges which formerly flowed under Chuprah, but for some years past has inclined towards the opposite bank, might perhaps be brought back to its original channel, by removing certain sand-banks, and would increase the opulence of the place.

The rajah of Bettiah has been requested to cut broad roads through, and gradually to extirpate a thick belt of jungle which environs the town of Bettiah, and affords shelter to offenders.

The jungle through which the roads from Bettiah to Boggah runs for six coss has also been directed to be cleared on each side of the road.

Convicts might be usefully employed in executing all the above-mentioned works.

Shahabad :  
Mr. A. B. Tod.

Unable to furnish the information required at present, having only received charge two days; but will take an early opportunity of submitting his sentiments.

Bhaugulpore :  
Mr. E. Parry.

The magistrate does not "know of any work of public importance in which the convicts could be collectively employed with any prospect of success."

Dinagpore :  
Mr. J. Ahmuty.

"There appear no works of the magnitude alluded to in the circular letter, to which the labour of the convicts collectively could be applied with any prospect of success or benefit." The rivers are navigable for large boats only during the rains, and the country covered with marshes and jheels. Independently of the roads about the station and about Maldah, the convicts are employed on those leading to Goduagoree, Rungpore, and Maldah.

Rajshahye :  
Mr. Ewer.

Magistrate is not at present aware that any of the works described in the circular order are practicable in this district.

Beerbhoom :  
Mr. D. Morrieson.

Is unaware of any works of the description mentioned in the circular letter on which the convicts could be employed with public advantage :

Their labour cannot be more beneficially applied than in rendering the access to the district more open. The high road to Burdwan is the only one passable throughout the year.

The want of a good road between Soory and Moorshedabad has long been a subject of complaint, both to the commercial body and the community at large.

"A road to the city has been completed by the magistrate, with the exception of bridges and drains, to within three miles of the borders of his district, and drains of masonry have been constructed by Rae Darrishmund, a considerable landholder, throughout that part of it which passes through his estate. But, without the aid of the city magistrate, and authority for the Beerbhoom convicts to continue their labours in his jurisdiction, that part of the work which has been completed will prove of small utility.

A ready communication between Soory and Cutura is also very desirable.

The repairs of the road to the temple of Deoghur have alone been postponed by considerations of the superior importance of the road to Moorshedabad, and inability, from the small number of convicts, to conduct two such works at the same time.

Cit. Moorshedabad :  
Mr. W. Loch.

The chief object of importance is to render the Bhagruttee navigable throughout the year. The immense body of water which flowed into this river during the last two rainy seasons brought with it quantities of sand, which accumulating on the former shoals have formed them into extensive sand-banks. The new cut, and considerably below it, is navigable; but from Berhampoor to a little above Jungipore, there are five or six of these shoals, and to the junction with the Hooghly there are two or three. These might be removed with facility in the dry season, and the obstruction which caused the accumulation of sand once removed, there would be no apprehension of their re-forming.

Recommends that the largest of the pits and hollows in the city (which are receptacles for all kinds of filth, and to which alone can the annual pestilence be ascribed) be formed into tanks, and the earth excavated from them appropriated to filling up the remainder. Sewers should next be constructed; the jungle throughout the city and suburbs cleared; the streets widened; and the old mosques and Hindoo temples cleaned and repaired.

The renewal of the military road leading to the upper provinces made by Mr. John Becher is another most desirable work, and could be effected without difficulty.

In regard to clearing the city of the jungle, recommends, as bamboos constitute the principal nuisance, that the darogahs be directed to ascertain the extent of this kind of jungle

jungle in their several jurisdictions, and the average price of bamboos, that the Government then purchase them, and that they be re-sold on the spot, the purchaser being obliged to carry them off within a limited time. The unsold bamboos to be delivered to the collector or to the commissariat for sale. The convicts to be employed to dig up the roots, and the cultivation of bamboos within the city, or even two or three miles of it, prohibited by proclamation.

No public works of importance which require the labour of a large number of convicts; no public roads, nor, as the country is many feet under water during the rains, would such an undertaking be very practicable.

Sylhet:  
Mr. J. Ewing.

The only public work of the nature described in the circular letter is the excavation of part of a nullah, which forms a communication between the sea and the Chittagong river. It is navigable during the rains, and at all seasons, except for about two miles, where the union of the tides has caused an accumulation of mud, sand, &c. The opening of this nullah would save the most dangerous part of the navigation for boats approaching Chittagong. The existing cause, however, would soon regenerate the evil, and the work required to be repeated.

Chittagong:  
Mr. P. W. Pechell.

The nullahs and ditches which intersect the town of Burrasal require deepening to admit the tide, and carry off the stagnate water.

Backergunge:  
Mr. J. W. Sage.

The only road about the station has been lately repaired, and the prisoners are now engaged in making bricks to lay on it.

A road is intended to be made near the station, by which much jungle will be cleared.

A road from Burrasal to Gournuddee, which is on the route to Dacca, would be very advantageous, merchants being at present prevented from resorting to Burrasal, from apprehensions of the risk attendant on navigating the large rivers between it and Dacca.

The convicts cannot for the present be employed to greater advantage than in draining and raising the ground in the immediate vicinity of Furreedpore, which is situated on a low and marshy spot, and being a new station, requires many improvements.—The erection of a hospital lately authorized by Government will fully occupy the convicts for some months.

Dacca Julalpore  
Mr. H. Pigou,  
Assistant in  
charge.

An extensive jheel to the east of the city, which is very insalubrious, might be drained effectually, and a similar proceeding would render many of the jheels more remote from the city capable of cultivation.

City Dacca:  
Mr. G. C. Master.

An insufficient number of convicts, and a want of funds, oppose a serious obstacle to the accomplishment of some very important improvements now in contemplation.

The convicts are at present engaged on a military road towards Naraingunge, on the route to Tipperah and Chittagong, but which, from the laborious nature of the undertaking, and the inadequate number of convicts, cannot be completed in less than two years.

A road from Dacca to Furreedpore, on the route to the Presidency, is deemed equally necessary and practicable.

Deepening the bed of a river which connects the Berhampootur and Lukkea rivers, and is unnavigable in the dry season, would ensure a more secure and speedy passage to the Naraingunge and Dacca trade-boats, and be productive of great convenience to the trade from Mymensing, Rungpore, &c.

Similar improvements in the passage from the lower part of the Lukkea river and Naraingunge would result from the rendering navigable throughout the year, the Futeoolah nullah, which connects the Lukkea and Booreegunga rivers.

(True Abstracts.)

(Signed)

J. M. Macnabb, A. S. P.



## Appendix (F.)

N<sup>o</sup> 31.  
Appendix (F.)  
to Report of Super-  
intendent of Police,  
15 May 1816.

ABSTRACT STATEMENT showing the Total Amount of Expense incurred in each Year, for held by the Court of Circuit at each station of the Lower Provinces, from the years 1807 to Circuit in each year of the same period.

	1807.		1808.		1809.		1810.	
	Number of Prisoners committed for Trial.	Amount of Expense incurred for the Support of Indigent Prosecutors and Witnesses.	Number of Prisoners committed for Trial.	Amount of Expense incurred for the Support of Indigent Prosecutors and Witnesses.	Number of Prisoners committed for Trial.	Amount of Expense incurred for the Support of Indigent Prosecutors and Witnesses.	Number of Prisoners committed for Trial.	Amount of Expense incurred for the Support of Indigent Prosecutors and Witnesses.
	Persons.	Rupces.	Persons.	Rupces.	Persons.	Rupces.	Persons.	Rupces.
<b>CALCUTTA:</b>								
Burdwan - - -	389	1,017	410	1,266	464 <sup>d</sup>	2,850	459	1,752
Jungle Mehals - - -	180	311	158	205	147	132	202	326
Midnapore - - -	344	929	364	996	547	1,731	282	798
Cuttack - - -	41	314	101	182	25	79	102	595
Jessore - - -	597	4,556	512	1,050	411	4,131	201	546
Nuddea - - -	551	1,599	421	1,223	683	3,854	185	638
Hooghly - - -	188	288	356	733	175	435	342	938
Chandernagore - - -	12	116	37	-	11	6	45	35
24 Pergunnahs - - -	-	-	-	-	-	-	-	-
Suburbs of Calcutta - - -	129	85	418	482	354	652	136	898
<b>TOTAL - - -</b>	<b>2,431</b>	<b>6,094</b>	<b>2,777</b>	<b>6,137</b>	<b>2,817</b>	<b>13,870</b>	<b>1,954</b>	<b>6,596</b>
<b>PATNA:</b>								
Ramghur - - -	91	109	119	636	153	194	151	157
Behar - - -	291	249	342	956	209	411	195	542
Tirhoot - - -	74	109	135	351	176	883	195	911
Sarun - - -	-	51	202	955	262	3,320	147	230
Shahabad - - -	127	52	248	585	287	716	328	869
City Patna - - -	118	-	165	-	113	-	182	-
<b>TOTAL - - -</b>	<b>701</b>	<b>570</b>	<b>1,211</b>	<b>3,483</b>	<b>1,200</b>	<b>5,524</b>	<b>1,198</b>	<b>2,709</b>
<b>MOORSHEDABAD:</b>								
Bhaugulpore - - -	183	188	98	137	105	209	107	153
Purneah - - -	231	156	109	107	168	341	81	139
Dinapore - - -	828	1,405	628	586	478	1,012	231	458
Rungpore - - -	533	823	413	582	457	1,285	256	1,062
Rajshahy - - -	509	658	802	7,005	1,009	2,781	155	408
Beerbhoom - - -	179	405	299	1,422	287	1,361	183	879
City Moorshedabad - - -	319	845	369	830	194	314	262	893
<b>TOTAL - - -</b>	<b>2,782</b>	<b>4,480</b>	<b>2,718</b>	<b>10,669</b>	<b>2,698</b>	<b>7,303</b>	<b>1,275</b>	<b>3,992</b>
<b>DACCA:</b>								
Maymensing - - -	128	367	194	471	215	444	167	517
Sylhet - - -	70	118	65	460	45	251	72	201
Tipperah - - -	138	225	138	208	120	246	218	294
Chittagong - - -	122	646	84	155	213	468	158	711
Bauker Gunje - - -	251	1,240	318	2,112	163	1,559	288	2,091
Dacca Jullalpoor - - -	296	509	158	580	128	172	296	418
City Dacca - - -	84	1	93	35	151	269	161	458
<b>TOTAL - - -</b>	<b>1,098</b>	<b>3,106</b>	<b>1,050</b>	<b>4,021</b>	<b>1,035</b>	<b>3,409</b>	<b>1,360</b>	<b>4,690</b>
<b>GRAND TOTAL - - -</b>	<b>7,012</b>	<b>14,250</b>	<b>7,756</b>	<b>24,310</b>	<b>7,750</b>	<b>30,106</b>	<b>5,787</b>	<b>17,917</b>

Office of Superintendent of Police, }  
15 May 1816.

Appendix (F.)

the support of Indigent Prosecutors and Witnesses during their attendance at the Gaol-Deliveries 1814, inclusive; also the Total Number of Prisoners Committed for Trial before the Courts of

N<sup>o</sup> 31.  
Appendix (F)  
to Report of Su-  
intendant of Po  
15 May 1816.

1811.		1812.		1813.		1814.		TOTAL from 1807 to 1814.	
Number of Prisoners committed for Trial.	Amount of Expenses incurred for the Support of Indigent Prosecutors and Witnesses.	Number of Prisoners committed for Trial.	Amount of Expense incurred for the Support of Indigent Prosecutors and Witnesses.	Number of Prisoners committed for Trial.	Amount of Expense incurred for the Support of Indigent Prosecutors and Witnesses.	Number of Prisoners committed for Trial.	Amount of Expense incurred for the Support of Indigent Prosecutors and Witnesses.	Number of Prisoners committed for Trial.	Amount of Expense incurred for the Support of Indigent Prosecutors and Witnesses.
Persons.	Rupees.	Persons.	Rupees.	Persons.	Rupees.	Persons.	Rupees.	Persons.	Rupees.
68	258	113	539	75	286	109	213	2,087	8,181
189	190	165	166	139	218	62	49	1,242	1,597
104	117	253	279	193	376	110	596	2,197	5,822
60	125	178	312	134	751	225	1,119	866	3,477
261	753	232	571	75	239	125	433	2,414	9279
237	1,093	428	2,480	196	895	155	1,037	2,856	12,819
369	664	106	537	133	538	137	617	1,846	4,745
71	106	45	10	4	2	23	29	248	188
-	-	-	-	-	-	45	91	45	91
119	257	327	1,311	196	555	190	494	1,869	4,734
1,478	3,563	1,847	6,205	1,185	3,860	1,181	4,678	15,670	50,933
181	170	128	277	123	321	229	1,188	1,175	3,052
372	226	261	145	273	199	452	311	2,395	3,039
232	197	218	278	125	202	121	155	1,276	3,086
239	311	230	514	232	497	233	427	1,545	6,305
107	222	68	153	46	52	126	116	1,337	2,765
95	-	130	-	133	-	108	18	1,044	18
1,226	1,126	1,035	1,367	932	1,271	1,269	2,215	8,772	18,265
113	133	73	122	84	50	60	176	823	1,168
146	91	249	506	160	59	268	582	1,412	1,981
359	247	312	68	641	351	396	513	3,873	4,640
130	115	246	613	223	221	339	1,254	2,597	5,955
122	144	176	277	244	354	284	516	3,301	12,143
165	185	192	294	104	146	75	219	1,484	4,911
149	222	121	234	75	156	156	390	1,645	3,884
1,184	1,137	1,369	2,114	1,531	1,337	1,578	3,650	15,135	34,682
191	763	247	494	183	592	359	1,951	1,684	5,599
217	108	33	22	31	297	63	144	605	1,601
256	337	117	706	142	692	60	666	1,189	3,374
251	555	129	239	65	141	46	163	1,068	3,078
169	561	195	1,117	147	1,153	229	1,356	1,760	11,189
205	895	130	812	80	420	58	272	1,351	4,078
270	242	187	336	87	76	58	115	1,091	1,532
1,559	3,461	1,038	3,726	735	3,371	873	4,667	8,748	30,451
5,447	9,287	5,289	13,412	3,833	9,839	4,901	15,210	48,325	134,331

(E. E.)

(Signed) J. Shakspear, S. P.

N<sup>o</sup> 31.  
Appendix (G.)  
Report to Superintendent of Police,  
15 May 1816.

## Appendix (G.)

STATEMENT exhibiting the Amount of Diet Allowance to Prosecutors and Witnesses on Trials before the Courts of Circuit, and the several Zillah Foujdarry Courts in the Lower Provinces.

	BEFORE THE COURT OF CIRCUIT.		BEFORE THE MAGISTRATE.	
	1807.	1814.	1807.	1814.
Backergunge - - -	1,240 4 —	1,356 — —	- - -	72 3 5
Beerbhoom - - -	239 11 10	220 6 5	—	—
Behar - - -	123 — 6	316 2 9	20 13 6	—
Bhaugulpore - - -	188 8 1½	184 9 9	—	—
Burdwan - - -	1,017 1 —	212 2 —	38 10 —	6 7 11
Chandernagore - - -	—	—	—	—
Chittagong - - -	63 2 —	163 5 —	- - -	9 9 10
Cuttack - - -	235 3 10	1,404 8 10	—	—
Dacca (City) - - -	- - -	129 — 6½	1 6 3	+
Dacca Jellalpore - - -	509 3 —	281 14 —	1,278 12 —	9 15 —
Dinapore - - -	1,405 11 3	657 4 4	—	—
Hooghly - - -	326 6 —	222 14 —	- - -	10 13 —½
Jessore - - -	1,982 7 —	202 12 —	416 7 1	1 15 10
Jungle Mehals - - -	311 9 —	110 6 11	- - -	28 1 4
Midnapore - - -	929 7 3	127 4 6	59 7 —	95 10 9
Moorsshedabad (City) - - -	817 5 —	318 10 —	- - -	22 10 4
Mymensing - - -	367 8 —	1,950 8 —	—	—
Nuddea - - -	1,453 8 —	811 2 —	—	—
Patna (City) - - -	- - -	18 8 —	—	—
Purnea - - -	156 7 —	378 4 8	- - -	4 6 7
Rajeshahye - - -	951 7 —	1,372 13 8	—	—
Ramghur - - -	254 5 —	273 7 —	- - -	6 5 —
Rungpoor - - -	295 10 3	494 4 9	- - -	202 12 1
Sarun - - -	179 14 —	279 5 —	6 — —	22 1 6
Shahabad - - -	94 6 —	32 7 —	—	—
Sylhet - - -	118 3 8	143 14 6	—	—
Tipperah - - -	268 11 —	665 15 —	—	—
Tirhoot - - -	571 6 —	181 12 —	—	—
Twenty-four Pergunnahs - - -	189 15 —	375 1 —	- - -	32 14 10
TOTAL - - -	14,290 4 1½	12,884 11 7½	1,821 7 10	525 15 5

Fort-William,  
Civil Auditor's Office,  
the 22d July 1815.

(Errors Excepted.)

(Signed.)

W. Morton,

Civil Auditor.

(True Copy.)

(Signed) J. Shakespeare, S. P.

Appendix (H.)

From A. ANDERSON, Esq. (Acting Magistrate) to JOHN SHAKESPEAR, Esq.  
Superintendent of Police.

N<sup>o</sup> 31.  
Appendix (H.)  
Report to Superin-  
tendent of Police,  
15 May 1816

Sir,

I HAVE to acknowledge the receipt of your letter, under date the 3d instant, and shall proceed to answer the different questions that you therein ask, to obtain correct information in reference to the police-chowkies established along the line of new road through this district, for the protection of merchants and travellers.

Question 1.—What are the number of chokies stationed on the new road, for the protection of travellers, &c.

Answer, Para. 2.—The new road extends from Dasdeghee, the eastern extremity of this district, to Chass, a distance of about 110 miles. The total number of police-chowkies through this extent of road is 37, and the

total number of ghautwals, specially appointed for the protection of travellers, and for attendance at those different chowkies, is 118.

2.—How far apart are such chowkies situated.

3.—These chowkies are situated at two miles to three miles from each other, one or two instances occur where the distance from the one chowkee to the other may be some-

what less than two miles, but that is owing to particular local circumstances, not of sufficient importance to require further explanation.

3.—How many burkundauzes, and how many ghautwals are stationed at each chow-kee?

4.—One Burkundauz is stationed at each police-chokee throughout the whole extent of the new road through the district. In that part of the road which runs through Pachite, there are three ghautwals stationed

at each chowke. In the ghauts through the very wild and extensive jungles of the Chatna pergunnah four ghautwals are appointed; and, with one exception, the same number of ghautwals are appointed to the chokees through the Bissenpore pergunnah.

4.—Do these burkundauzes belong to the thannah-stations, or do they form part of a separate establishment?

5.—The burkundauzes stationed at each chokee belong to the regular establishment of the different police-thannahs along the line of the new road.

5.—What monthly allowances do the ghautwals stationed at these chokies receive; and are they paid in money, or land, or how; and do their allowances vary, or are they all on the same footing?

6.—In regard to the allowances received by the ghautwals appointed for the protection of travellers at these different chokies, different local customs prevail in the pergunnah of Bissenpore from those of Chatna and Pachite. In Bissenpore, the ghautwals are paid in land, and form part of the very effi-

cient ghautwally-establishment of that pergunnah, of which I shall have occasion more particularly to make mention in answer to the 11th question in your letter. In Chatna and Pachite, the ghautwals for the protection of the police-chokies are paid in money; but local custom causes a variation in the rates of the allowances, while those in Pachite receive 1 R. 8 A, each man per month; the ghautwals in Chatna only receive one rupee. In each of the two latter pergunnahs all the ghautwals of that pergunnah are on the same footing in regard to all allowances one with the other. In Bissenpore, that may not be precisely the case, inasmuch as an allowance in land is more liable to variation, (even although the quantity might be the same,) than a fixed allowance in money.

6.—Are the ghautwals and burkundauzes stationed at these chokies occasionally relieved, or do either, of both, description of police-officers remain at the same station throughout the year?

7.—The burkundauzes are changed by the darogah or jemadar in person every week, from the regular establishment of the thannah, and a particular report after a prescribed form is made to the magistrate by the darogah, of the relief having been made, specifying the day, and the name of each

burkundauze stationed at each ghaut for the ensuing week. In Bissenpore a different local custom prevails likewise in this respect, with reference to the ghautwals from that of Chatna and Pachite. In the latter two pergunnahs the ghautwals remain permanent throughout the year. But in the pergunnah of Bissenpore the ghautwals forming a part of the regular ghautwally establishment are changed from time to time by their own immediate sirdars from the different ghauts; and in similar manner as in regard to the burkundauzes, a report of the same is made by the darogah to the magistrate.

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Appendix (H.)  
Report to Superintendant of Police,  
15 May 1816.

7.—Are the ghautwals paid by the zemindars, or by the magistrate, or in what manner?

pergunnahs of Chatna and Pachete are paid by the zemindars through the police-darogahs, who would immediately report to the magistrate any instance of the ghautwals not having received their regular monthly allowance, if such an instance should occur.

8.—What number of highway-robberies occurred on that part of the new road, at present protected by these chokies, during the year antecedent to the arrangement introduced by Mr. Blunt, and what number on the same extent of road during the past year?

9.—I shall in the latter part of this letter allude to the system introduced by Mr. Blunt for the protection of travellers in the year 1810. The present system was put in force by Mr. Impey in the year 1811. In the year 1809, along the whole line of the new road through this district, 31 highway-robberies, and in the year 1810, 28 highway-robberies were committed. From a personal

experience of four years, from the year 1812, it gives me much satisfaction to report, that not one instance of this serious offence has occurred during that period, along the whole line of the new road in this jurisdiction.

9.—Do you conceive that the allowances received by the ghautwals are sufficient for their maintenance; and are they equal to what they received during the native government?

10.—In Bissenpore the quantity of land allotted to each dependant ghautwal is fully sufficient to afford an ample maintenance and remuneration. The monthly allowance in Pachete is also fully sufficient; I am, however, inclined to be of opinion, that one rupee a month in the pergunnah of Chatna is

somewhat too little; and I shall take measures to endeavour to persuade the zemindar of that pergunnah to equalize the allowances of the different ghautwals with those of Pachete; the allowance even of one rupee a month is considerably greater than that under the native governments of former times, in this part of the country. In those times, however, a ghautwal was an authorized plunderer of neighbouring pergunnahs, and any deficiency in his fixed allowance was no doubt well recompensed by his share of the plunder.

10.—At whose expense are the huts at the several chokees constructed?

11.—The different huts for the police-chokees are constructed and repaired by the zemindars of Pachete and Chatna in their respective pergunnahs, and by the sirdar-pergunnah of Bissenpore.

11.—What is the number of ghautwals in the pergunnah of Bissenpore; and is the whole of that pergunnah included in the thannah-division bearing that denomination?

12.—The Chuckla of Bissenpore forms a country of very great extent. Different public sales for the arrears of revenue at different periods have now caused each part to be distinguished by a different name. The thannah of Seetla forms a part of the estate

that was first brought to sale, while those of Soonamookhee, Oondah and Bissenpore in this district, and Kooteopore in the Burdwan district, form the modern division of the Bissenpore pergunnah. In the four latter thannahs the same system prevails for the efficiency of the ghautwally-establishments, and the lands held under similar tenures. But in the former thannah the ghautwally-lands are held under a different tenure, which is much less efficient in the aid of the police, and at the same time occasions the magistrate much more trouble.

13.—The difference of those tenures, and the cause of the comparative inefficiency of those different ghautwally-establishments, may be worthy of mention. Although I am afraid that the evil is too radical to admit of a remedy, more especially at present, as a regular appeal is now depending at the instance of a durputneydar, for the resumption of a part of the ghautwally-lands.

14.—At the sale of that part of the estate now forming the thannah of Seetla, the ghautwally-lands were included in the sale, and punchuk jumma continued payable to the zemindar. Latterly the zemindar has refused to appoint a successor on any vacancy occurring, alleging that all the lands were included in the assessment of the decennial settlement; and to prevent the ghauts remaining unprotected, the magistrate has latterly more than once been under the necessity of appointing a successor of his own authority. The oppressions of the putney-talookdars, and their subordinate durputney-talookdars, combined with the above circumstances, have a natural tendency to render this establishment much less efficient.

15.—On the contrary, the regular ghautwally-establishment of the other thannahs, which now form the modern pergunnah of Bissenpore, is altogether on a different footing. It is hardly necessary, I presume, to mention, that to establish and maintain an effectual control over the large body of men of which this establishment consists, it was recommended by the magistrate of Burdwan, at the suggestion of Sir Charles Blunt, the commissioner of Bissenpore, and ultimately approved by Government, to separate the ghautwally-lands entirely

from

from the zemindary; and that the punchuk jumma, or quit-rents of those lands, should be paid direct by each sirdar ghautwal into the treasury of the collector.

16.—The specification of the lands of each particular ghaut, was at the same time lodged with the revenue-officers; the total quantity of land is 35,282 beegahs; the jumma on which, now payable into the treasury of the assistant collector, is 4,690, and the number of men composing this establishment is 2,299. The efficiency to which this establishment was brought under the able management of Mr. Blunt, is too well known to require further mention.

12.—Are the ghautwals in pergunnah Bisenpore in the quiet possession of their lands, or do they frequently complain against the land-holders, or against their own ryots; and if against the latter, what is the nature of such complaints; and are the complainants commonly referred to the civil court for redress, or how?

17.—The remarks in the preceding paragraphs partly answer this question. It may be requisite to mention, that in the ghauts which now pay the revenue direct to the assistant collector, complaints are scarcely ever preferred against the talookdars for wrongful dis-possession; they are in quiet and undisturbed possession of their lands. In the time, however, of Mr. Blunt, such complaints were exceedingly common; and to preserve the efficiency of the system, and maintain an effectual control over the ghautwals, it was found requisite that all such cases should be summarily taken up in the fouzdarry court; and possession having been restored to the ghautwals, the other party was uniformly referred to institute a suit in the civil court, if he should deem that he had any right to the disputed land. Few instances, if any, occur of complaints being made by the ghautwals against their own ryots, or *vice versa*. If such complaints were preferred, and merely involved a question of a private nature, and not any neglect or misconduct in the performance of the duties of the ghaut, it would not be requisite to interfere by a summary authority in the fouzdarry court; but the parties might be referred to the civil court, without any risk of the efficiency of the police being endangered.

13.—How long has the police been taken out of the hands of the Pachete rajah; and under what circumstances was that measure resorted to?

18.—In regard to this question, it may be sufficient to remark, that the police has never been taken out of the hands of the rajah of Pachete. In the time of Mr. Blunt, police-darogahs were entertained by the rajah of Pachete at the different thannahs of Chass, Rogonathpore and Gourandhee; but experience proved the necessity of these officers being placed more immediately under the control of the magistrate, with the consent of the rajah of Pachete. The present establishments were introduced under authority from Government, by Mr. Impey, in 1811. While these darogahs act under the immediate orders of the magistrate, they at the same time perform the duties of their situations in concert with the rajah, who is still responsible for the efficiency of the police of his whole estate.—The darogahs are also appointed and removed by the magistrate, under the existing Regulations, but they receive their salary through the rajah of Pachete, and also a sunnud from him on their being appointed.

19.—I beg leave to enclose copies of such standing orders in reference to the regulation of the police-patrole, and the payments of the established allowances to the ghautwals, that have appeared to me calculated to elucidate some of the points referred to in this address.

20.—It only now remains for me to take notice of the system introduced by Mr. Blunt, for the protection of travellers along the new road, in the year 1810, compared with that now in force. This letter has, however, already extended to so much greater a length than I could have wished, that I shall not enter into further particulars on that subject, but beg leave to transmit for your information, copy of a letter from Mr. Blunt to the Secretary to Government, in the Judicial Department, under date the 16th April 1810. The answer from Government to that letter, together with a copy of a letter from Mr. Impey, under date 1st May 1811, and the orders of Government, under date the 14th May 1811.

21.—I beg leave also to mention, that in the time of Mr. Blunt and Mr. Impey, one Sepoy was stationed at each chuttee along the new road to the westward of Bancoorah, for the protection of travellers. The police-patrole, introduced by Mr. Impey, having been completely successful in the prevention of every species of serious robbery, these Sepoys became no longer necessary; and at the suggestion of the acting magistrate, (Mr. Prinsep,) they were ordered to be withdrawn by the Governor-General in Council, as communicated in the orders of Government under date the 23d May 1812.

22.—Should any point in this address require further elucidation, I shall have much pleasure in affording you any further information which my local experience, or the records of this office, may enable me to supply.

I have the honour to be, &c. &c.

(Signed)

A. Anderson,

Acting Magistrate.

Jungle Mehals,  
Fouzdarry Adawlut,  
22d February 1816.

P. S. After concluding this address, my attention has been called to the accompanying extract of a letter from Mr. Blunt, under date the 4th of September 1808. The plan therein recommended for the protection of travellers through the pergunnah of Chatna, is nearly similar to the police-patrole afterwards introduced by Mr. Impey; but it appears that that

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tendent of Police,  
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plat had not been carried into execution further than by the appointment of ghautwals. It was only in 1811, as has already been mentioned, that the regular arrangement of a burken-dauze being placed at each police-chowkie, and of the ghautwals patrolling the road three or four times a day, was put in force. It is to this arrangement that Mr. Impey alludes in the 9th paragraph of his letter to Government, under date the 1st May 1811.

(Signed)

A. Anderson,

Acting Magistrate.

(True Copies.)

(Signed)

J. Shakespear, S. P.

29th January 1816:—Sagurnarain Banoojeed, darogah of Thannah Oudha, in Zillah Jungle Mehals, having this day attended the presence; was asked—

*Questions.* How long have you been appointed to this thannah?—*Answer.* I have been attached to it for the last 17 years. In 1799, A. D., I was appointed mohurrir of the thannah, and in 1815 was promoted to the darogahship.

How many villages are comprised within your jurisdictions?—Four hundred and eight.

How many ghauts or passes are situated within the limits of your thannah?—Sixteen principal ghauts, and 151 subordinate chokees.

How many sirdar ghautwals are there, and how many persons under their control?—There are 20 sirdars, and 1,100 persons under their authority.

How do the ghautwals support themselves?—They hold jagheer lands: 832 beegahs, and eight biswahs, are allotted for the maintenance of the 20 sirdars, and 18,205 beegahs, six biswahs, for that of those under their superintendence, making in all 19,037 beegahs, 14 biswahs, for which they pay an annual revenue to Government of 1,920 rupees, four annas.

State specifically what was the condition of, and the nature of, the duties performed by the ghautwals at the period of your first appointment; what, during the time of Mr. Blunt, and what the present state of those establishments; what the origin of the appointment of ghautwals, and for what purpose lands were assigned to them?—The ghautwalee-establishment has existed since the time of the Rajahs of Bishenpore; and I have heard that de-coitics and highway-robberies were formerly very prevalent; and that the people residing in the jungles of pergunnahs Patcoom, Manbhoom, Raepoor, Dulbhoom, and others, frequently committed choodree, and laid waste the surrounding villages. The ghautwals were appointed to check these outrages. When Mr. Charles Blunt came afterwards to Indas, and formed a settlement with the zemindars, he rendered the lands of the ghautwals independent of the zemindars, and placed them under the immediate control of the collector; and the ghautwals, in pursuance of this arrangement, paid direct into the public treasury what they had hitherto discharged to the zemindars.

The various petitions presented to the hoozoor, by the ghautwals, being shown to the darogah, he was asked the cause of their complaints, and what was the former custom on occasions of the ejection of the ghautwals from their lands, and what the practice which now obtained?—When this thannah was under the jurisdiction of the Bardwan court, if any person dispossessed a ghautwal of his land, the darogah, on its being represented to him, reinstated the ghautwal. On Mr. Blunt's arrival, a circular perwannah, dated 9th October 1809, was issued, directing, that if a zemindar, or other person, ousted a ghautwal from his jagheer lands, the darogah of the thannah should immediately on receiving information of it make inquiries regarding the right to the land, and in the event of the ghautwal's complaint proving to be well founded, should proceed, without reference to the court, to place the ghautwal in re-possession. Another perwannah, dated 21st June 1809, was issued, in the case of the ejection of Punchanund Baroee, the sirdar of the Juraree ghaut, directing the darogah to vest the ghautwal aforesaid with immediate possession, and to inform the opposite party that if he conceived he had any claims, he might have an action in the civil court. A perwannah to a similar effect was issued on the 16th July 1815, on the occasion of the dis-possession of Seetul Khyra, ghautwal of Ghaut Putturkoonreea, in Turf Banktor. But whenever a ghautwal now prefers a complaint of the above description, I always report for the orders of the magistrate. The ghautwal is then summoned to the presence, and, on his attendance, is directed to prosecute his claim in the civil court. This mode of procedure was observed in the instance of Gudaee Goonya and Tilook, Rae, ghautwals of Ghat Mowkooora, in Turf Jybeleea, who had complained at the thannah of their dis-possession, and which had been reported by me to the hoozoor. Similar orders have lately been passed in other cases, of which, however, I do not at present remember the particulars.

Is it the general practice at present to proceed in the manner just described, or has it been pursued only in a few instances?—This mode of proceeding is now uniformly observed in these cases.

What duties do the ghautwals perform, and do they themselves pay their rents immediately into the collector's treasury, or through the zemindars and others?—The ghautwals constantly reside at the ghauts to prevent the ingress of all robbers and thieves by those avenues, and they report to the thannah whatever occurs within the limits of their ghaut; they pay their rents direct to the collector, and are independent of the zemindars.

Exclusive of these ghautwals, are any chokeedars entertained at the several villages in your jurisdiction; if so, what is their number, what their means, and what the nature of their duties?—Besides the ghautwals, there are 165 chokeedars in various villages, some of whom are supported by lands granted them by the zemindars, and others by contributions, called

called doar masra, from the inhabitants. These chokeedars keep watch during the night in their respective villages, and make their reports to the thannah.

What is the allowance received by each chokeedar in land, or in money?—It is the order of the magistrate that the allowance in money of each chokeedar shall not be less than 24 rupees per annum, but this sum is never collected. No chokeedar holds a larger portion of land than 15 beegahs.

It appears from your deposition, that the limits of your thannah contain 408 villages, and that there are only 165 chokeedars: You are asked the cause of this deficiency in the number of chokeedars?—No chokeedars have been appointed in those villages which are under the protection of the ghautwals; the ghautwals themselves performing all the duties of chokeedars in those villages.

By whom have the ghautwals, who presented their petitions to the Hoozoor at Kotulpoor, been dispossessed; and are these complaints from the ghautwals frequent, or otherwise?—The case is, that the ghautwals make over their jagheer lands to ryots, to cultivate and receive a proportion of the produce. But the ryots do not give them an equal division, allowing the ghautwals only at the rate of one maund and 30 seers of grain from a beegah, which may have produced seven maunds. The ghautwals in consequence are desirous of resuming charge and cultivating their lands themselves, but the ryots eject them, and will consent only to give them the proportion above mentioned. Since the time of Mr. Blunt, frequent complaints to this effect have been preferred at the thannah by the ghautwals when the darogahs have summoned the ryots, who on being remonstrated with, have satisfied the ghautwals. In former days, cases of this description were not communicated to the magistrate. They are now uniformly reported, and the ghautwals are directed to prosecute in the civil court.

Do the zemindars, talookdars, &c. ever oust the ghautwals from their lands?—No.

Is there any reciprocal execution of leases and engagements between the ghautwals and ryots, when the lands are let to the latter, if so, what is the nature of those instruments?—Some of the ghautwals grant pottahs, making over their lands to the ryots for cultivation, on their agreeing to pay them 10 or 12 seers of grain for every *wan* of land; but generally the transaction is entirely verbal.

What is a *wan*?—Three biswals make a *wan*, and seven *wans* make a beegah.

What is the present object of the ghautwals, to resume their lands and cultivate them themselves, or to receive an equal proportion of their produce from the ryots?—They are desirous of resuming their lands, and of undertaking their cultivation themselves, as being the most profitable alternative.

Do you know what are the annual net receipts of the ghautwal, after deducting the amount of his Government revenue, and the proportion retained by the ryots?—I do not know; but, as many of the ghautwals sell firewood, and hire themselves as day-labourers, I conceive that the income which they derive from their lands is insufficient for their support.

It appears from your deposition, that during the time of Mr. Blunt, you were accustomed to decide complaints of this nature, preferred by the ghautwals against the ryots, in the *Mofussil*; you are therefore asked, how your decisions were regulated on these occasions; whether you delivered over the lands into the hands of the ghautwals, or adjudged a larger portion of grain to be paid to them by the ryots?—On a complaint being preferred by a ghautwal regarding his dispossession, I summoned the ryot, and informed him that the ghautwal intended to complain against him, which would prove injurious to him. On these remonstrances the ryot sometimes restored the lands, and sometimes consented to the payment of a large portion of grain, and thus satisfied the ghautwal. Orders have also been received from the magistrate, on complaints of dispossession, directing the reinstatement of the ghautwal; for instance, the jagheerlands of Binode Rae, and of four other ghautwals of Ghat Badpoor, Turf Jybeleed, had for some generations been in the jote occupancy of Koodee Mundul, and others. About five or six months ago a dispute arose between the ryots, and ghautwals, and the latter complained at the thannah. I reported the circumstance to the magistrate, who summoned the ghautwals, took their depositions, and ordered me to institute an inquiry regarding the lands.—It proved that they belonged to the ghautwals, which I communicated to the magistrate, and was subsequently ordered by the magistrate to put the ghautwals in possession, and the ryots were directed to prosecute their claims in the civil court.

When Mr. Charles Blunt removed the ghautwals lands from under the control of the zemindars, and placed them under the collectorship, was a settlement of any of those lands made with the ryots?—No.

Do you know what were the tenor and conditions of the pottahs granted by the ghautwals to the ryots?—The generality of the ghautwals are in indigent circumstances; and having in the first instance been reduced to borrow grain from the ryots, they subsequently delivered pottahs to them, by which they empowered them, in consideration of a certain annual quantity of grain, to take possession of and cultivate the lands. These pottahs did not contain the forms and conditions which are found in regular zemindaree pottahs. The class of ghautwals are so extremely necessitous, that when they come to the thannah, many of them have only a lungote on their bodies, and the leaves of the sal-tree form the only covering of their heads. When any of them are guilty of misconduct, they are instantly forwarded to the magistrate, and punished with a rattan.

(True Translate.)

(Signed)

J. M. Macnabb. A. S. P.



N<sup>o</sup> 31.  
Appendix (H.)  
Report of Superin-  
tendent of Police,  
15 May 1816.

Petition of Chytun Sing, sirdar ghatwal of Ghat Banktor, attached to the thannah of Oudha, Pergunnah Bishenpoor, in the zillah Jungle Mohals.

In the month of Bhadoon, 1221 Bengal era, I was appointed by the hazoor to the Banktor Ghaut, in the room of Byjnouth, sirdar ghatwal; but on assuming charge, as I did not obtain possession of the jagheer lands allotted for my maintenance as sirdar ghatwal, I proceeded to the court to advance my claims to them. A perwannah was in consequence issued to the darogah of Oudha, to put me in possession of the lands in question, in obedience to which, the darogah went to the ghat, and after making the necessary inquiries, delivered over the sirdaree jaghire to me. I had commenced the cultivation of the land when the former sirdar and his connexions, in opposition to the mandates of the court, dispossessed me. I reported the circumstance to the darogah of the aforesaid thannah, who communicated it to the magistrate, by whom a perwannah was issued to the darogah to send in my dispossessors, with witnesses to the fact. The darogah accordingly forwarded the former sirdar and his associates to the magistrate, and I also attended the court. Proceedings being holden on the case, I was ordered, if I conceived I had claims to the jagheer, to prosecute them in the civil court. I have accordingly commenced an action in that court, but no decision has as yet been passed. Sir, you are master, your poor petitioner is your servant. If a prosecution for our rights, and an attendance on the court is necessary, we must be ruined. I pray an order from you to the darogah to place me in possession of such jagheer lands as may prove to be my due.

29th January 1816.

(True Translate.)

(Signed)

J. M. Macnabb, A. S. P.

Petition of Zalim Sing, naib of Gopeenauth Sing, ghatwal of Turf Jybelea in Pergunnah Bishenpoor, in the jurisdiction of thannah Oudha, zillah Jungle Mehals.

This ghatwallee was formerly under the jurisdiction of the Burdwan court, and at that time, Hurreepersaud Patuck, with 10 chokeedars, was appointed, on the part of the talookdar of Jamtara, with a monthly salary, for the protection of Bancoorah. In 1213, Bengal era, Mr. W. Blunt came to the jungle mehals, and in the same year appointed Hurree Sing to the sudaree of Turf Jybelea, vacated by the death of Ruttem Sing, and discharging the 10 chookedars under Hurree Patuck, directed that twenty of Hurree Sing's people should be entertained for the protection of the town. In conformity to these instructions, one or two persons were selected from each ghat to complete the number of twenty, and were appointed to the duty above mentioned. Hurree Sing represented to the magistrate, that the quota of jagheer lands allotted for the maintenance of each ghat-officer consisted of 20, 15 and 12 beegahs, and that each individual paid an annual revenue to Government of three or four rupees: that, in consequence, a constant attendance, and a vigilant performance of their duties in the town was impracticable. In reply, the magistrate stated, that when the police of the town should be regularly organized; due attention should be paid to this representation. In consequence of this explanation, Hurree Sing, perceiving that if the same persons were required not only to discharge the revenues of Government, but to perform their duties as police-officers in the town, it would be productive of the greatest hardship, effected the latter service (until the introduction of the regular police) by occasional relief of all his dependants in succession. On the death of Hurree Sing I succeeded him by order of the magistrate, and pursued the system of relief established by him. In 1222, Bengal era, the magistrate caused the inhabitants of the town to entertain a certain number of chokeedars for its protection, who were to receive a monthly salary in money; and without making any arrangement regarding the 20 persons employed under me, prohibited their being relieved for the future. The duty of the town-watch has accordingly become a source of serious distress to my people. I hope, therefore, that you will take our case into consideration.

Petition of Zalim Sing, naib of Gopeenauth Sing, sirdar ghatwal, and Godaee Tureekul, Tilok Roe, and Buddan Hurree, dependants of the aforesaid ghatwal, Birj Haree, and Damoo Burdhun, attached to the Munneepoor ghat. Chyan Sook Deonath, buckshee, and Surroop Bhandaree, attached to Ghat Banktor, and Seetul Roy, and others, ghatwals of Ghat Khujooree in purgunnah Bishenpoor, zillah Jungle Mehals, and under the jurisdiction of thannah Oudha:

We and our dependants cultivate our chakeeran lands, for which we pay a punchukee rent to Government, and maintain ourselves by their proceeds. Our quotas consist in some instances of 20, and in others of 15 beegahs, and when we deliver them over to ryots to cultivate, they give us a maund, or 25 seers, of rice per begah, reserving for themselves 12 maunds per begah. When disposed to till the ground on our own account, the aforesaid ryots eject us; on our complaining to the magistrate, we are referred for redress to the civil court. We are the servants of the Government, and pay a revenue to it, but are unable to conduct a prosecution: and being prevented cultivating our own lands are reduced to distress. In the time of Mr. W. Blunt, if we complained of dispossession a rowannah was instantly issued to the police-darogah to reinstate us in our jagheers. An action in court

is the mode of recovery which we are now left to adopt. We therefore beg to represent, that if we are authorized to resume the cultivation of our jagheer lands, we shall cheerfully perform our duties as police-officers, and discharge the public dues.

16th Maug, 1222 B.

No 31.  
Appendix (II.)  
Report to Superin-  
tendent of Police,  
15 May 1816.

Perwannah addressed to Khoodee Ram Roe, darogah of Oudha:

Punchund Baroose, sirdar of the Jigree ghat, and a dependent of Seetul Roe, sirdar of the ghat Turf Khojooree, has presented a petition, from which it appears, that the village jigree constitutes the chakeran of the aforesaid sirdar; but that in jeth, 1216 B. Lukkecaunth Purthechar, durputhee talookdar of that village, dispossessed the said sirdar of the whole of his jagheer lands therein. You are therefore ordered to summon Lukkecaunth Purthechar before you, and to reinstate the sirdar in such of his jagheer lands as he may have been dispossessed of, and enjoin Lukkecaunth not to interfere with, or offer him any molestation, in future. Should Lukkecaunth urge any objections to this measure, and conceive himself aggrieved, direct him to prosecute his claims in the civil court. In dispossessing the ghatwals he is assuming an authority which he does not possess, and acting in violation of established usage.

29th May 1809.

Second Perwannah addressed to the same officer:

From reports lately received from several of the darogahs, it would appear that the sirdars and talookdars demand from the police ghatwals an increase on their long-established punchukee jumma, and on their declining to accede, oust the ghatwals from their jagheers, and make collections from those lands of their own authority; and that the ghatwals in consequence of these acts of oppression desert their ghats, and decline to attend the summons of the darogahs. These irregularities being highly prejudicial to the public interests, you are ordered, whenever any sirdar or talookdar, or other revenue-officers, shall demand from any ghatwal subordinate to your thannah, the amount of his punchukee jumma, and (on his declining payment) shall eject him from his jagheer, or shall otherwise molest the ghatwals, on receipt of such information immediately to take the deposition of such ghatwal, and having summoned the dispossessor, to institute a summary inquiry; and if it appear that any one of his own authority has dispossessed the ghatwal of his jagheer lands, you shall reinstate the said ghatwal in possession. If any illegal collection on account of revenue has been made, you shall cause the same to be refunded to the ghatwal, and if the sirdar shall decline restitution of such money, or shall neglect to make an adjustment with the ghatwal, you shall forward both parties to the Hoozoor.

5th August 1809.

(True Translates)

(Signed) J. M. Macnabb, A. S. P.

(Third) Perwannah addressed to Sagurnarain, darogah of Oudha:

Seetul Khyra, ghatwal of Ghat Puterkooree, having presented to you a petition, complaining of the destruction of a rice crop, and dispossession of 11 wans of his jagheer land situated in Burakoonree, by Soobaram Gose and others, the papers relating to the inquiry which was instituted by you in consequence, were this day taken into consideration, together with the report which accompanied. From your inquiries it would appear that the lands in question are the property of the aforesaid ghatwal. You are therefore directed to place him in possession of the same, and to inform the opposite party, that if they conceive they have any claims to burmotur in those lands, they may prosecute them in the civil court.

15th July 1815,

(A true Translate,)

Corresponding with 1 Sawun 1222 B.

(Signed) J. M. M. A. S. P.

N<sup>o</sup> 31.  
Appendix (I).  
Report to Superintendent of Police,  
15 May 1816.

## Appendix (I.)

STATEMENT showing the number of Miscellaneous Petitions presented in the Civil and Criminal Courts of the District of Rungpore, from January to December 1815.

Number of Miscellaneous Petitions presented in the Foujdaree Court.	Number of Miscellaneous Petitions presented in the Civil Court.	Number of Charges pending for investigation on the 31st December 1815, in the Foujdary Court, in which the Defendants have been admitted to Bail.	REMARKS.
4,034.	1,912.	70.	Almost the whole of the petitions presented in

the foujdary adawlut, relative to assaults, riots, either real or pretended, originating in disputes concerning land and crops, or differences between the landholders and their tenants, in the course of the exercise of the power possessed by the former of compelling the attendance of the ryots at their kutcheries, and of ejecting them from their jotes, either with or without sufficient cause. Many of the petitions presented on these subjects contain statements much exaggerated, but usually founded on acts which in any well-regulated community would be considered highly criminal and oppressive.

A considerable part of the petitions presented in the dewanny adawlut of course relate to the execution of decrees, and other miscellaneous business connected with the suits pending, or that have been decided in that court, and the rest principally refer to cases of distraint, and resistance to distraint, and to forcible dispossession on the disturbance of possession of land, and the ejection of tenants from their jotes by the zemeendars or their representatives, who now very generally assume this power, whenever the ryot may refuse to enter into engagements for the payment of an enhanced rate to which he may not consider himself subject under the provision of Section 7, of Regulation IV. of 1794.

(True Copy.)

(Signed)

J. Shakespeare, S. P.

ORDERED, that the Secretary write the following letter to the Superintendent of Police in the Lower Provinces, to the Registrar of the nizamat adawlut, and to J. Shakespear, Esq.

To the Superintendent of Police in the Lower Provinces:

Sir,

I AM directed by the Right honourable the Governor-General in Council to communicate to you the following orders, and observations of a report submitted to Government on the 15th May last by Mr. Shakespear, regarding the state of the Police in the lower provinces during the year 1815.

2.—Government have noticed with great satisfaction the improvement which has taken place in the Police of the lower provinces, with respect to the less frequent occurrence during the year 1815 of decoity, highway-robbery, and violent affray; the following comparative statement exhibits the total number of those offences, as well as of murders and homicides ascertained to have been committed respectively in the years 1812, 1813, 1814, and 1815:

	1812.	1813.	1814.	1815.
Decoity	605	505	336	294
Highway-robbery	121	82	102	82
Violent affrays	129	137	129	84
Murder and homicide	312	262	298	258
Total of each year	1,167	976	865	718

Letter from the  
Secretary to the  
Superintendent of  
Police,  
29 Nov. 1816.

3.—Of the persons charged with those crimes, the following number appear to have been convicted before the court of circuit during the past year:

Decoity - - - - -	292
Highway-robbery - - - - -	24
Violent affrays - - - - -	302
Murder - - - - -	134
Total - - - - -	752

N<sup>o</sup> 31.  
Letter from the  
Secretary to the  
Superintendent of  
Police,  
29 Nov. 1816.

4.—The information contained in the 4th and 5th paragraphs of Mr. Shakespear's Report, regarding the comparatively rare occurrence of torture, and other acts of atrocity in the commission of gang-robbery, is particularly satisfactory.

5.—Of the total number of violent affrays, viz. 84, reported to have been committed in the lower provinces during the year 1815, no less than 48 appear to have occurred in the four districts of Behar, Tirhoot, Sarun and Shahabad, situated within the division of Patna.

6.—The Governor-General in Council concurs with Mr. Shakespear in the causes which he has assigned for the apparent increase in the number of burglaries and thefts; and he cannot but apprehend that the reports furnished by the police-officers do not even yet exhibit the full extent in which those offences actually prevail.

7.—The laborious duties of the several magistrates in the lower provinces are forcibly exhibited in the Statement marked (A.) in the Appendix which accompanied Mr. Shakespear's report; from that statement it would appear that the number of persons apprehended by the magistrates in the lower provinces during the year 1815, amounted to upwards of 55,000; of that number nearly 16,000 were punished by the magistrates, exclusively of 32,018 committed for trial before the courts of circuit.

8.—The number of villages in the several districts of the lower provinces, as exhibited in the same Statement, amounts to upwards of 1,50,000, independently of the district of Ramghur, from which no return has been received. Although those returns may not be perfectly accurate, a rough estimate may be formed from them of the average population of the districts in the provinces of Bengal, Behar and Orissa.

9.—Assuming the low average of fifty houses in each village, and of five inhabitants in each house, the total population of the lower provinces would amount to 3,75,00,000, giving an average of nearly 13,00,000 to each district.

10.—But admitting that the average of population in each district amounts only to 10,00,000, (an estimate which Government conceives to be much below the fact) it is still sufficient to show the heavy labour to which the judges and magistrates must be necessarily exposed in the superintendence of the police, and in the administration of civil and criminal justice to so large a body of people, and in the conduct of the various details incident to their respective offices.

11.—On a consideration of the circumstances stated in paragraphs nineteen to twenty-four of Mr. Shakespear's Report, and of the opinions of the magistrates contained in the Appendix marked (B.), the Governor-General in Council is satisfied, that however atrocious the crime of murdering children for the sake of their ornaments may be, and however lamentable its effects, any attempts to prevent it by a legislative enactment prohibiting the use of such ornaments would be productive of very great and general dissatisfaction, and would in its consequences be attended with the most serious abuses and inconveniences. The number of children ascertained to have been murdered during a period of seven years in the lower provinces, for the sake of the gold and silver ornaments on their persons, amounting on an average to twelve in each year, is much smaller than was supposed by Government. The attention of the nizamut adawlut will be drawn to the suggestion contained in the twenty-fourth paragraph of Mr. Shakespear's Report, and they will be directed to consider whether it would be expedient to publish a notification to the effect proposed in that paragraph, or to adopt any other means, with a view to discountenance the highly objectionable and dangerous practice of decorating the persons of young children with valuable ornaments.

N<sup>o</sup> 31.  
Letter from the  
Secretary to the  
Superintendent of  
Police,  
29 Nov. 1816:

12.—With reference to the purport of paragraphs 25 to 29, and to the information contained in the Appendix marked (C.) the Governor-General in Council directs me to observe, that although he is fully sensible of the injurious consequences resulting from the prevailing offence of cattle-stealing, he is not satisfied that the imposition of restrictions in respect to the sale of cattle, as suggested in the 28th paragraph of Mr. Shakespear's Report, would not on the whole produce evils nearly as great and extensive as those which that measure is intended to meet.

13.—Previously, however, to making a final judgment on this question, the Governor-General in Council will ascertain the sentiments of the nizamat adawlut on the general expediency of imposing any restrictions on the sale of cattle, or of adopting any other measures with the view of diminishing the prevalence of cattle-stealing.

Para. 30 to 34.  
and  
Appendix (B)

14.—The Governor-General in Council laments to observe the numerous accidents which are occasioned by persons falling into wells. Although it is to be apprehended that casualties of this nature are for the most part beyond the reach of any legislative remedy which could with propriety be applied by Government, his Lordship in Council is of opinion, that the influence and authority of the local magistrates might frequently be exerted with advantage, in inducing the proprietors of wells to adopt such measures as might be calculated to prevent the occurrence of such accidents, and more especially in those instances in which casualties may have already taken place from the want of proper precautions on the part of the proprietors. The nizamat adawlut will be accordingly directed to take this subject generally into their consideration, &c. and to submit to Government the draft of any circular instruction which they may judge calculated to facilitate the accomplishment of the object above noticed.

Paras. 35, 36.

15.—The Governor-General in Council is of opinion, that the excavation of tanks in the city of Moorshedabad, as suggested in the third paragraph of Mr. Shakespear's Report, would be attended with great advantage, and that the labour of such bodies of convicts as could be spared from the neighbouring districts might be very beneficially employed in those and other similar works at the city of Moorshedabad.

16.—His Lordship in Council, however, deems it expedient to suspend the issue of any specific instructions on this point, until he shall be furnished with a Report which is now under preparation by the local Committee appointed for the purpose of improving the city of Moorshedabad.

Para. 42 and 43.

17.—The expense incurred by Government for the support of indigent prosecutors and witnesses, during their detention in attendance on the criminal courts of justice in the lower provinces, is stated to have amounted, during the past year, to rupees 13,409. It is satisfactory to observe, that the expense incurred on this account has recently been very materially diminished in those districts in which the offence of gang-robbery has been chiefly suppressed.

Para. 44.

18.—The nizamat adawlut will be requested to issue the requisite orders to the local magistrates, regarding the lunatics alluded to in this paragraph.

19.—I am now directed to communicate to you such orders and observations as have appeared to Government necessary, on a consideration of the state of the police in the several districts in the lower provinces.

#### DIVISION CALCUTTA.

##### ZILLAH BURDWAN:

20.—Little alteration in the general state of the police of this district appears to have taken place during the past year. The magistrate should be called upon to explain the great difference in the number of burglaries stated to have been committed during the past year, as reported respectively by him and by his police-officers.

##### JUNGLE MOHALS:

21.—No instance of gang-robbery has occurred in this district during the last year. The number of other crimes as ascertained to have been committed, is nearly the same as in the year 1814.

22.—The

22.—The Governor-General in Council considers the subject discussed in paragraphs 62 to 67 of Mr. Shakespear's Report, to be one of great importance, not only with regard to the ghautwals in the jungle mehals, but as it is connected with the rights and interests of that class of public officers in other parts of the country. It is understood that the court of nizamat adawlut is now engaged in collecting information on this point, with a view to bring the subject under the notice of Government in a comprehensive form. The attention of the court will accordingly be drawn to the paragraphs in Mr. Shakespear's Report above alluded to, and to the documents in the Appendix marked (H.); but it may be convenient that you should furnish the court with any additional information which you may possess, either from your local knowledge of the jungle mehals and of Ramghur, or from any general inquiries conducted in your official capacity of superintendent of the police, regarding the ghautwallee-tenures in other parts of the country.

N<sup>o</sup> 31.  
Letter from the  
Secretary to the  
Superintendent of  
Police,  
29 Nov. 1816.

MIDNAPORE :

23.—The state of the police of the district of Midnapore is apparently much more inefficient than that of any other district in the division of Calcutta. This inefficiency however is principally confined to the pergunnah of Bogree, and to those jungle pergunnahs in its immediate vicinity which have been exposed to the outrages of the Choors.

24.—You have been already made acquainted with the measures pursued by Government with the view of restoring tranquillity in Bogree. I am now directed to transmit to you the accompanying copies of letters\* recently addressed to Mr. Oakley and Mr. Barwell, from which you will learn the beneficial effects which have resulted from the arrangements adopted by them since the commencement of the present year, and the expectation of Government that the state of Bogree will in a short period admit of the operation of the general Laws and Regulations being again introduced into that pergunnah.

\* 22d Nov. 1816.

CUTTACK :

25.—The observations contained in Mr. Shakespear's Report, regarding the police of this district, are generally satisfactory, but do not call for any particular orders or remarks from Government.

JESSORE AND NUDDEAH :

26.—The small number of decoities, highway-robberies, and of serious affrays committed during the past year in these two districts, (formerly the theatre of such atrocious and revolting excesses) as specified in the margin, manifests, in a highly satisfactory manner, the continued efficiency of the police in preventing the commission of the more heinous offences.

Decoities - - - - -	6.
Highway Robberies - - - -	3.
Serious Affrays - - - - -	3.

27.—Buglary, however, continues to be more frequent in Jessore and Nuddeah than in the other districts of the Calcutta division. The total value of property stolen in those districts during the past year, amounts to upwards of 20,000 rupees, of which scarcely a twentieth part appears to have been recovered.

28.—An extract from Mr. Shakespear's Report, regarding the interruption experienced in the navigation of the Issamuty and Matabhangha rivers, will be communicated through the Territorial Department to the Board of Revenue, with directions to consider and report on the best means of keeping the navigation of those rivers free from obstructions; and to submit to Government in future an annual report of the nature suggested by Mr. Shakespear. As the amount of the tolls levied on boats passing along those rivers is now considerable, Government recognizes the expediency and propriety of affording every possible accommodation and facility to that branch of the community by which the tolls in question are paid.

Para. 99 to 100

HOOGLY :

29.—The diminished prevalence of gang-robbery during the year 1815, especially in the latter part of that year, and the considerable number of individuals charged with that crime, who have been prosecuted to conviction before the court of circuit, afford a satisfactory proof of the success which had attended Mr. Oakeley's endeavours

Para. 104

N<sup>o</sup> 31.  
Letter from the  
Secretary to the  
Superintendent of  
Police,  
29 Nov. 1816.

endeavours to suppress that offence previously to his being deputed to the special charge of pergunnah Bogree, under the provisions of Regulation V, 1815.

30.—From the circumstances stated in the 109th paragraph of Mr. Shakespear's Report, his Lordship in Council conceives that some mistake must have occurred in preparing the return of persons apprehended and punished by the magistrate in the district of Hooghly. It is desirable that the error, if any should have occurred, be avoided in future; and that statements of that nature should be prepared on uniform principles in each district.

#### CHINSURAH, &c. 24 PERGUNNAHS:

Para. 111 to 125.

31.—The state of the police in the foreign settlements, and in the 24 pergunnahs, as described in these paragraphs, does not call for any remarks from Government.

#### SUBURBS OF CALCUTTA:

32.—In the 126th paragraph of his Report Mr. Shakespear adverts to the case of an individual, who is represented to have died in consequence of his having been severely beaten by the servants of an indigo-planter.

33.—His Lordship in Council desires that you will ascertain and report to Government the facts of this case, and the result of the proceedings holden, either before the magistrate or the court of circuit, in order that Government may be informed whether the indigo-planter alluded to was himself guilty of any and what misconduct on the occasion in question.

34.—The attention of Mr. Eliot should be drawn to the observations contained in paragraphs 127 and 128 of Mr. Shakespear's Report, with a view to the more accurate preparation in future of the periodical statements submitted by him to the superintendent of police.

35.—The highly useful labours of Mr. Eliot are duly appreciated by Government, and his Lordship in Council has noticed with approbation the assiduity with which Mr. G. T. Bayley has discharged the duties intrusted to him in his capacity of acting assistant magistrate of the suburbs of Calcutta.

#### DIVISION OF PATNA.

##### ZILLAH RAMGHUR:

Para. 134.

36.—With reference to the remarks contained in the 139th and 140th paragraphs of Mr. Shakespear's Report, you are desired, after consulting with the magistrate, to report whether any and what arrangement can be conveniently adopted for diminishing the extent of the local jurisdiction of the thannah of Aurungabad.

37.—The circumstances stated in paragraphs 142 to 151, regarding the prevalence of highway robbery on that part of the great military road to Benares which is included in the district of Ramghur, appear to require early attention.

38.—The great success which has followed the arrangements so ably and judiciously introduced by you in the year 1810-11, with a view to the security of travellers on that portion of the military road, which leads through the jungle mehals, is forcibly pointed out by Mr. Shakespear, in the following passage: "Fifty-nine instances of highway robbery were perpetrated on this road in the jungle mehals, during the years, 1809-10; but, since the introduction of Mr. Blunt's system not a single instance of the offence has occurred on that portion of the road."

39.—The beneficial results of those arrangements appear to Government to render it highly expedient that a similar system should be established without delay on the military road leading through the district of Ramghur; your local experience and knowledge will materially facilitate the adjustment of the details of the plan; and his Lordship in Council accordingly desires that you will lose no time in communicating with Mr. Lindsay, who has been nominated to officiate as magistrate of Ramghur (during the absence of Mr. French in Chotah Nagpoor); and to adjust, in concert with that gentleman, the measures necessary to be adopted for the introduction into Ramghur, of the same system as that which was carried into effect by you in the jungle mehals, when in charge of the office of judge and magistrate of that district.

40.—You

40.—You will be pleased to report to Government the completion of the arrangement, and to submit at the same time a statement of the expense which may be unavoidably incurred on account of any additional establishment of burkundozes, necessary to aid and support the deegwars who may be stationed for the protection of the road in question.

N<sup>o</sup> 31.  
Letter from the  
Secretary to the  
Superintendent of  
Police,  
29 Nov. 1816.

BEHAR :

41.—Eleven serious affrays are stated to have occurred in this district during the year 1815; and 101 individuals have been convicted by the court of circuit for having been concerned in those offences, and no summary suits for dispossession appear to have been decided by Mr. Mackenzie, the late judge, during that interval.

42.—His Lordship in Council trusts that the zealous exertions of the present acting judge and magistrate, Mr. P. E. Patton, and his prompt attention to that branch of the business of his civil court, will have tended to diminish the prevalence of this offence.

TIRHOOT AND SARUN :

43.—His Lordship in Council relies on the approved zeal and judgment of Mr. Fleming and of Mr. Elliot, the present judges and magistrates of Tirhoot and Sarun, for an early improvement in the general state of the police of those districts, the duties of which are peculiarly arduous and responsible.

44.—In paragraph 167 of his Report Mr. Shakespear alludes to the case of a child having been emasculated in the district of Sarun; by the direction of its father, and having died under the operation. The nizamat adawlut will be requested to ascertain and report to Government, whether the perpetrators of this revolting act of barbarity were brought to trial before the court of circuit, and if they were, whether any, and what punishment was inflicted on them; and in the event of their having been acquitted, whether such acquittal arose from want of proof to establish the fact, or from any defect in the Mahomedan criminal law, as applicable to the case in question.

SHAHABAD :

45.—The state of the police of this district is generally satisfactory, and does not call for any particular remarks or orders.

CITY OF PATNA :

46.—The utility of the subsidiary police-establishment, introduced into the city of Patna under Regulation XIII. 1813, is evinced in the progressive diminution of thefts and burglaries within the precincts of the city to which it has been extended; and his Lordship in Council is happy to perceive, that Mr. Robertson, the acting magistrate, has given particular attention to the improvement of the establishment in question.

DIVISION OF MOORSHEDEBAD.

BOGLEPOOR :

47.—His Lordship in Council has observed with regret that the number of offences, and particularly of gang-robberies\*, committed in this district during the past year, exceeds that reported in the year 1814.

1814.	1815.
4.	10.

48.—No cause is assigned for this increase; and his Lordship in Council desires, that if no material improvement should have taken place in the course of the present year in the state of the police of Boglepore, you will, previously to submitting your next annual Report, apply to Mr. Parry for an explanation of the circumstances which may have rendered the commission of crimes more frequent than in the year 1814.

49.—With reference to the suggestion contained in the 191st paragraph of Mr. Shakespear's Report, I am directed to observe, that the draft of the Regulation recently submitted by you for extending the provisions of Regulation XIII. 1813, with amendments and modifications, to the several stations of the joint magistrates, &c. is now under the consideration of Government.



N° 32.

Letter from the  
Secretary to the  
Superintendent of  
Police,  
29 Nov. 1816.

## PURNEAH:

50.—The diminished prevalence of gang-robberies, murder, and serious affrays in this district, and the very considerable number of criminals prosecuted to conviction before the court of circuit during the year 1815, are very creditable to the exertions of Mr. Halhed the late magistrate.

## DINAGEPORE:

• In  
1812 - - 119.  
1813 - - 50.  
1814 - - 34.  
1815 - - 11.

51.—His Lordship in Council has derived much satisfaction from the progressive decrease in the number of gang-robberies committed in this district since the year 1812\*. In that year no less than 81 dacoities were attended with torture, while in the year 1815, only one instance occurred of a dacoity attended with torture.

## RUNGPORE:

52.—The execution of the orders which were issued to Mr. Scott, the late judge and magistrate of Rungpore, with a view to the more equal and compact arrangement of the local boundaries of the several thannah jurisdictions of Rungpore, has been interrupted by the special duties which have for some time past occupied so large a share of Mr. Scott's time and attention.

53.—Under the provisions of Regulation XVII. 1816, Mr. Macleod, the present magistrate will of course report through you, for the eventual consideration of Government, the local arrangements which he would recommend with a view to the accomplishment of the desirable object above noticed.

54.—Information of the orders furnished to Mr. Scott, on the occasion of his being appointed to the office of commissioner of Cooch Behar, with the powers of joint magistrate in some of the northern and eastern thannahs of Rungpore, was forwarded to you on the 27th September last.

55.—The arrangements noticed in that document will tend to relieve the present judge and magistrate from some portion of the very laborious duties of his office, and his Lordship in Council trusts that they will be productive of essential benefits in the improvement of the internal police of the district, as well as in the establishment of tranquillity and good order on its northern and eastern frontiers.

## RAJESHAHYE:

56.—The state of the police of this district, with reference to the more recent information received since Mr. Ewer the present magistrate assumed charge of his office, does not call for any particular remarks or orders.

## BEERBHOOM:

57.—Adverting to the observations contained in the 235th paragraph of Mr. Shakespear's Report, the Governor-General in Council desires that you will, in concert with the magistrate, consider and report on the local arrangements which it may be necessary to adopt with the view of rendering the thannah jurisdictions of the district of Beerbhoom more equal and compact than they appear to be at present.

## MOORSHEDABAD:

58.—The state of the police of the city of Moorshedabad appears in a less favourable point of view than might have been anticipated from the improvement which has been effected in the other cities in the lower provinces. It will be desirable that you should ascertain how far the stated inefficiency of the police is ascribable to any defect in the organization or management of the subsidiary police-establishment, maintained under the provisions of Regulation XIII, 1813, in that city.

## DIVISION OF DACCA.

## MYMENSING:

59.—The following is a memorandum of the total number of some of the most heinous offences ascertained to have been committed in the district of Mymensing, in the years 1813 and 1815 respectively:

Decoities	-	-	1813,	-	63	-	1815,	-	6
Murders	-	-	—	-	9	-	—	-	4
Violent affrays	-	-	—	-	4	-	—	-	—

60.—Adverting

60.—Adverting to the great extent and population of the district, and to the comparative weakness of the police-establishments, the improvement which has been effected in every branch of the police of this district, under the able and zealous management of Mr. Ewer, the late magistrate, is highly satisfactory to Government, and creditable to Mr. Ewer's official character.

Letter from the  
Secretary to the  
Superintendent  
of Police,  
29 Nov. 1816.

**SYLHET:**

61.—The state of the police of this district is upon the whole satisfactory, and does not call for any particular remarks from Government.

**TIPPERAH:**

62.—The stated decrease of gang-robbery in this district is highly creditable to the exertions of the magistrate Mr. Hayes; the Governor-General in Council is also happy to observe, from the information contained in paragraphs 264 and 265, that the magistrate is now able to dispose of the cases of prisoners under examination without delay.

63.—The conduct of Cazeé Mahomed Ufzul, as described in paragraph 262 of Mr. Shakespear's Report, appears to the Governor-General in Council to be highly meritorious, and to entitle him to some reward or mark of distinction on the part of Government. If, therefore, it should appear that no such reward has yet been conferred upon him, you will be pleased, after communicating with the magistrate of Tipperah on the subject, to suggest to Government the nature and extent of the remuneration which you may consider to be most suitable, with reference to his situation in life, and to his conduct on the occasion adverted to.

**CHITTAGONG:**

64.—The information furnished regarding the police of this district, which appears to be in a state of progressive improvement, is generally satisfactory.

**BACKERGUNGE and DACCA JELALPORE:**

65.—No observations are necessary on the state of the police of these districts as described in paragraphs 267 to 273.

**CITY OF DACCA:**

66.—The efficiency of the subsidiary police-establishment introduced into the city of Dacca under the provisions of Regulation XIII. 1813, is satisfactorily shown in the small number of burglaries\* and thefts† committed within the limits of the city during the past year.

\* Burglaries - 9  
† Thefts - - 40

67.—I am directed by the right honourable the Governor-General in Council to inform you, that a copy of this letter will be forwarded for the information of Mr. Shakespear.

68.—In conclusion, I am directed to observe, that although the state of the police differs materially in different districts, and although the degree in which public offences are actually committed in many of them, still demands the utmost vigilance and exertion on the part of the public officers; yet that the reforms already effected are calculated to afford to the mind the highest degree of satisfaction. This observation would be just, were we only to contemplate the actual state of the police in the last year, with reference to its condition in the two or three years immediately preceding; but if we cast our eyes back to the year 1807 or 1808, when the number and atrocity of public crimes committed in almost every district were equally alarming, the improvements already effected are calculated to reflect the highest degree of credit on the public functionaries who have so cordially and ably exerted themselves in carrying the arrangements and measures prescribed by Government into effect. In this view of the subject, the Governor-General in Council deems it only an act of justice towards yourself and Mr. Shakespear to observe, that, however meritorious the conduct of the local magistrate may have been, his and your situations have afforded a still wider field for exertion, and that the success of your labours has been commensurate with the zeal and ability by which your efforts for the establishment of good order and tranquillity have been distinguished.

Council-Chamber, }  
29th November 1816. }

(Signed)

I am, &c.  
W. B. Bayley  
Secretary to Government.

N<sup>o</sup> 32.  
Judicial Letter  
from Bengal,  
27 December 1816.

N<sup>o</sup> 32.—Copy of a Letter in the Judicial Department, from the Governor General in Council to the Court of Directors; dated 27 December 1816 (W. P.)

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England trading to the East Indies.

Honourable Sirs,

1.—IN our separate letter of the 29th ultimo we had the honour to bring under the notice of your Honourable Court, a Report submitted to us by Mr. Shakespear, regarding the state of the police in the lower provinces, for the year 1815, together with some other documents connected with the additional duties recently confided to the superintendents of police.

2.—For the reasons stated in paragraphs 2 and 3 of that letter, we have now the honour to forward, separate numbers in the Packet, the under-mentioned documents :

Copy of a Report from Mr. Shakespear regarding the police of the several districts in the western provinces for the year 1815, and of the Appendix which accompanied it :

Copy of our Secretary's letter in reply :

Copy of a further Report from Mr. Shakespear, dated the 15th instant, regarding the police of the district of Moradabad during the period between the 1st January and the end of September of the present year.

3.—It is unnecessary for us to occupy the attention of your Honourable Court by any detailed discussion of the numerous and important subjects treated of in Mr. Shakespear's general Report, such a discussion would in fact be little more than a repetition of the sentiments and observations which we have fully expressed in the orders issued to Mr. Shakespear, to which we beg leave to refer your Honourable Court.

4.—The purport of the valuable information communicated in Mr. Shakespear's Report, regarding the classes of robbers denominated Budheks\* and Thugs†, their habits and practices, have been printed, and circulated for the information of the several magistrates throughout the country, and we have the honour to forward with this despatch two copies of the printed document in question.

\* Para. 10 to 45.  
† Para. 77 to 111.

5.—Your Honourable Court will observe from various passages of Mr. Shakespear's Report, the great advantage which has been experienced from the distribution, at convenient places on the high road, of subordinate police-chokies, consisting of burkundaues detached from the regular police-thannas.

6.—In the several districts in which arrangements of that nature have hitherto been adopted, they have uniformly been attended with the effect of suppressing, or of materially diminishing, the prevalence of highway-robbery and of murder by Thugs. Rules have accordingly been enacted, providing for the general adoption of similar measures in districts in which those offences may prevail, or in which from other causes the establishment of subordinate chokies may appear advisable.

Vide Reg. 17. 1816.

7.—The crime of murder by Thugs has been less prevalent during the year 1815 than in former years, and appears to have been chiefly confined to the districts of Cawnpore, Allahabad, and Bundelcund. This crime, however, is of so revolting a nature, that the common feelings of humanity, no less than the obligations of our public duty, will render its suppression an object of our most anxious solicitude.

The adoption of the measure alluded to in the preceding paragraph, combined with the vigilance and active exertions of the local magistrate, will, we trust, lead to the apprehension of many of the perpetrators of this detestable crime, and will gradually prevent its recurrence.

8.—The prevalence of serious affrays has also been materially subdued in the western provinces; and the information furnished by Mr. Shakespear gives reason to hope that the exertions of the police-officers are daily becoming more successful in the suppression of these outrages.

9.—The

9.—The obstructions opposed to the due administration of the police of those districts which are situated on the frontier of the reserved territories of his Excellency the Nabob Vizier, from the misconduct of his Excellency's officers and subjects, are clearly described in Mr. Shakespear's Report.

N<sup>o</sup> 32.  
Judicial Letter  
from Bengal,  
27 December 1816.

10.—Paragraphs 34 to 49 of our secretary's letter in reply, contain a full review of the injurious consequences resulting from that misconduct, and of the measures which have appeared to us best calculated to prevent their future recurrence; and we shall hereafter communicate to your Honourable Court the result of the representations, which we have judged it expedient to address to his Excellency the Vizier on this important subject.

11.—In paragraphs 216 to 220 of our general letter from this department, of the 7th October 1815, we adverted to the inefficient state of the police in the district of South Seharunpore, and stated the measures which we had adopted with a view to its improvement.

12.—The information contained in the documents now forwarded, with regard to the reform which has been effected in the police of that district during the past year, cannot fail to prove extremely satisfactory to your Honourable Court.

13.—The number of serious offences committed respectively in the years 1814 and 1815 is as follows.

	1814.	1815.
Gang-robbery - - - - -	10	1
Highway-robbery - - - - -	143	62
Murders - - - - -	14	9
Violent Affrays - - - - -	7	—
<b>Total - - - - -</b>	<b>174</b>	<b>72</b>

14.—The great decrease in the number of offences, and the general improvement of the police in that district, is ascribable, in the first place, to the vigorous and judicious measures pursued under Mr. Shakespear's guidance, while he was in charge of the office of magistrate of that district, and subsequently to the exertions of Mr. Gorton the judge and magistrate.

15.—The abstract comparative Statement inserted in the margin will exhibit to your Honourable Court the result of the information submitted in Mr. Shakespear's general Report, regarding the total number of the more heinous offences perpetrated during the years 1814 and 1815 respectively, in the several districts included in the western provinces.

	1814.	1815
Total Decoities - - - - -	96	130
Highway-Robbery by Horsemen and Footpads - - - - -	502	456
Murder and Homicide - - - - -	285	266
Murder by Thugs - - - - -	74	68
Violent Affrays - - - - -	204	134
<b>Total - - - - -</b>	<b>1,161</b>	<b>1,064</b>

Memorandum showing what proportion of these crimes was committed in the District of Moradabad:

Decoities - - - - -	71
Highway-Robberies - - - - -	139
Murders and Homicides - - - - -	59

16.—A great proportion, however, of the crimes committed in the year 1815, as exhibited under the three first heads of that Statement, occurred in the single district of Moradabad, and we have annexed a memorandum showing what number of these crimes occurred in Moradabad alone.

17.—This memorandum will enable your Honourable Court to judge of the degree in which the result, deducible from the general statements, have been effected by the inefficiency of the police during the past year in the district of Moradabad.

18.—We beg leave to request the particular attention of your Honourable Court to the remarks and orders communicated in our Secretary's letter to Mr. Shakespear on the subject of the police of Moradabad, and we trust that under the circumstances there stated your Honourable Court will sanction and approve the arrangements which we judged it necessary to adopt, for the reform of the police, and for the due administration of civil and criminal justice in that extensive district.

19.—It is highly gratifying to us to state that those measures have been already attended with the most substantial benefits.

20.—The

N<sup>o</sup> 32.  
Judicial Letter  
from Bengal,  
27 December, 1816.

20.—The details contained in Mr. Shakespear's supplementary Report, dated the 15th of this month, a copy of which is forwarded a separate number in the Packet, regarding the progress of reform effected in the police of Moradabad, during the interval between the 1st of January and the 30th September of the present year, are in the highest degree satisfactory, and justify a confident expectation that a perseverance in the same course of measures will ere long render the police of Moradabad as efficient as that of other districts generally in the division of Bareilly.

	12 Months of 1815.	9 Months of 1816. from 1st Jan. to 30th Sept.
Dacoity and Murder - -	22	3
Dacoity with Wounding - -	30	9
Simple Dacoity - - - -	19	3
Total Dacoities - - - -	71	15
Highway-Robbery by Horse- men - - - - -	31	15
Highway-Robbery by Foot- pads - - - - -	108	81
Murder - - - - -	51	21
Burglary - - - - -	425	263
Theft - - - - -	1,121	585
Violent Affrays - - - -	26	17
Burglaries and Thefts, at- tended with Wounding - -	116	44
Cattle-Stealing - - - -	365	281
Total - - - - -	2,314	1,322

21.—In proof of the justness of this observation we may refer to the abstract comparative statement inserted in the margin, which shows the number of the more heinous offences committed respectively during the year 1815, and the first nine months of the present year.

22.—We are also solicitous to draw the attention of your Honourable Court to the arrangement which we have deemed it necessary to adopt for improving the police, and for facilitating the administration of civil and criminal justice in the district of Goruckpore.

23.—The grounds and nature of that arrangement are distinctly exhibited in paragraphs 129 to 136 of our Secretary's letter to the superintendent of police.

24.—Your Honourable Court will perceive that its adoption will not involve any material increase of charge, and we are willing to hope that independently of the general advantages which the public interests will derive from the more vigilant superintendence of the police, which can now be exercised throughout the district of Goruckpore, the measure above noticed will prove to be one of real and direct economy; the local authority of the joint magistrate will facilitate the realization of the revenue; and his vigilance may be expected to prevent the recurrence of those frequent losses which have been sustained by Government, by attacks on the local cutcheries, and the robbery of the public treasure.

We have, &c.

Fort-William,  
27 December 1816.

(Signed) *Moir,* *N. B. Edmonstone,*  
*Arch. Seton,* *G. Dowdeswell.*

N<sup>o</sup> 33.—Copy of a Letter in the Judicial Department, from the Governor-General in Council to the Court of Directors; dated 7 February 1817.

#### LOWER PROVINCES,

#### JUDICIAL DEPARTMENT.

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England trading to the East Indies.

Honourable Sirs,

Para. 1.—WITH reference to paragraphs 191 to 196 of our despatch from the Judicial Department of the 7th of October 1815, we have the honour to submit to your Honourable Court the accompanying copies of two letters from the register of the sudder dewanny adawlut and nizamat adawlut, dated the 15th November 1816, and 6th of December last, together with a copy of the orders which we have this day issued in reply.

2.—The

N<sup>o</sup> 33.  
Judicial Letter  
from Bengal,  
7 February 181

2.—The great importance of the questions discussed in your Honourable Court's General Letter of the 9th November, 1814, united with the circumspection which should uniformly be observed in making fundamental alterations in the administration of this country, naturally rendered us extremely desirous of consulting the principal authorities in the Judicial and Revenue Departments, regarding the various points noticed by your Honourable Court; and you have been already informed of the measures which we adopted, with the view of obtaining the sentiments of those authorities respectively.

3.—We have hitherto received no reply from the Board of Revenue or the Board of Commissioners to the orders issued to them in August 1815, and repeated in August 1816; nor have we yet been furnished with the Reports required from the sudder dewanny adawlut and nizamut adawlut, and from the superintendent of police in the lower provinces.

4.—However much we may regret the delay which under these circumstances must unavoidably occur, before we can submit the result of our deliberations on the momentous changes suggested by your Honourable Court in the system now in force under this Presidency, for the administration of your affairs in the Judicial and Revenue Department, we feel satisfied that any disappointment of that nature will be amply counterbalanced by the useful assistance which we shall derive in forming our judgment on the subject, from having before us the opinions and suggestions of the most able and experienced of your judicial and revenue-officers.

5.—The delay, too, will probably enable us to ascertain in what degree the various changes recently introduced in the territories subject to the Presidency of Fort St. George have been attended with success, or otherwise.

6.—In the mean time it will be satisfactory to your Honourable Court to learn, that considerable progress has been made in reducing the arrears of depending civil suits in the provinces under this Presidency; and we take this opportunity of forwarding, for your Honourable Court's information, as separate numbers in the the Packet, copies of the latest reports which we have received on this subject from the sudder dewanny adawlut, together with copies of our secretary's letters in reply.

7.—From those documents your Honourable Court will perceive, that during the short period of eighteen months, viz. between the 1st of January 1815, and the 1st of July 1816, the arrear of regular suits, whether original or in appeal, has been very considerably reduced, more especially in the lower courts.

8.—The following abstract Memorandum exhibits the degree in which that reduction has been effected in the several courts throughout the country :—

	Depending on the 1st Jan. 1815.	Depending on the 1st July 1816.	Decrease.
Sudder dewanny adawlut, and provincial courts - - - - -	4,245	4,084	161
Zillah and city judges and registers - - - - -	30,924	23,014	7,910
Sudder-aumeens and moonsiffs - - - - -	99,700	76,655	23,045
Total - - - - -	1,34,869	1,03,753	31,116

9.—The periodical statements, which we have from time to time submitted to the notice of your Honourable Court, previously to the commencement of the year 1815, have shown that the arrear of depending suits was annually in a state of progressive increase. This, however, was a natural effect of the disorders which had so long prevailed in the department of police, and of the occupation of so large a portion of the time of the judicial officers in every gradation (even after those evils were in some degree suppressed), with cases of a criminal nature. The favourable contrast exhibited in the foregoing memorandum will, we doubt not, be considered by your Honourable Court to be highly satisfactory.

10.—The aggregate reduction actually effected in the period of eighteen months since the operation of Regulation XXIII. to XXVIII, 1814, amounts to considerably more than one fourth of the total number of regular suits and appeals now

N<sup>o</sup> 33.  
Judicial Letter  
from Bengal,  
7 February 1816.

depending in the civil courts under the Presidency of Fort-William; and if a corresponding reduction should continue to be effected, there will, in the course of a few years, be no other arrear of causes (at least in the lower courts,) than what may unavoidably arise from the irremediable delay in preparing causes for decision, and the suitors generally would have no reason to complain of tardiness in the administration of civil justice.

11.—If the expectations above expressed should be realized, the chief motives by which your Honourable Court have been actuated in suggesting many of the measures described in your letter of the 9th of November 1814, will cease to have effect.

Fort-William, }  
7th Feb. 1817. }

We have the honour to be,  
Honourable Sirs,  
Your most faithful humble servants,

(Signed)

*Moir,*  
*N. B. Edmonstone,*

*Arch. Seton,*  
*G. Dowdeswell.*

N<sup>o</sup> 34.  
Judicial Letter  
from Bengal,  
1 March 1817.

N<sup>o</sup> 34.—Extract of a Letter in the Judicial Department, from the Governor General in Council to the Court of Directors; dated 1 March 1817. (W. P.)

Para. 16.—THE annexed proceedings contain the Reports of the Judges of Circuit for the divisions of Bareilly and Benares, on crimes of a heinous nature, and on the state of the police on the termination of the sessions at the different stations.

17.—The length of time which has elapsed since the Report furnished by Mr. C. Smith, the second judge of the Benares court of circuit for the second sessions of 1811, was written, and the changes which have taken place during the intermediate period in the state of the police supersede the necessity of any special observations on that document.

18.—The Reports for the first session of 1815, and first session of 1816, place the state of the police in a favourable point of view, and show a reduction of public crimes and offences in all the districts included in the division of Benares.

19.—With reference to our observations in a preceding part of this letter, (paragraph 6th,) we beg leave to request the attention of your Honourable Court to the second and third paragraphs of the Resolutions of the nizamut adawlut on the Reports above noticed.

20.—The sentiments expressed by the court of nizamut adawlut, regarding the services of the joint magistrates, are entirely conformable with those which we entertain on that subject. Experience has shown, in the most satisfactory manner, that the zealous exertions of those officers have contributed materially to the improvement of the police, and to the more speedy and efficient administration of civil and criminal justice in those districts in which we have hitherto deemed it expedient to station them.

21.—The observations recorded by the court of nizamut adawlut, that some of those officers were of more than 13 years standing in the service, that the majority of them were of more than 10 years standing, and that all of them appear to have been employed in the judicial department for a longer period than is required to qualify them for holding the situation of a judge and magistrate of a zillah or city-court, are sufficient to show that those officers are not too young or inexperienced to be safely intrusted with the powers, important as they are, vested in them; and it is satisfactory to observe, that no instance of abuse of authority by them has been brought under the notice of the nizamut adawlut.

22.—The diffusion of this sort of agency through the country is calculated to afford confidence to the people in the protecting influence of the Government. The districts in which officers of the above description are stationed are among the most extensive and populous in the country. However firm, therefore, the allegiance of the bulk of the people may have been to the British Government, it must be regarded as an advantage of more than ordinary magnitude, that means have been adopted, at so light an expense to the State, of placing large bodies of them more immediately in contact

contact with the executive Authorities, and of thus enabling the former more fully and effectually to appreciate the advantages which it is the anxious wish of the Administration to extend to all classes of persons subject to its rule.

N<sup>o</sup> 34-  
Judicial Letter  
from Bengal,  
1 March 1817.

MISCELLANEOUS SUBJECTS:

23.—The annexed proceedings contain a letter from the register of the sudder dewanny adawlut, transmitting a statement of causes depending before the several provincial, zillah, and city courts in the western provinces on the 1st January 1816.

24.—Your Honourable Court will observe, on a comparison of the number of suits depending on the 1st of January 1815, and the 1st of January 1816, that a material reduction has been effected during the course of the last year in the total number of those suits.

25.—On the annexed proceedings is recorded the usual half-yearly Report of prisoners in confinement in the several districts of the western provinces on the 31st December 1815.

49.—In our letter to your Honourable Court of the 29th November last (paragraphs 6 to the end) we adverted to the measures which we had adopted, with a view to the revision and eventual reduction of the police-establishment in the western provinces. Your Honourable Court will observe, from the annexed proceedings, that in consequence of those measures certain reductions have been already effected in the police-establishments of the joint magistrate of Futtehpoore, and of the magistrates of Etawah and Moradabad.

50.—We refrain from enlarging on the subject further in this place, as it is our intention at a future period to bring it under the special notice of your Honourable Court in a separate despatch.

51.—We may observe, however, that the arrangements already effected, or now in progress, enable us to anticipate with confidence a very material diminution of the expense hitherto incurred on account of the police and gaol-establishments entertained in the western provinces.

52.—Your Honourable Court will have been already advised, from the secret department, of our resolution that the Deyrah Doon, heretofore forming a part of the territory of Gurhwal, and conquered from the Gorkahs, be permanently annexed to the dominions of the Honourable Company, and united to the district of Seharunpore.

53.—On the proceedings of the annexed date will be found recorded the general instructions which we issued to the magistrate of the northern division of Seharunpore on this subject. In those instructions the magistrate was informed that we had not considered it expedient that the general Laws and Regulations of the British Government should be immediately introduced into the Deyrah Doon, but that it would be sufficient that such measures should be adopted, and such general control exercised by the magistrate, as might appear necessary for the maintenance of an efficient internal police in that tract of country; we accordingly directed Mr. Grindall to take charge of the Deyrah Doon from Mr. Fraser, the then commissioner of Gurhwal, and after personally ascertaining the stations where it might be proper to establish police-thannahs, to report the number and expense of the establishments which might appear necessary to be entertained for the maintenance of the police and for the protection of the lives and property of the inhabitants.

54.—From the reply of the magistrate, recorded on the annexed proceedings, your Honourable Court will observe, that the annexation in question took place on the 22nd February last, since which period, to the date of the magistrate's letter, no crimes of a serious nature had occurred in that tract of country.

55.—The several points discussed in Mr. Grindall's letter, and the various arrangements suggested by him, having appeared to us to require mature consideration, particularly that which relates to the expediency of the establishment of a dewanny court in the northern division of Seharunpore, we called upon the provincial court of Bareilly for their sentiments, previously to forming any final judgment on those important questions.

56.—We shall hereafter report to your Honourable Court the measures which we may adopt with regard to the administration of civil and criminal justice in the Deyrah Doon.



N<sup>o</sup> 34  
Judicial Letter  
from Bengal,  
1 March 1817.

57.—From our despatches in the secret department, your Honourable Court will have been made acquainted with the terms of the treaty concluded between the Honourable Company and his Excellency the Vizier, on the 1st of May 1816. In conformity with the articles of that treaty the district of Khyreeghur, and the pergunnah of Newaubgunge have been duly transferred to the authority of his Excellency the Vizier, and the charge of the pergunnah of Handya has been made over to the officers of this Government.

58.—The pergunnah of Handya being more contiguous to the district of Allahabad than to those of Mirzapore or Juanpore, we directed the magistrate of the first-mentioned district to proceed in person to pergunnah Handya, and to receive charge of it on the part of the British Government. We likewise directed the magistrate to endeavour, by diligent local inquiries, to obtain the most full and accurate information in his power regarding that tract of country, and to ascertain the station or stations at which it might appear necessary to maintain a police-establishment.

59.—On the proceedings of the annexed date is recorded a letter from the magistrate of Allahabad reporting that he had received charge of the pergunnah of Handya on the 16th July last, and recommending the permanent annexation of that pergunnah to the district of Allahabad. That document furnishes much valuable information regarding the pergunnah of Handya.

60.—For the reasons assigned by the magistrate we have authorized him to entertain a thannah-establishment at Handya, a police-chokee at Doobuhá, and a guard-boat-establishment, at an expense of 269 rupees per mensem in the aggregate.

61.—The accompanying rough sketch of the situation of the pergunnah, with relation to the districts of Allahabad, Juanpore, and Mirzapore, will suffice to convey to your Honourable Court a just notion of the inconvenience and embarrassment to which the administration of civil and criminal justice in the districts above mentioned, was necessarily exposed while the pergunnah of Handya was subject to the authority of the Newaub Vizier, and of the important benefits which may be expected to result from its annexation to the British dominions.

N<sup>o</sup> 35.—Extract from a Letter in the Judicial Department, from the Vice-President in Council to the Court of Directors; dated 4 July 1817 (W. P.)

### POLICE.

#### DIVISION of BAREILLY.

Para. 3.—ON the proceedings of the annexed date are recorded three Reports, received through the medium of the nizamut adawlut, from the judges of the court of circuit for the division of Bareilly, on the termination of the first and second session of 1815, and the first session of 1816. Copies of those Report are transmitted as separate numbers in the Packet.

4.—The general sentiments expressed by Mr. Leycester, Mr. Hawkins, and Mr. Ross, in their successive Reports on the ameliorated state of the police, and the decrease of public crimes and offences, throughout the several districts comprised within the division of Bareilly, will, we doubt not, appear highly satisfactory to your Honourable Court.

5.—The following remarks contained in the 8th paragraph of Mr. Hawkins's Report, regarding the beneficial operation of our institutions, and the general improvement which has been affected in the police of the districts in the division of Bareilly, are peculiarly worthy of notice. "Considering the almost total anarchy which prevailed in these provinces before they had the good fortune to come under British rule, and that the Jaats, Goojurs, Rajpoots, Aheers, Lodhas, Patauns, Mawauties, Meenas, Buddeks, Chummars, and Khaukrolees, who still constitute the great bulk of the inhabitants, were all from time immemorial, I may say, addicted and habituated to overt or secret plunder; it is not to be wondered that the offences of burglary, theft, and cattle-stealing, are still so frequent. Time alone, and a steady administration of our laws, can accomplish a reform in the moral character of the people. That, however, the more heinous crimes of murder and gang-robbery are very much suppressed must be quite obvious, on a comparison

“ comparison of the number of trials referred, and persons convicted annually by the nizamut adawlut within the last 10 or 12 years.”

N<sup>o</sup> 35.  
Judicial Letter  
from Bengal,  
4 July 1817.

8.—Your Honourable Court will also peruse with satisfaction the following remarks contained in the Report of Mr. Ross, the third judge of the court of circuit for the division of Bareilly, on the conclusion of the first session of 1816, regarding the general diminution of heinous offences formerly so prevalent in the districts of that division.

“ Since I last reported on the state of the police in these provinces, which was after my return from the first circuit of the year 1812, a decrease of the most heinous crimes is observable.

“ The detestable crime of Thuggee has almost wholly disappeared; only three, (these three instances occurred in zillah Cawnpore,) instances of it being reported to have occurred throughout the whole division during the last six months of the past year.

“ In Cawnpore, Furruckabad, Etawah, Agrah, Allyghur, and the northern division of Seharunpore, not a single instance of dacoity happened during the six months above mentioned, and only one in the southern division of Seharunpore.

“ In zillah Moradabad more than ten dacoities occurred in the above period, and nine in zillah Bareilly. But even in those zillahs the crime is now less frequent than it was some years ago. It was always more prevalent in Rohilcund than in the other parts of the division, and the difficulties of suppressing it there are also greater, owing to the nature of the country, which, towards the hills, is covered with thick and extensive forests, which afford refuge to offenders of every description.”

“ The crime of highway-robbery is likewise somewhat less frequent than it was in most of the zillahs.”

9.—This decrease of heinous crimes is doubtless, in a great degree, ascribable, as stated by Mr. Ross, “ to the more than ordinary exertions which have of late been made by the magistrates;” but we see no reason to apprehend, as inferred by Mr. Ross, that these laudable exertions of the public officers will be attended with only temporary benefit.

10.—We cannot, indeed, anticipate any relaxation on the part of the magistrates in the discharge of the important functions assigned to them; and it is reasonable to suppose that, if the same exertions are continued by them, a progressive improvement in the police will be effected, in proportion to the facilities which the magistrate must derive from greater experience, more accurate local knowledge, and a gradually-diminished pressure of criminal business.

#### DIVISION OF BENARES.

11.—On the annexed proceedings is recorded a Report received through the medium of the nizamut adawlut from Mr. T. Fortescue, the officiating judge of the court of circuit for the division of Benares, on the conclusion of the second session of 1815. A copy of that Report is transmitted as a separate number in the Packet.

12.—The principal questions discussed in Mr. Fortescue's Report are so closely connected with the important points referred to in the letter from your Honourable Court, dated the 9th of November 1814, that they will more conveniently be considered when the Reports, which the sudder dewanny adawlut and nizamut adawlut, and other judicial and revenue authorities, have been directed to submit to Government, shall be received.

13.—In the mean time your Honourable Court will duly appreciate the zealous and laudable motives by which Mr. Fortescue has been actuated in submitting a full and explicit statement of his sentiments on the existing system of criminal law, and on the mode in which it is administered.

14.—On the proceedings of the annexed date is recorded the usual half-yearly Report of prisoners in confinement in the several districts of the Western provinces on the 30th June 1816. The only circumstance in that Report which requires observation, and which we have much satisfaction in noticing to your Honourable Court, is, that the number of prisoners of bad character ordered to be confined indefinitely till they find security for the future good behaviour, has been reduced from 533 to 474.

N<sup>o</sup> 35.  
Judicial Letter  
from Bengal,  
4 July 1817.

15.—The proceedings annexed contain the Reports furnished, through the nizamut adawlut, by the courts of circuit, of prisoners punished without reference to the superior courts, prepared in pursuance of the orders contained in the 48th paragraph of your Honourable Court's letter of 14th September 1808.

25.—In paragraphs 52 to 56 of our despatch of the 1st March last, your Honourable Court were informed of the annexation to the dominions of the Honourable Company of the Deyrah Doon, a tract of country forming part of the territory of Gurhwul, which had been acquired by conquest from the Goorkahs, and recently united to the district of Seharunpore. We at the same time intimated our intention of reporting to your Honourable Court the measures which he might find it necessary to adopt, with a view to ensure the due administration of civil and criminal justice in the Deyrah Doon.

26.—We now beg leave to draw the attention of your Honourable Court to the annexed proceedings which contain a letter and its enclosures, from the provincial court at Bareilly, conveying detailed observations on the situation, resources, and population of the Deyrah Doon, with suggestions for dividing the acquired territory into three police jurisdictions or thannahs, and submitting a Statement of the establishments proposed to be entertained at each of those stations, amounting in the aggregate to Sicca rupees 200 per mensem.

27.—The information furnished to us by Mr. Grindal, the magistrate of the northern division of Seharunpore, and by the provincial courts of appeal and circuit at Bareilly, was founded on particular and minute inquiries; and as it appeared that the state of property and civil society, the religion, manners, and customs of the inhabitants of the Deyrah Doon, corresponded with those prevailing amongst the inhabitants of the adjoining district of Seharunpore, we did not consider it to be necessary to make any modification in the principles of the Regulations in force in the ceded and conquered provinces, and we accordingly passed a Regulation, copies of which accompany this despatch, for the formal annexation of the Deyrah Doon to the zillah of Seharunpore, and for extending the operation of the existing laws and regulations to that tract of country.

28.—The result of our deliberations, with regard to the expediency of establishing a dewanny adawlut in the northern division of Seharunpore; will be hereafter duly communicated to your Honourable Court.

42.—The annexed proceedings contain two letters from the register of the sudder dewanny adawlut, transmitting statements of causes depending before the several provincial, zillah, and city courts in the western provinces, on the 1st of July and 31st of December 1816.

43.—Having taken occasion, in our separate letter of this date from the lower provinces, to enter into a full consideration of the state of civil business, generally, throughout the provinces subject to this Presidency, we refrain from offering to your Honourable Court any detailed observations on the subject in this place. We may remark, however, that considerable reduction has been effected during the year 1816, in the arrear of suits depending in the civil courts in the western provinces; that the only courts in the western provinces in which there is any very considerable arrear of civil suits, are the provincial and city courts of Benares, and the zillah courts of Cawnpore and Juanpore; and that the number of regular suits and appeals depending in almost all the other courts in the western provinces appears from the following abstract Statement to be generally small.

Total depending on the 1st of January 1817, before the Bareilly court of

appeal	70
D <sup>o</sup> before the judges and registers of Agrah	74
Allyghur	109
Bareilly	173
Etawah	54
Furruckabad	102
Moradabad	220
Seharunpore	158
Bundlecund	246
Goruckpore	277

52.—The

52.—The several magistrates in the western provinces were at the same time authorized to retain the establishment of police-sewars, specified in the Statement annexed to Mr. Shakespear's letter.

N<sup>o</sup> 35.  
Judicial Letter  
from Bengal,  
4 July 1817.

53.—The total amount of that establishment was as follows :

Ressaldars, 2. Jamadars, 16. Duffadars, 29. Horsemen, 646. Monthly Expense, 14,265.

54.—The expense of the foregoing establishments is less than that of Colonel Gardner's corps, in the amount of 8,661 rupees per mensem, making a reduction in the annual amount of the charges of the Judicial Department of 1,03,932 rupees. The foregoing arrangement is closely connected with the measures which we deemed it expedient to adopt, with a view to effect a reduction of the several police-establishments entertained in the divisions of Bareilly and Benares, and to which we had the honour of soliciting the attention of your Honourable Court in paragraph 49 of our despatch of the 1st of March last.

55.—In continuation of the subject, we now beg leave to refer your Honourable Court to the proceedings of the annexed dates, on which is recorded our correspondence with Mr. Shakespear, the superintendent of police in the western provinces, regarding the very considerable reductions which have been effected in the gaol and police establishments of the several districts noticed in the margin.

Furruckabad,  
Etawah, Juanpore,  
Allahabad, Bareilly, Cawnpore, Mirzapore, Allyghur.

56.—We shall from time to time bring under the notice of your Honourable Court the measures we may deem it advisable to adopt with a view to complete the arrangements now in progress; and, as already intimated, we shall hereafter bring the result of the measures in question before your Honourable Court in a distinct and comprehensive form.

N 36.—Extract from a Letter in the Judicial Department, from the Vice-President in Council to the Court of Directors; dated 4 July 1817 (L. P.)

## POLICE.

### DIVISION OF CALCUTTA.

Para. 3.—ON the proceedings of the annexed date are recorded two Reports, received through the medium of the nizamut adawlut, from the fourth and senior judges respectively, of the court of circuit for the division of Calcutta, on the completion of the 2d session for the year 1814, and the 2d session for the year 1815. Copies of those Reports are transmitted as separate numbers in the Packet.

4.—The length of time which has elapsed since the session to which those Reports refer, combined with the consideration that many of the most important subjects discussed in them will hereafter be brought under the notice of your Honourable Court, with reference to the suggestions contained in the letter from your Honourable Court, dated the 9th of November 1814, renders it unnecessary for us to enter into any detailed remarks on those Reports; and we deem it sufficient, on the present occasion, to request the attention of your Honourable Court to the resolutions of the nizamut adawlut, and to our Secretary's letter in reply.

5.—We cannot, however, forbear in this place to draw the attention of your Honourable Court to the sentiments expressed by Mr. Wintle, regarding the state of the gaols, the diminution of heinous offences in almost all the districts of the Calcutta division, and the zeal, diligence, and activity manifested generally by the magistrates in the discharge of their respective duties.

6.—It is to the exercise of those qualities, and to the judicious exertions personally made by the magistrates, that the diminished prevalence of gang-robberies, and other heinous crimes, are mainly to be ascribed, and the future efficiency of the police must chiefly depend upon the continued influence of those causes.

7.—Local circumstances may occasionally involve a temporary augmentation of particular offences in particular districts; but it may justly be inferred, from past experience,

N<sup>o</sup> 36.  
Judicial Letter  
from Bengal,  
4 July 1817.

experience, that no general deterioration of the police is likely to take place in any district, unless in instances in which the magistrate may be deficient in the essential qualifications above noticed.

8.—The more concise reports addressed to Government by the 4th judge of the court of circuit for the division of Calcutta, on the conclusion of the gaol-deliveries of the districts of Burdwan and Nuddeah, will be found recorded on the proceedings annexed.

9.—We have deemed it unnecessary to require any longer the transmission, by the judges of the several courts of circuit, of the reports of the description last alluded to; and we have accordingly directed that they be discontinued in future, except with regard to districts in which the state of the police, or other local circumstances of importance, may appear to require the adoption of early measures by Government. The reports of the judges of circuit on the conclusion of each session, which are forwarded to Government through the medium of the nizamat adawlut, combined with the comprehensive and well-digested Reports of the superintendents of police, supply all the information requisite to enable us to judge of the general state of the police, and the administration of criminal justice throughout the several divisions of the country.

18.—In the 30th paragraph of our despatch of the 1st March last we informed your Honourable Court that we would at a future opportunity transmit the Report of the magistrate of Behar on the subject of the completion of the chokeydarry-arrangements in that district, under the provisions of Regulation XIII. 1813. We have now the honour to refer your Honourable Court to the proceedings annexed; containing a letter from the acting magistrate of Behar, reporting the completion of those arrangements at the town of Gya. That document completes the series of Reports forwarded to your Honourable Court on the subject of the subsidiary police-establishments. The total amount of the monthly assessment at the town at Gya is 327 rupees, being calculated to provide for the support of 99 chokeedars, who are entertained for the protection of 8,359 houses, giving one chokeedar to about 80 houses and making the average contribution of each householder little more than half an anna per month,

19.—We take this opportunity of bringing under the notice of your Honourable Court our correspondence with Mr. Blunt, the superintendent of police in the lower provinces, connected with the introduction of establishments of chokeedars into various towns and villages within the jurisdiction of the zillah court of Sarun, and the acting collector of Patna.

20.—Adverting to the motives by which Mr. Elliot, the magistrate of Sarun, and Mr. Robertson the acting magistrate of Patna, had been influenced in encouraging the inhabitants to adopt the measures above alluded to; we were not aware of any objection to their continuance, but we apprised those officers that the arrangements in question must for the present, at least, be considered to be entirely voluntary on the part of the inhabitants; and that the provisions of Regulations XIII. 1813, and III. 1814, for the recovery of arrears of contribution could not be legally enforced against any defaulter in the towns and villages above adverted to.

21.—On the annexed proceedings is recorded a letter from the superintendent of police in the lower provinces, transmitting, with other documents, the drafts of two Regulations, the one intitled, "a Regulation for re-enacting and reducing into one Regulation, with amendments and further provisions, the rules in force for the appointment and maintenance of chokeedars of police;" the other intitled "a Regulation to provide for the appointment and maintenance of chokeedars of police, at the stations of joint or assistant magistrates, and, eventually, in the principal towns, gunges, or villages within the provinces of Bengal, Behar and Orissa.

22.—Your Honourable Court will observe, that we have enacted the first-mentioned Regulation, with such additions as were necessary to render the rules applicable to the towns and places at which joint magistrates are stationed within the divisions of Calcutta, Dacca, Moorshedabad, and Patna. We did not, however, consider it to be expedient to carry the provisions of the second Regulation into immediate effect, but we informed Mr. Blunt, that the provisions in question appeared to us to be founded in just and proper principles, and that they might, at a future period, be adopted with advantage.

44.—With our letter of the 7th February last we had the honour to forward, as separate numbers in the Packet, copies of the latest Reports which we had then received from the sudder dewanny adawlut, on the state of civil business in the different courts under this Presidency, together with copies of our Secretary's letters in reply. We also took that opportunity of offering to your Honourable Court some general observations on the progress which had been made in reducing the arrears of civil business.

N<sup>o</sup> 36.  
Judicial Letter  
from Bengal,  
4 July 1817.

45.—The annexed proceedings contain similar Reports for the lower provinces, for the period between the 1st July 1816, and the 1st January 1817.

46.—In our separate letter of the present date we have adverted to the corresponding Reports applicable to the western provinces, and have noticed such points of detail, connected with the state of civil business in the western provinces, as appeared necessary.

47.—On the present occasion we propose to consider, generally, the state of civil business throughout the territories immediately dependent on the Presidency of Fort-William. This arrangement is calculated to convey a more clear and satisfactory view of the subject than if it were discussed in separate letters, having reference to the western and lower provinces respectively.

48.—The progress which, (notwithstanding the intervention of the Dussara and Mohurrem vacations) has been effected during the last six months of the year 1816, in reducing the arrears of regular suits and appeals in the several civil courts within the territories immediately subordinate to the Presidency of Fort-William, is extremely satisfactory.

49.—The total number of regular suits and appeals depending in the several courts on the 1st July 1816, was - 1,03,783  
1st January 1817 - - - - - 92,499\*

Decrease in the last six months 11,284

viz.	
• Sudder Dewanny Adawlut -	442
Provincial Courts - - - -	3,531
Zillah and City Judges - -	12,366
Registers - - - - -	8,339
Sudder Aumeens - - - - -	29,041
Moonsiffs - - - - -	38,730
Total - - - - -	92,499

viz:		Decrease.	
In the sudder dewanny adawlut	- - - - -	-	4
D <sup>o</sup> provincial Courts	- - - - -	-	44
D <sup>o</sup> zillah Judges	- - - - -	-	867
D <sup>o</sup> Registers	- - - - -	-	1,452
D <sup>o</sup> sudder aumeens	- - - - -	-	1,175
D <sup>o</sup> moonsiffs	- - - - -	-	7,742
Total decrease as above		-	11,284

50.—A similar review of the number of regular suits and appeals depending in the several civil courts, on the 1st January 1815, and on the 1st January 1817, respectively, gives the following result :

Total depending on the 1st January 1815	- - - - -	1,34,869
D <sup>o</sup> 1817	- - - - -	92,499
Decrease in the two last years	-	42,370

viz:		Decrease.	
Before the sudder dewanny adawlut and provincial courts	- - - - -	-	222
Before the zillah and city judges and registers	- - - - -	-	10,219
Before the sudder aumeens and moonsiffs	- - - - -	-	31,929
Total	-	-	42,370

51.—It does not appear to be necessary to enter on the present occasion into any detailed review of the causes which have operated to prevent some of the civil courts from deciding, during the last six months of the year 1816, a larger number of suits than is exhibited in the statements submitted by the sudder dewanny adawlut. We have reason to be satisfied with the exertions of the courts, generally; and the orders

N<sup>o</sup> 36.  
Judicial Letter  
from Bengal,  
4 July 1817.

of the court of sudder dewanny adawlut have sufficiently provided for those particular cases which would otherwise have required observations.

52.—Your Honourable Court will perceive that, in conformity with the orders of Government of the 2d of August last, the court of sudder dewanny adawlut has submitted the requisite information respecting the dates on which the regular suits and appeals depending before the sudder dewanny adawlut, the provincial courts, and the zillah and city judges and registers, were respectively instituted. Of the total number of 24,620 suits depending before the tribunals above noticed, it appears that 22,365 have been filed since the beginning of the year 1813, and that of the last-mentioned number more than half were instituted during the past year 1816.

53.—At the same time we could not but observe with regret the very long periods during which some of the suits instituted previously to the year 1813 had been depending. We trust, however, that the manner in which the court of sudder dewanny adawlut have called the attention of the several judges to this point, will tend to guard against any further delay in the decision of the suits in question.

Summary Suits, depending on 1st January 1817.	
For dispossession from	
Land - - - - -	1,674
For Rent - - - - -	9,611
Total - - - - -	<u>11,285</u>

54.—The abstract statement in the margin shows the total number of summary suits depending on the 1st January 1817, whether for dispossession from land, or regarding questions connected with arrears of rent. The number of the former is not considerable, and a large portion of the latter is now under reference to the collectors, in conformity with the provisions of Regulation VI. 1813.

55.—With regard to the practical effect of Regulations XXIII. to XXVIII. 1814, it is obvious that the rules contained in them have operated materially to restrain the

	Disposed of 1814.	1816.
By the sudder dewanny adaw- lut, and provincial courts -	1,165	1,251
Zillah and City Judges and Registers - - - - -	13,903	18,684
Sudder Aumens - - - - -	22,671	38,922
Total - - - - -	<u>37,729</u>	<u>58,857</u>

institution of litigious suits. The degree in which those rules have tended to facilitate or expedite the decision of suits may be estimated from the comparative statement in the margin, which shows the number of suits disposed of in the course of the year 1814, being the year immediately preceding the operation of the Regulations above adverted to, and the number disposed of in the course of the past year 1816, in all the higher courts.

56.—It is probable that a still more favourable result would have appeared had some of the provisions in Regulation XXVI. 1814, which were enacted with the view of simplifying and facilitating the proceedings of the civil courts, been more strictly attended to.

57.—Being of opinion that the remarks of Mr. Ross, the third judge of the Bareilly provincial court, on this point, were equally just and important; and that a strict observance of the provisions alluded to by him, and more especially of the rules contained in Section X. Regulation XXVI. 1814, would not only facilitate the decision of suits, but would be productive of great advantage in the attainment of the other objects noticed by Mr. Ross, we directed the court of sudder dewanny adawlut to call the attention of the provincial, zillah and city courts throughout the provinces to this subject, and to issue such circular instructions as, on a full consideration of the case, might appear to them to be expedient, with a view to enforce a due observance of the provisions referred to.

58.—The full effect of Regulation XXIII. to XXVIII. of 1814, as remarked by the court of sudder dewanny adawlut, cannot be justly appreciated until the arrears of suits filed previously to the 1st of February 1815, shall be disposed of. In the mean time the progress which has been already effected in reducing the arrears of civil business, notwithstanding the absence, from indisposition, of many of the judges of the higher courts, and the prospect afforded of the more speedy administration of civil justice in future, will appear to your Honourable Court to be highly satisfactory; and we may remark that the necessity, which some time past appeared to exist for re-establishing the mal adawluts, and for investing the revenue-officers with very extensive powers and jurisdiction in the administration of civil justice, has, in consequence, greatly diminished.

59.—Under these circumstances, and adverting to the numerous objections urged in the documents submitted by the court of sudder dewanny adawlut, on the 30th of October 1816, against the re-establishment of mal adawluts, according to their original constitution, we were of opinion that it would be expedient to suspend the adoption

adoption of any immediate arrangements, founded on the letter and documents in question.

N<sup>o</sup> 36.

Judicial Letter  
from Bengal,  
4 July 1817.

60.—A further experience of one or two years will enable Government to form a more satisfactory judgment of the degree in which it may be eventually necessary to employ the aid and agency of the revenue-officers in the investigation of civil suits; and the subject is, in fact, so closely connected with any measures which may be eventually adopted, in consequence of the letter from your Honourable Court, under date the 9th of November 1814, that it would be premature to sanction even a modified re-establishment of the mal adawluts, until the question of investing the collectors with the functions of magistrates be finally determined.

61.—In the mean time your Honourable Court cannot but have observed, from the Regulations lately transmitted to you, that, without formally reviving the mal adawluts, considerable additional duties of a judicial nature have been confided to the collectors, and to the superior revenue authorities. This remark is especially applicable to the powers intrusted to those authorities in the ceded and conquered provinces, and in the provinces of Behar and Benares, regarding the resumption of the revenue of lands unduly held, free of assessment. The revenue authorities generally are likewise invested with considerable powers throughout the country for inquiring into and deciding upon cases involving an infringement of the established rules regarding the manufacture and sale of spirituous liquors and intoxicating drugs, including opium. The principle adopted in these and other instances may, possibly, be applied with advantage to other cases connected with the public resources, but which assume, when under discussion and inquiry, more or less, a judicial form and character. By pursuing this course, it will probably be found that every advantage may be reaped from it which could be derived from the re-establishment of the mal adawluts, without the inconvenience to which, in the present state of things, it is apprehended that such tribunals would necessarily give rise.

62.—We beg leave to refer your Honourable Court for further detailed information regarding the state of civil business in the lower provinces to our secretary's letter of the 4th of July to the sudder dewanny adawlut; but we cannot conclude this subject without expressing our sense of the great attention manifested by the sudder dewanny adawlut, in revising the reports of the provincial, zillah, and city courts, and of the judgment with which they have noticed, in their orders to those courts, the various points which seem to require observation with regard to the local administration of civil justice.

63.—In paras. 59 to 63 of our despatch of the 1st March last we solicited the attention of your Honourable Court to the arrangements which we had adopted with a view to expedite the transaction of business in the courts of sudder dewanny adawlut and nizamut adawlut, by furnishing the temporary aid of a fifth judge, and by the formation of a systematic plan for the distribution of the labour of the several judges, and for confining the attention of each judge, as far as practicable, to the duties of one department.

64.—Since the formation of the arrangements in question, the courts of sudder dewanny adawlut and nizamut adawlut have submitted to us periodical abstract statements of the number of civil, criminal, and miscellaneous cases, disposed of by them in each month; and we now beg to solicit the attention of your Honourable Court to the statements submitted by the courts for the month of June last, and to their register's letter of the 2nd instant, submitting some general remarks on the progress which had been made in reducing the arrears of business in the courts since the commencement of April 1816, when the arrangements noticed in the preceding paragraph took effect.

65.—From those documents your Honourable Court will learn with satisfaction that the arrears of criminal trials before the nizamut adawlut have been gradually reduced; that the considerable number of 747 criminal trials were decided by the court during the period of 15 months, viz. from April 1816 to June 1817; that no arrear of criminal trials was depending either at the close of the year 1816, or on the 30th ultimo; and that no delay of importance had occurred in deciding the criminal trials brought under the cognizance of the court during the last six months.

66.—The number of civil cases depending before the sudder dewanny adawlut had



N<sup>o</sup> 36.  
Judicial Letter  
from Bengal,  
4 July 1817.

had been reduced during the same interval, from 461 to 410; and the facts mentioned by the court, sufficiently show that a much larger reduction in the arrears of civil cases would have been effected, had not the indisposition and absence of several of the judges occasioned very serious and unavoidable interruptions in the sittings of the civil courts. The state of miscellaneous business, and more particularly of that branch of it included in the department of English correspondence, is highly satisfactory, and the inferences drawn by the court, on a general review of the subject, as stated in the following extract from their register's letter, appear to us to be entirely just, and consistent with the experience of the last 15 months.

1st.—That the arrangement, described in the proceedings of the court of sudder dewanny adawlut and nizamut adawlut, under date the 18th March 1816, and adopted from the 1st of the following month, have, with the aid of the fifth judge, during part of the period since elapsed, been productive of essential advantage in the conduct of the business of the court.

2ndly.—That, if circumstances had admitted of the regular attendance of five judges (as contemplated by Government, in their Resolutions of the 8th March 1816,) the arrears of depending civil causes would by this time have been materially reduced.

3dly. That if the intention of Government be fully carried into effect by the co-operation of five judges, under the arrangements which have been adopted for the despatch of business, it may be confidently expected that the arrears in every department of the court will be very materially reduced by the close of the year 1818.

\* 67.—We regret that circumstances have prevented the full execution of the arrangements contemplated by us in our resolutions of the 8th March 1816, and have not admitted of the regular attendance of five judges. The court has consisted of four judges only during a great part of the period which has since elapsed, and, during some portions of that period, of three only.

68.—Much, however, has been already accomplished by the zealous and meritorious exertions of the court; and it will be our anxious wish to give full effect to those exertions, and to the arrangements adopted by the court on the 1st of April last; by providing for the regular co-operation of five judges for the despatch of business.

69.—Supposing it be established by the Reports referred to in this letter, and in our separate despatch of the present date, that great and solid improvements have been effected in late years, in the state of the police, and in the administration of civil and criminal justice throughout the territories immediately dependent on this Presidency, it cannot be unimportant briefly to inquire, both with reference to these provinces, and to our possessions generally in India, to what circumstances those advantages are chiefly to be ascribed. Disposed, as we are, to give every credit to the talents and exertions of the magistrates, and of the judicial officers generally, it must still be allowed that the nature of our institutions has had a material influence in effecting that great object. It is far from our intention to enter into a detailed and minute discussion of those institutions on the present occasion; but there are parts of the structure which must necessarily have struck every person, who, from his official situation, has had occasion, during the last ten years, to contemplate the progress of reform. The parts to which we here principally allude, are

1st.—The institution of the office of superintendents of police in the western and lower provinces respectively; and

2ndly.—The complete and absolute separation of the Judicial and Revenue branches of the service.

70.—With regard to the former, the utility of those offices having been more than once recognized by your Honourable Court, and subsequent experience having fully confirmed the justness of your conclusion, it would be superfluous to dwell on the subject.

71.—The latter cause has not contributed less essentially to the effect above stated. In former times, great difficulty was frequently experienced in finding persons properly qualified to fill the situation of judge, and magistrate, especially in those districts which were in any material degree infested by the perpetrators of public crimes and offences. At the present day, that difficulty is completely obviated, insomuch, that it is a just subject of regret that more favourable opportunities do not at present occur

occur of employing the talents and services of many persons in the prime of life, who have at present no wider field for their exertions than the office of register, or, at least, of assistant magistrate. The cause of this improvement is obvious. The attention of those persons has been uniformly directed, from their first entrance on the public service, to the discharge of judicial duties. To the practical performance of those functions has, in many instances, been added the study of those principles which were best suited to the situation in which they were placed, to which they knew that they were permanently attached, and on which their official credit and character exclusively depended. In a word, their attention has never been diverted by other duties, either of a political, a fiscal, or commercial nature, from those which, either theoretically or practically, were strictly of a judicial character.

N<sup>o</sup> 36.  
Judicial Letter  
from Bengal,  
4 July 1817.

72.—We are not prepared to state whether correspondent improvements have been effected, or are in progress in the territories dependent on the Presidencies of Fort St. George and Bombay. If such advantages have been experienced, it is comparatively of little moment by what means that object has been effected. But, if the actual state of those territories should exhibit a less favourable aspect, it is equally worthy of the wisdom and philanthropy of your Honourable Court to consider, whether the internal administration of those possessions should not be assimilated, as nearly as possible with that of the Bengal provinces, in the hope, (a hope that can seldom be disappointed,) that similar causes will be productive of correspondent effects.

73.—For the reasons stated to your Honourable Court in paragraph 304 of our despatch of the 7th October 1815, we have considered it proper, in conformity with the recommendation of the nizamat adawlut, to invest the following gentlemen with the special powers provided for by the fourth clause of Section 9, Regulation XXIV, 1814.

Mr. D. Dale, acting register of Nuddeah.  
Mr. A. Smith, register of Ramghur.  
Mr. A. Dick acting register of Behar.  
Mr. H. Millet, register of Sarun.  
Mr. H. Nisbet, acting register of Patna.  
Mr. J. Curtis, register of Sylhet.  
Mr. H. Walters, acting register of Tipperah.  
Mr. H. Moore, second register of Mymensing.  
Mr. D. C. Smith, register of Hooghly.  
Mr. J. F. Ellerton, register of Rajeshahy.

74.—On the proceedings of the annexed date are recorded a letter and its enclosures from the register of the court of sudder dewanny adawlut, on the subject of causes decided, and fees received, by the several sudder-aumeens attached to the zillah and city courts during the first six months of the year 1816. The proceedings likewise contain a Statement furnished by the judicial accountant, of the extra allowances granted to these officers.

75.—Those documents exhibit a marked difference in the relative exertions of the individuals holding the office of sudder-aumeens in different districts, and consequently in the amount of the fees respectively received by them.

76.—Your Honourable Court will observe, that in some of the districts\* the sudder-aumeens and law-officers have each received 120 rupees per mensem, on account of fees, whilst in others † the average which each sudder-aumeen received amounted to no more than 20 rupees. The monthly number of suits disposed of by the sudder-aumeens and law-officers, amounted in the first-mentioned districts to 44 each, and in the latter districts to only 9 each.

\* Burdwan, Bundelcund, Chittagon Hooghly, Purneah, Tirhoot, and Seharunpore.

† Midnapore, Jessore, Mymensing, Shahabad, and City of Dacca.

77.—On a full consideration of the subject we established the following rules, the operation of which commenced from the 1st May last.

1st.—That the Mahomedan and Hindoo law-officers of the zillah and city-courts, and the cazees of cities receiving a fixed salary from the Government, shall not be considered entitled to any allowance whatever, either as a personal salary, or on account of an establishment, beyond the fixed salaries, which they receive in their capacity of law-officers and cazees, and the authorized fees which they may acquire from discharging the duty of sudder-aumeen; and that any other allowances which they may at present receive for latter duties be discontinued.

N<sup>o</sup> 36.  
Judicial Letter  
from Bengal,  
4 July 1817.

2ndly.—That the allowances, whether in the shape of a personal salary, or on account of an establishment of native officers; which may be now received by any of the additional aumeens, be also discontinued.

3dly.—That the sudder-aumeens, in submitting the prescribed monthly Reports of causes decided by them, be required to explain the reason of more causes not having been determined, whenever the monthly number of causes decided by them on trial, exclusively of nonsuits on default, and adjustment by razeenamahs, may be less than 30; and that the zillah and city judges record on such Reports, whether the reasons assigned are, in their judgment, sufficient and satisfactory, or otherwise.

4thly.—That the zillah and city judges, in forwarding to the provincial courts, on the conclusion of the year 1817, and of subsequent years, the prescribed Report regarding the state of the civil business, be required to submit a Statement showing the amount of fees received or receivable by each of the sudder-aumeens on account of causes decided by them on an investigation of the merits, or adjusted before them by razeenamah, during the whole period of the past year.

5thly.—That in instances in which it may appear that any of the additional sudder aumeens, (not being the law-officers of the court, or the cazees of cities,) have not derived, from the total amount of such fees, an average monthly income of 100 rupees, and the zillah and city judges shall be of opinion that such additional sudder-aumeens have manifested proper diligence and attention to their duty, and that the small income received by them is not imputable to any fault on their part, the zillah and city judges be required to submit to the provincial court a special Report, explaining the circumstances of the case.

6thly.—That the special Reports above adverted to be forwarded to Government, through the sudder dewanny adawlut, with the other prescribed Reports regarding the state of civil business, and with such remarks as the provincial court or sudder dewanny adawlut may judge it proper to offer. The Governor-General in Council will then determine, on a consideration of the circumstances of each case, whether it be necessary or proper to authorize the payment of any and what pecuniary compensation to such additional sudder-aumeens, beyond the amount of the fees received by them during the year.

That additional sudder-aumeens be not entertained in any zillah or city except in those in which the state of civil business may render it expedient, or, in other words, in which the exertions of the law-officers of the court may be unequal to the prompt decision of civil suits cognizable by the sudder-aumeens, and that, generally, the number of additional sudder-aumeens be regulated by the probability of their being sufficient employment for them, and, consequently, of their obtaining a sufficient income by their labour.

N<sup>o</sup> 37.—Copy of a Letter in the Judicial Department, from the Vice-President in Council to the Court of Directors; dated 2 September 1817. (L. P.)

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England trading to the East Indies.

Honourable Sirs,

Copy of Mr. Blunt's Letter, dated 31 March 1817, with 4 Inclosures.  
D<sup>o</sup> from D<sup>o</sup>, dated 19 April 1817.  
D<sup>o</sup> to the Magistrate of Ramghur, dated 23d May 1817.  
D<sup>o</sup> to D<sup>o</sup> of Bhaugulpore, ditto.  
D<sup>o</sup> to D<sup>o</sup> of the City of Dacca, ditto.  
D<sup>o</sup> to D<sup>o</sup> of Rungpore, ditto.  
D<sup>o</sup> to M. Blunt, in reply to his Report, ditto.

Para. 1.—WITH our separate despatches of the 29th November and 27th December 1816, we had the honour to transmit to your Honourable Court, copies of the annual Reports furnished to us by Mr. Shakespear, regarding the state of the police in the western and lower provinces respectively, during the year 1815. We have now the honour to forward, as separate numbers in the Packet, Mr. Blunt's Report of the state of the police in the lower provinces for the past year 1816, together with its enclosures, and copies of the orders issued by us on the subject of those documents.

2.—The full review which has been taken of the subjects of Mr. Blunt's Report in our secretary's letter of the 23d of May last will make your Honourable Court fully acquainted with our sentiments on all points of a general nature, noticed by Mr. Blunt, and with the orders and observations which we judged it expedient to record, with reference to the police of particular districts in the lower provinces.

3.—Your

3.—Your Honourable Court will observe, that although the Statements of the year 1816 do not, generally speaking, exhibit a reduction in the number of crimes reported to have been committed, a material improvement has nevertheless taken place in the past year in the character of the more heinous classes of offences; cases of gang-robbery, attended with murder or torture, have been, comparatively speaking, of rare occurrence, and the instances of highway-robbery, and affrays, specified in the accompanying documents, have been attended with fewer circumstances of aggravation and atrocity than in former years.

N<sup>o</sup> 37.  
Judicial Letter  
from Bengal,  
2 September 1817

4.—Your Honourable Court will remark, that of the total number of 303 gang-robberies reported to have occurred in the year 1816, 217 were perpetrated in the eight districts noticed in the margin \*, and that we have judged it expedient to call the particular attention of the magistrates of several of the districts in which the police appeared to be defective, to the more zealous and vigilant discharge of their important duties.

\* Rungpore Midnapore, Hooghly, Backergunge, 24 Pergunnahs, Dinagepore, Rajeshahye, Boglepore.

5.—We have frequently had occasion to remark, that the suppression of heinous offences, particularly of gang-robbery, and the establishment of an efficient police, mainly depend on the influence of the personal character of the magistrate, on his judgment, activity, firmness and conciliation; on the vigilance with which he may superintend the conduct of the officers under his control, and on his endeavours to stimulate their exertions, as well as to secure the willing aid and co-operation of the inhabitants. Numerous proofs, in illustration of this remark, might be adduced from Mr. Blunt's present Report, and more particularly from his observations on the police of Hooghly, Nuddea, Jessore, Mymensing, Rajeshahy, Tirhoot, Sarun and of the city of Patna. A comparison between the past and present state of the police of those districts shows how much can be effected by the personal influence of magistrates possessing the qualifications above adverted to; by the judicious application of the legal powers which are vested in them, and by the proper use of the means placed at their disposal.

6.—The reforms effected in those districts, and, with very few exceptions, throughout the country, cannot fail to be highly gratifying to your Honourable Court. The contemplation of the benefits thus conferred on the community is the more satisfactory, as it may confidently be predicated of them, that they will be as durable as the existence of the causes from which they have sprung. In other words, it may naturally be expected, that the present efficiency of the police will be maintained as long as the honourable zeal which distinguishes the conduct of the present magistrates and superintendents of police, the vigilant control of Government, in a word, the existing system, theoretical and practical, shall last.

7.—The experience of the past year has furnished many striking proofs, in addition to those already recorded, of the practical benefits derived from the subsidiary police-establishments which have been organized in the cities and towns of the lower provinces under Regulation XIII. 1813, and other subsequent enactments.

8.—The defects which had been shown to exist in some parts of the system established under those Regulations have been corrected by Regulation XXII, 1816. The regular payment of the allowances of the chowkeedars has been better secured. The details of the system have been simplified; its operation has been extended to the towns at which joint magistrates are stationed in the lower provinces, and means have been provided for bringing the actual state of these establishments under the annual observation of Government.

9.—In the mean time the inhabitants of several towns and villages to which the system had not been extended by law, have voluntarily organized and contributed to support establishments of watchmen on similar principles, and it is gratifying to observe, that those arrangements have been attended with all the advantages which were reasonably to have been expected from them.

10.—We cannot conclude this despatch without expressing our sense of the valuable services rendered by Mr. Blunt in his capacity of superintendent of police. Your Honourable Court will find, in the accompanying documents, many proofs of the eminent advantages which have resulted, during the past year, from the judgment, ability, and honourable zeal, with which he has continued to discharge the functions of that responsible office.

Fort-William,  
2d September, 1817.

We have the honour to be,  
Honourable Sirs,  
Your most faithful humble servants,  
(Signed.) N. B. Edmonstone.  
G. Dowdeswell.

N<sup>o</sup> 38.  
Judicial Letter  
from Bengal,  
2 September 1817.

No. 38.—Copy of a Letter in the Judicial Department, from the Vice-President in Council to the Court of Directors; dated 2 September 1817, (W. P.)

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England, trading to the East Indies.

Honourable Sirs,

Para. 1.—WITH our separate letter of this date we have forwarded to your Honourable Court copy of a Report from Mr. Blunt, and of other documents connected with it, on the subject of the state of police in the lower provinces during the year 1816; and we have now the honour to transmit, separate numbers in the Packet, the corresponding Report of the state of the police in the western provinces, which we have received from Mr. Shakespear, together with other documents connected with it.

Copy of Mr. Shakespear's letter dated 30th June 1817, with two enclosures.

D<sup>o</sup> from D<sup>o</sup> dated 26th July 1817.

D<sup>o</sup> of a letter to D<sup>o</sup> in reply to his Report, dated the 19th August 1817.

2.—Referring your Honourable Court for more detailed information to the documents above adverted to, and more especially to the instructions issued to Mr. Shakespear in our Secretary's letter of the 19th ultimo, we only propose, on the present occasion, to bring under the notice of your Honourable Court, some points connected with the state of the police in the western provinces, which appear, from their interest or importance, to merit particular attention.

3.—Your Honourable Court will observe with satisfaction the diminished prevalence, during the past year, of some of the most heinous crimes affecting the security of the lives and properties of the inhabitants of the western provinces.

4.—The crimes to which we more particularly allude are gang-robberies, highway-robberies, and violent affrays. The degree in which the prevalence of those offences have been diminished during the year 1816, on a comparison with the year preceding, is exhibited in the following abstract:

	1815.	1816.
Decoitee, with murder	45	22
Other decoities	85	73
Highway-robbery by horsemen	61	28
Violent affrays	134	100
Total	325	223
	223	
Decrease in 1816	102	

5.—With regard to the prevalence of violent affrays, Mr. Shakespear has observed, "that, with the exception to the district of Goruckpore, very rapid progress is making by the police in each district towards the complete suppression of that violent habit of contention which has heretofore caused such excesses in these provinces, that the number of affrays reported during the last year, as caused by boundary disputes, has been comparatively small; and that the circumstances attending the generality of these cases are far less aggravated than in former years."

6.—We regret to state that the cases of murder reported to have been committed by Thugs, in the year 1816, are as numerous as in the preceding year. The occurrence of that atrocious crime was chiefly confined, during the year 1816, to the district of Cawnpore; and your Honourable Court will learn with satisfaction, that the local arrangements which have been carried into effect since the commencement of the present year by Mr. Robertson, the acting magistrate of Cawnpore, and by Mr. Middleton, the joint magistrate stationed at Futtehpore, have been attended with the happiest effects in suppressing this offence within the jurisdictions of those officers.

7.—The course of proceeding which we have pursued, with a view to ascertain the best means of establishing an efficient system of village-watch in the ceded and conquered provinces, is stated in paragraphs 13 to 21 of our Secretary's letter to Mr. Shakespear.

8.—The

8.—The question is one of equal importance and difficulty, but we entertain a confident hope, that the united experience and local knowledge of Sir E. Colebrooke and of Mr. Shakespear will enable them to suggest a plan (founded as far as practicable on existing usages and institutions,) which may supply the defect and inconveniences at present experienced from the want of a well-organized system of village-watch.

No. 38.  
Judicial Letter  
from Bengal,  
2d Sept. 1817.

9.—The want of such a watch, and the difficulty of suppressing the outrages committed on the inhabitants of our frontier districts by bands of robbers residing within the territories of the Nawaub Vizier, under the protection of his Excellency's aumils and zemindars, appear at present to constitute the chief difficulties experienced by the magistrates in the maintenance of an efficient police in the western provinces.

10.—The measures which we have adopted with a view to suppress the outrages above alluded to, as well as to prevent the interruptions and exactions to which boats navigating the Ganges are now exposed, from the violence and unauthorized conduct of the subjects of the Nawaub Vizier, are detailed in paragraphs 23 to 31 of our Secretary's letter to Mr. Shakespear.

11.—Your Honourable Court will derive satisfaction from the improved efficiency of the police of the western provinces, in prosecuting heinous offenders to conviction, and from the increased diligence and circumspection manifested by the police-darogahs, in consequence of the power of appointing and removing those officers having been vested in the magistrates by the provisions of Regulation XVII, 1816.

12.—In the 18th paragraph of our letter of the 27th December last, we requested your Honourable Court's attention to the measures which we have judged it necessary to adopt, with a view to the reform of the police in the district of Moradabad.

13.—The information communicated in Mr. Shakespear's Report, with regard to the diminished prevalence of heinous crimes in that district, during the past year, on a comparison with the year 1815, and the large proportion of offenders prosecuted to conviction before the court of circuit, affords a satisfactory proof of the success of those measures.

14.—We are not aware that there are any other points in the accompanying documents which call for remark in this place, but we feel it to be due to Mr. Shakespear to request the attention of your Honourable Court to the industry, ability, and honourable zeal, with which that officer has continued to discharge the arduous and highly important functions of his responsible office, and to the benefits which the public interests have already derived from the measures in progress under his superintendence in the Western provinces for the reduction of the expense of the police-establishments, for the better adjustment of the boundaries of the several thannah jurisdictions, and for the organization of the subsidiary police under the provisions of Regulation XVII, 1816.

Fort-William,  
2nd September 1817.

We have the honour to be,  
Honourable Sirs,  
Your most faithful humble Servants,  
(Signed) *N. B. Edmonstone.*  
*G. Dowdeswell.*

N° 39.—Extract from a Letter in the Judicial Department, from the Vice-President in Council to the Court of Directors; dated 29 October 1817. (W. P.)

Para. 3.—THE proceedings noted in the margin contain the Reports, furnished, through the nizamut adawlut, by the courts of circuit, of prisoners punished without reference to the superior court, prepared in pursuance of the orders contained in the 48th paragraph of your Honourable Court's letter of the 14th September 1808.

WESTERN PROVINCES.

BAREILLY DIVISION:

Crim. Cons.	
22 July 1817, N° 22.	
16 Sept. - - - 24.	
23 D° - - - 27.	
30 D° - - - 37.	
7 Oct. - - - 10.	

BENARES DIVISION:

Crim. Cons.	
22 July 1817, N° 21.	
22 D° - - - 23.	
23 Sept. - - - 26.	
16 D° - - - 25.	
30 D° - - - 35.	

Crim. Cons.	
30 Sept. - N° 36.	
7 Oct. - 1 A. & 2.	
14 D° - - - 36.	
28 D° - - - 24.	
28 D° - - - 25.	

Crim. Cons.  
23 July 1817,  
N° 6 & 7.

4.—On the proceedings referred to in the margin is recorded the usual half-yearly Report of prisoners in confinement in the several districts of the western provinces on the 31st December 1816, the Report in question does not appear to us to call for any particular remarks or observations.

5.—In paragraph eight of our separate letter, dated the 2d September last, we informed your Honourable Court, that we had directed Sir Edward Colebrooke, the senior member of the Board of Commissioners, and Mr. John Shakespear, the superintendent of police in the western provinces, to submit a joint Report regarding the measures which they might judge best calculated for the establishment of an efficient system of village-watch, in the several districts included within the ceded and conquered provinces.

Crim. Cons.  
16 Sept. 1817.  
N° 9 & 10.

6.—On the proceedings of the annexed date is recorded a letter from the superintendent of police on the foregoing subject. We however refrain, at present, from entering into any detail on the questions adverted to in that despatch until the receipt of the Report, which Sir Edward Colebrooke and Mr. Shakespear have been directed to furnish under our orders of the 19th August last, may enable us to give to the subject that full and deliberate investigation which its importance demands.

Crim. Con.  
22 July 1817.  
N° 8 to 15.

13.—The proceedings noted in the margin contain our correspondence in the Political Department, with Major-General Sir David Ochterlony and other officers, regarding the administration of criminal justice in the province of Kumaon, and in certain tracts of territory situated between the rivers Jumna and Sutlege, retained under the immediate authority of the British Government.

\* Reg. X. 1817.

14.—In consequence of that correspondence we have passed a Regulation for the trial of persons charged with the commission of certain heinous offences in the tracts of country above alluded to.

15.—Your Honourable Court will observe, that under the provisions of that Regulation a Commissioner will be nominated from time to time for the trial of prisoners who may be committed by the British officers within those tracts, on charges of murder and certain other heinous offences, and that we have nominated Mr. G. Master the judge and magistrate of the city of Dacca, who has been residing in the hills between the Jumna and Sutlege, on account of his health, to the performance of that duty in the first instance.

Crim: Cons.  
14th October 1817.  
N° 8.

26.—On the date noticed in the margin we passed a Regulation for reducing into one Regulation, with amendments and modifications, the several Rules which have been passed for the guidance of darogahs, and other subordinate officers of police, for modifying the existing rules concerning the resistance or evasion of criminal process, and for requiring further aid to the police, in certain cases, from proprietors and farmers of land and their local managers, as well as from the munduls and other heads of villages. The printing of this Regulation, which is of considerable length, has not yet been completed, but we shall have the honour of forwarding the usual number of copies for the use of your Honourable Court when it may be received from the press.

N° 40.—Extract from a Letter in the Judicial Department, from the Vice-President in Council to the Court of Directors; dated 29 October 1817.  
(L. P.)

#### LOWER PROVINCES:

Letter to 26th Feb. 1817.  
Para. 11. Acquiesce in remarks on advantages derived from the appointments of Superintendents of Police.

Para. 16.—THE sentiments expressed by your Honourable Court in this paragraph, on the utility of the office of superintendents of police, and on the advantages which the public interests have derived from the exertions of those officers, are particularly gratifying to us. The reports and information since transmitted to you will no doubt tend to confirm the sentiments entertained by you regarding the utility of the above-mentioned office.

17.—From

17.—From the information contained in our separate despatch of the 2d September last, your Honourable Court will have observed, that the state of the police generally, throughout the several divisions of the country comprised within the lower provinces, has continued to improve. (12, 13, 14) Observations on the Police within the division of Calcutta, and noticing with approbation, the exertions of the Magistrates of Burdwan, Midnapore and Jessore.

18.—The full and satisfactory information communicated to your Honourable Court in our despatches, dated the 22d November 1816, and 5th August last, regarding the arrangements we had deemed it expedient to adopt, for the purpose of re-establishing tranquillity in the pergunnah of Bogree, and the complete success of those arrangements, precludes the necessity of our dwelling on the subject on the present occasion. (15 to 18) Remarks on the state of Purgunnah Bogree.

33.—Your Honourable Court will have been apprised by our letter from the Political Department, dated the 1st January 1817, that after a full and deliberate consideration of the existing connection between the British Government and the Rajah of Cooch Behar, we had deemed it proper to refrain from exercising any direct interference in the internal administration of that petty state, and had resolved that the functions of the commissioner should in consequence be confined to exhortation and remonstrance. (54 to 63.) Disapprove the introduction of Mahomedan law into Cooch Behar, and direct the substitution of a revised form of Hindoo law with other arrangements.

34.—The resolutions above noticed appear to correspond in principle with the sentiments entertained by your Honourable Court; and with reference to the detailed manner in which the subject generally has been discussed in para. 198 to 271 of our despatch above adverted to, we consider it to be unnecessary to enlarge any further in this place on the questions noticed by your Honourable Court.

37.—We have always regarded an abridgment, or a general revision of the Regulations at any of the Presidencies, as an undertaking of extreme difficulty. A distinction may, however, be drawn between an abridgment or general revision of the Regulations, and a consolidation of the rules which may from time to time have been passed on any particular subject. (69.) State the necessity of revising and simplifying the code of Regulations.

38.—Your Honourable Court is aware that the attention of this Government has for some years past been directed to the object of simplifying the Regulations in force under the Presidency of Fort-William, by reducing into one Regulation, with such amendments as appeared necessary, the existing rules on particular subjects, which from their nature admitted of such an arrangement.

39.—This principle had been already applied with considerable advantage, to the consolidation of all former legislative enactments relating to the following subjects :

- 1st. To the manufacture and sale of spirituous liquors : Reg. X. 1813.
- 2d. To the mode of conducting inquiries into acts of misconduct alleged to have been committed by British officers in the Civil Department : Reg. XVII. 1813.
- 3d. To the revenue derived from stamps :
- 4th. To the partition of estates paying revenue to Government :
- 5th. To the constitution of the offices of sudder-aumeens and moonsiffs :
- 6th. To the duties of native pleaders, and the constitution of that office :
- 7th. To the admission of the suits of paupers :
- 8th. To the manufacture and sale of opium :
- 9th. To the appointment and maintenance of chowkeedars of police :
- 10th. To the duties of putwarries and the constitution of that office :
- 11th. To the duties, powers, and functions of darogahs, and other officers of police, the revision of the existing rules for the collection of Government customs and town duties has, upon the same principle, been recently intrusted to a committee, with a view to the formation of an uniform and simple system. Reg. I. 1814.  
Reg. XIX. 1814.  
Reg. XXIII. 1814  
Reg. XXVII. 1814.  
Reg. XXVIII. 1814.  
Reg. XIII. 1814.  
Reg. XXII. 1816.  
Reg. XII. 1817.  
Reg. XX. 1817.

40.—There are various other branches of the existing laws, especially those which relate to the functions, duties and constitution of Boards, Courts, and particular offices, to crimes and punishments; to the salt monopoly; to the provision of the Honourable Company's investment, and to the regulation of mints and coinage, which might probably be simplified in the same manner with great advantage, and which will from time to time be taken into consideration as opportunities may occur.

41.—But it would be a subject of considerable difficulty and embarrassment to frame similar consolidated enactments with regard to the settlement of the land-revenue, the relative rights and interest of the several classes of landholders, farmers and tenants of every



N<sup>o</sup> 40.  
Judicial Letter  
from Bengal,  
29th October 1817.

every description, in various parts of the country, and respecting many other points provided for in the existing Regulations.

42.—The gradual course of proceedings above adverted to is not open to the objections or practical difficulties which appear to us to exist to the proposed plan of a general and immediate revision of all the existing Regulations, for the purpose of effecting a simultaneous promulgation of a new code of laws. With a view to prevent the retrospective operation of such parts of the new code as might differ from those heretofore in force, it would be necessary to specify the dates from which all former enactments, still retained in the code, were respectively in force; to recapitulate the alterations and modifications which had from time to time been introduced, and to adopt various other precautions to guard against the application of rules in the new code to cases to which such rules might not have been legally applicable at the time of the actual occurrence of those cases.

43.—Provisions of that nature, however, would add materially to the bulk of the new code, and would interfere with the simplicity which forms the chief object of the proposed revision.

44.—In every populous and extensive state, which aims at governing by law, and not by the arbitrary rule of the sovereign or his ministers, a voluminous code will ever be required, to provide for the adjustment of the differences which must necessarily arise in the conduct of the diversified and complicated relations of civil life; and this effect must obviously be experienced, in a still greater degree, if the population, the commerce, and the agriculture of such states, be (as we firmly believe is the case in these provinces) in a rapid course of advancement. Under such circumstances, to acknowledge that our code of law is voluminous, and in a certain degree complicated, seems to us to be little more in effect than to declare that our possessions are extensive, populous and opulent, and that we have substituted, as far as circumstances have hitherto permitted, fixed and established principles for the conduct of the internal administration of the country, in lieu of the will of the government or of its executive officers. We do not intend by these remarks to maintain that some of our Regulations, especially those of comparatively an old date, are not more prolix than was absolutely necessary, a defect which we trust has been in a great measure, if not entirely, avoided in our later enactments. We only mean to urge that the bulk of the code (which must rather increase than diminish) is an evil inseparable from the actual condition of the country, as above described, and this remark will be justified, we believe, by a reference to any state or country, either in ancient or modern times, where the progress of general improvement may have borne any affinity to what is at present experienced in these provinces, and where a regular system of law has been established for the regulation of those affairs which individuals may have to transact one with the other, or with the Government itself.

45.—With regard to the translations of the Regulations, it is of course extremely desirable to facilitate, to all classes of our subjects, the acquisition of a competent knowledge of the laws by which they are governed.

46.—Every Regulation therefore should be translated into the native languages as fully and accurately as may be practicable, and means should be taken to render the translations accessible to all who may be desirous of perusing them.

47.—The experience of all nations, however, shows that a general acquaintance with the laws is seldom acquired by any classes of the community, except by those who are immediately concerned in the administration of them, and on this ground it seems chiefly desirable to arrange, in a simple and intelligible form, the whole of the existing provisions applicable to the functions and duties of the various native officers employed in the administration of the police, or of civil and criminal justice, and in other branches of the public service.

48.—As closely connected with this subject, we beg leave to request the attention of your Honourable Court to the proceedings noted in the margin, on which is recorded our correspondence with the Government of Fort St. George, on the subject of a proposed general revision of the code of Regulations in force within the territories subject to the Presidency of Fort St. George.

Civil Cons.  
26 August 1817,  
N<sup>o</sup> 105.

49.—The

49.—The sentiments and observations which we communicated to the Government of Fort St. George on that occasion will be found to correspond in substance with those already expressed to your Honourable Court in the foregoing paragraphs.

Judicial Letter  
from Bengal.  
29 October 1817.

58.—On our proceedings of the annexed date is recorded a Report received through the medium of the nizamut adawlut, from the 4th judge of the court of circuit for the division of Calcutta, on the termination of the 2d sessions for the year 1816, a copy of that Report is transmitted a separate number in the Packet.

Crim. Cons.  
14 October 1817,  
N° 77 A. and 77 B.

59.—Your Honourable Court will observe, that the above-mentioned Report exhibits the state of the police in the several districts comprising the division of Calcutta in a favourable point of view; but we are not aware that it calls for any particular observations from us.

60.—On the proceedings of the annexed date is recorded the usual half-yearly report of prisoners in confinement on the 31st December 1816.

Crim. Cons.  
22 July 1817,  
Nos. 12 and 13.

61.—Your Honourable Court will observe with satisfaction, that the total number of prisoners in confinement, of every description, on the above date, was less than the number confined on 30th June 1816\*.

\* On the 30th June 1816 17,165  
31 Decem<sup>r</sup> - - 15,894  
Decrease - - 1,271

62.—With regard to prisoners detained under requisition of security, a small increase is exhibited in the Statement submitted by the nizamut adawlut. Your Honourable Court will have observed, from our proceedings of the 6th June last, that we had deemed it necessary to desire the nizamut adawlut to call upon the several magistrates to furnish Government with more specific information than we now possess, regarding the numbers and descriptions of persons confined by orders of the criminal courts, under requisition to furnish security for their good conduct, as well as regarding the relative periods during which they have been confined under those orders.

63.—The information thus required appeared necessary, to enable us to form a satisfactory judgment regarding the course which should be pursued for revising gradually the cases of the prisoners in question, as well as regarding the expediency of some of the rules which have been suggested, with a view to define more accurately the powers to be permanently vested in the criminal courts, with regard to the future requisition of security from vagrants and persons of suspicious character.

CALCUTTA DIVISION :				DACCA DIVISION :			
Crim. Cons.	N°			Crim. Cons.	N°	Crim. Cons.	N°
11 July 1817	- -	27.		22 July 1817, 50 to 52.		16 Sept.	- - - 58.
12 Aug.	- -	47 & 48.		29 D°	- - 21 & 22.	16 D°	- - - 59.
12 D°	- -	69.		19 Aug.	- - - 23.	7 Oct.	- - - 40.
19 D°	- -	22.		16 Sept.	- - 55.	14 D°	- - - 78.
16 Sept.	- -	60.		16 D°	- - - 56.	28 D°	- - - 39.
28 Oct.	- -	40.		16 D°	- - - 57.	28 D°	- - - 42.
MOORSHEDABAD DIVISION :				PATNA DIVISION :			
Crim. Cons.	N°			Crim. Cons.	N°	Crim. Cons.	N°
19 Aug. 1817	- -	21.		11 Jan. 1817	- - 28.	23 Sept.	- - - 39.
26 D°	- -	43.		11 D°	- - - 29.	7 Oct.	- - - 41.
30 Sept.	- -	56.		5 Aug.	- 38 & 39.	28 D°	- - - 38.
28 Oct.	- -	37.		12 D°	- - - 83.	28 D°	- - - 41.
				2 Sep.	- - - 36.		

64.—The proceedings noted in the margin contain the Reports furnished through the nizamut adawlut by the courts of circuit, of prisoners punished without reference to the superior courts, prepared in pursuance of the orders contained in the 48th paragraph of your Honourable Court's letter of the 14th September 1808.

Crim. Cons.  
28th October 1817,  
N° 46 to 51.

65.—The proceedings noted in the margin contain a letter and its enclosures from the magistrate of Rungpore, relative to the state of the police in that district, and the causes, which, in the opinion of Mr. Mac Leod, have operated to retard, in Rungpore, the progress of those reforms which have been effected in the state of the police in most of the districts of the lower provinces. The proceedings likewise contain a letter from Mr. Blunt, the acting superintendent of police, bringing to our notice the foregoing subject, and submitting copies of the same documents.

66.—The perspicuous report furnished by Mr. Mac Leod of the state of the police in the district of Rungpore, contains many useful and judicious observations, and affords a very satisfactory proof of the attention manifested by the magistrate to his official duties. Considerable progress has already been effected by Mr. Mac Leod, in the improvement of the police of Rungpore; but the local and peculiar difficulties described by that gentleman must necessarily operate to delay the establishment in that district of an efficient system of police. We are satisfied,

however, that nothing which depends upon the zeal and exertions of the magistrate will be wanting to accomplish that desirable object.

Crim. Cons.  
5 August 1817,  
Nos. 9, 12.  
26 - D° 29, 32.  
7 October 26, 28.  
14 - D° 53, 54.

67.—On the proceedings of the annexed dates is recorded our correspondence with the superintendent of police, on the subject of reductions effected in the police-establishments of some of the districts in the lower provinces, and regarding the expense incident to the maintenance of sudder chowkeedarry bukshies entertained at the stations of the zillah and city magistrates and joint magistrates.

68.—As intimated to your Honourable Court in paragraph 180 of our general despatches of the 4th July last, we shall refrain from entering into any detail on those points until we shall have been furnished with the Report which the superintendent is required to furnish under the provisions of Section 3, Regulation XVII, 1816.

Crim. Cons.  
28 February 1817,  
Nos. 42, 51.

86.—The proceedings noted in the margin contain a reference made to us by the Government of Fort St. George, regarding the disposal of all Pindarry prisoners captured in the territories dependent on that Presidency during the inroad of those marauders. The reference includes the case of one of the prisoners, named Kalaram, committed by the magistrate of Cuddapah, for trial before the court of circuit.

87.—The opinions which we have expressed on this important subject, after obtaining the sentiments of the nizamat adawlut, will be found in our resolutions accorded on the proceedings above referred to.

Crim. Cons.  
16 September 1817,  
Nos. 65, 75.

88.—The proceedings of the annexed date contain another letter from the Secretary to Government at Fort St. George, submitting copies of further documents relative to the case of Kalaram Pindarry, and an address from the judges of the court of nizamat adawlut at this Presidency, stating the objections which exist to the alteration of the constitution of the principal criminal courts contemplated in our Resolutions of the 28th of February; under those Resolutions it had been proposed that the judges of the court of circuit, and of the nizamat adawlut, should be vested with the power of determining the guilt or innocence of prisoners charged with criminal offences, instead of leaving the sufficiency of the proof to the judgment and discretion of the Mahomedan law-officers; on this occasion the court submitted the draught of a Regulation, calculated to supply a practical remedy for some of the principal defects which experience has shown to exist in the Mahomedan law, either as it regards the nature and degree of proof required to establish particular offences, or as applicable to received rules of evidence which are contrary to the general principles of reason and equity.

Regulation XVII.  
1817.

89.—We have accordingly passed a Regulation \* to the effect suggested by the nizamat adawlut, including some rules for the more effectual punishment of the crimes of perjury and forgery, and for rescinding such parts of the existing Regulations as exempt brahmins convicted of murder within the province of Benares from a sentence of death.

90.—With reference to the correspondence which has passed regarding the case of Kalaram Pindarry, and to the circumstances stated in the letter from the Secretary to Government at Fort St. George, dated the 11th August last, we have judged it expedient to insert in the same Regulation, a rule to provide for the due administration of justice in criminal cases, in which the Mahomedan law-officers might, on grounds which should appear unreasonable or insufficient, consider the evidence of witnesses to be inadmissible.

91.—In paragraphs 7 to 9 of our separate despatch of the 2d ultimo, in the western provinces, we informed your Honourable Court of the course of proceeding which we had pursued with a view to ascertain the best means of establishing an efficient system of village-watch in the several districts included within the ceded and conquered provinces, by directing Sir Edward Colebrook, the senior member of the Board of Commissioners, and Mr. John Shakespear, the superintendent of police in the western provinces, to submit a joint Report of the measures which they might judge best calculated for that purpose.

92.—The principal consideration which suggested that arrangement was, that a minute knowledge, both of the details of the Revenue Department, and of those of the Department of Police was requisite, in order to devise the best practical system, founded on existing usages and local considerations.

93.—We

93.—We have now the honour to draw the attention of your Honourable Court to the proceedings noted in the margin, which contain our Resolutions regarding the adoption in the lower provinces of an arrangement corresponding with that above adverted to.

Crim. Cons.  
21 October 18  
Nos. 26, and

94.—By the tenor of those resolutions your Honourable Court will learn that the senior member of the Board of Revenue, and the superintendent of police in the lower provinces, have been, *ex officio*, associated together for the purpose of suggesting to Government such measures as may appear requisite for the due organization of a system of village-watch in those districts, subject to the authority of the Board of Revenue, where no such watch has been established, or for its improvement in those districts where the existing establishments of chowkeedars are insufficiently or inadequately maintained.

N<sup>o</sup> 41.—Copy of a Letter in the Judicial Department, from the Court of Directors to the Governor-General in Council; dated 19 February 1819.

### JUDICIAL DEPARTMENT.

Our Governor-General in Council, at Fort-William in Bengal.

- Para. 1.—OUR last letter to you in this Department was dated the 2d instant.
- 2.—Our attention has been particularly attracted to Regulation IV. of 1817, in your code, which annexes to the zillah of Seharumpore the district of Deyra Doon, recently ceded by the Rajah of Nepaul, and extends to that district the whole system of judicature and police established in the ceded and conquered provinces at once, and without any modification.
- 3.—We observe also, that by Regulation II. of 1818, passed by the Vice-President in Council; on the 31st of March in that year, and lately received in this country, certain districts, ceded to the Company by Nana Govind Row, late manager of Sauger, have been annexed to the zillah of Bundelcund; and that the Laws and Regulations established for the internal administration of that district, are (with some modifications as to the period of commencement) declared to be in full force in the new acquisitions.
- 4.—After the anxiety which we have shown of late years in our correspondence with your Government, and more particularly in our despatch of the 9th of November 1814, for a reform in the administration of justice and police in the territories subject to your Presidency, we cannot but view with astonishment the sudden and unqualified extension of the existing system over new countries; and the details of this procedure, in so far as it respects the Deyra Doon, are far from affording a satisfactory justification of it.
- 5.—In your judicial letter on the western provinces, dated 4th July 1817, you have thus stated the grounds on which you had proceeded, paragraph 27: “The information furnished to us by Mr. Grindal, the magistrate of the northern division of Seharumpore, and by the provincial courts of appeal and circuit at Bareilly, were founded on particular and minute inquiries; and as it appeared that the state of property and civil society, the religion, manners, and customs of the inhabitants of the Deyra Doon, corresponded with those prevailing amongst the inhabitants of the adjoining district of Seharumpore, we did not consider it to be necessary to make any modification in the principles of the Regulations in force in the ceded and conquered provinces.”
- 6.—It appears to us that this general conformity, even supposing its existence established, could by no means warrant the introduction of a system, of the efficiency of which, even in the districts where it had long been established, the greatest doubts are entertained, equally by the Governor-General and the Authorities in England, and which there is abundant reason to believe, is less acceptable to the natives than any other part of our institutions.
- 7.—Without entering in this despatch into any discussion of the merits of our Judicial System, we have no hesitation in pronouncing on the impolicy of obliterating

N<sup>o</sup> 41.  
Judicial Letter  
to Bengal,  
19 February 1819.

at once all the municipal establishments of a newly-acquired country, for the purpose of establishing a system which is admitted on all hands to be imperfect, and thus putting it out of our power to avail ourselves of what may be useful in the native institution, and to correct what may be erroneous in our own.

8.—But we must also observe, that the circumstances of this alleged similarity between the natives of Deyra Doon and Seharunpore, do not appear to us to have been ascertained by careful or accurate investigation, and that neither the course nor the result of the inquiry has been accurately reported in your despatches.

9.—It appears that Mr. Grindal, the magistrate of North Seharunpore, went through part of the Deyra Doon, and furnished some statistical information respecting its actual population, and the very limited extent of its agricultural and commercial resources; the rest of his Report is made up from the answers of a native officer of the zillah court of North Seharunpore, and two or three other persons, described as intelligent natives, to a few written interrogatories; but the whole of these documents supply very sparing intelligence as to the points of conformity so strongly urged by your Government, and still less as to the experienced efficacy of our judicial institutions; yet upon a Report from the magistrate founded, on these scanty materials, and another described in your letter as a "Report from the Provincial Court of Appeal and Circuit at Bareilly," but signed only by the senior judge, two being absent, and one dissenting (this latter Report being in fact little more than the echo of that from the magistrate, and therefore carrying no additional weight with it), the Resolution for establishing the judicial code without modification, was adopted.

Having thus stated our doubts as to the sufficiency of the authorities adduced by you in support of the expediency of Regulation IV. of 1817, we are concerned to be under the necessity of animadverting, in the most serious manner, on the evident inaccuracy of this part of your letter now before us. The voluminous extent of our Indian records, and the increasing weight of business that constantly presses on the Authorities at home, render it more than ever important, that the correspondence of our governments abroad should contain a full, and, more especially, an accurate abstract of their proceedings; but on comparing the substance of Paras. 25. to 27 of your letter of the 4th July 1817, with the documents therein referred to, particularly the letter of Mr. Hawkins, senior judge of the Bareilly court, we have no difficulty in stating, that the tenor of those Paras. is calculated to impress us with an idea of the propriety of the plan adopted, not warranted by the proceedings. We there find that two members only being on the spot, the senior judge recorded the letter in question; on the 31st January, as an act of the provincial court, and manifestly with a full expectation that it would be signed by the third judge, Mr. Ross, the only other member at the station. But Mr. Ross, on the third of the following month declined signing it, and delivered in a Minute, in which he declared himself "not prepared to subscribe to the propriety of extending the Regulations now in force in these provinces, to the district in question, and particularly those of them which relate to the administration of criminal justice." Several of the provisions of these last Regulations he considered "liable to great objections," as he had pointed out to the nizamat adawlut in his Report, dated 5th August 1816, to which he referred; and he adds, "I am therefore of opinion that it would not be advisable to extend them to the Deyra Doon." Mr. Hawkins was of course obliged to subjoin a postscript to his letter, with this Minute of the third judge appended to it, and a reference to the Report above alluded to from Mr. Ross. The inconveniencies, grievances, and oppressions to which the inhabitants of North Seharunpore have been exposed from the time that our Regulations were introduced into that zillah, are so clearly and distinctly enumerated that we cannot but express our great surprize at the inaccuracy of your public despatch in the Paras. in question, in which you have spoken of Mr. Hawkins's letter, though unaccompanied by Mr. Ross's strong dissent, as if it had conveyed the unanimous opinion of the Bareilly court. We feel ourselves compelled, however reluctantly, to intimate to you our dissatisfaction at this want of precision and correctness, in the entire suppression of so very important, and, in fact, integral part of the Bareilly court's representation; and we would most seriously exhort you to consider, that if in your public correspondence, instances be found of a striking discrepancy between the documents entered on your records, and the summaries in your letters, purporting to be, as they most assuredly should be, faithful and genuine abstracts of the official details before you, these letters will become worse than useless, as tending to mislead and confound.

10.—In the extract from the proceedings of the nizamut adawlut of the 30th October 1816 recorded on your Judicial Consultations of the 14th February following, we have particularly noticed a reference, (in paragraph 5) to the letter from this court of the 9th November 1814, relative to the modifications required in the Judicial Department, which (the adawlut says) “ will come under full consideration at an early period.” With this evident allusion to the probability of its being shortly found advisable to introduce many changes and correctives into our system of Jurisprudence before your eyes, its precipitate and unqualified introduction into the Deyra Doon is the more extraordinary.

N<sup>o</sup> 41.  
Judicial Letter  
to Bengal,  
19 February 181

11.—We are perfectly aware that it may be necessary to adopt, without the delay of a reference to England, some temporary measures for the administration of justice, and police, as well as revenue, in any district which may be added to the British possessions; but we direct that nothing beyond a provisional arrangement be made, and particularly that no provincial or zillah courts be at any time established without our previous sanction.

12.—As the regulations for the collection of the revenue, and for settling disputes concerning rent, are intimately connected with the judicial code, so the injunction against extending that code to the recent acquisitions necessarily involves an inhibition against any precipitate arrangement applying, either permanently, or for a long term of years, our system of revenue to those countries. For the realizing of the revenue, it will probably be found necessary, in the first instance, to vest a large share of discretionary power in the European functionaries, to whom the provisional administration may be confided, whose duty it will be to obtain an accurate acquaintance with the sources from whence the revenues are derived, and the rules and principles by which they have been administered under the preceding Governments, and who are to be cautioned above all things against sudden or considerable alterations, either in the amount or the channel of the collections.

13.—A strict observance of these orders we consider as peculiarly important at the present moment, in consequence of the political state of India, and the probable extension of the British dominion.

14.—As we learn by recent advices from Bombay, that the Government of that Presidency have introduced the whole of their Judicial and Revenue code into certain districts respectively ceded by the Guicowar and the late Peishwa, an instruction, similar to that which is now addressed to you, will be transmitted to Bombay by the first opportunity.

London,  
19th February 1819.

We are,  
Your affectionate friends,

<i>J. Pattison,</i>	<i>J. Bebb,</i>
<i>C. Marjoribanks,</i>	<i>G. A. Robinson,</i>
<i>E. Parry,</i>	<i>S. Toone,</i>
<i>W. Astell,</i>	<i>J. Daniell,</i>
<i>G. Raikes,</i>	<i>J. Thornhill,</i>
<i>G. Smith,</i>	<i>J. Hudleston,</i>
<i>W. T. Money,</i>	<i>W. Wigram.</i>

## II.—FORT ST. GEORGE.

### LIST OF PAPERS.

Copies and Extracts of Reports and Proceedings of the Governor in Council at *Fort St. George*, concerning the Administration of Justice, Civil, Criminal, and Police; from 1810 to the present time :—*Viz.*

- N° 1.—Extract from a Letter in the Judicial Department, from the Court of Directors of the East India Company, to the Governor in Council at Fort St. George; dated 29 October 1813 - - - - - p. 287.
- N° 2.—Extract from a Letter in the Revenue Department, from the Court of Directors to the Governor in Council at Fort St. George; dated 16 December 1812 - p. 288.
- N° 3.—Copy of a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Fort St. George; dated 29 April 1814 - - - p. 290.
- N° 4.—Copy of a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Fort St. George; dated 4th of May 1814 - - - p. 308.
- N° 5.—Copy of a Letter in the Judicial Department, from the Secretary to the Government of Fort St. George, to the Secretary to the Court of Directors; dated 4 January 1815 - - - - - p. 309.
- N° 6.—Extract from a Letter in the Revenue Department, from the Court of Directors to the Governor in Council at Fort St. George; dated 12 April 1815 - - p. *ibid.*
- N° 7.—Copy of a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Fort St. George, dated 20 December 1815 - - p. 310.
- N° 8.—Extract from a Letter in the Judicial Department, from the Governor in Council at Fort St. George to the Court of Directors; dated 17 February 1817 - - p. 313.
- N° 9.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Fort St. George; dated 4 March 1818 - - p. 314.
- N° 10.—Extracts from a Letter in the Judicial Department, from the Governor in Council at Fort St. George to the Court of Directors; dated 19 March 1818 - - p. *ibid.*
- N° 11.—Copy of a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Fort St. George; dated 19 February 1819 - - p. 315.
- N° 12.—Copy of a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Fort St. George; dated 12 May 1819 - - p. *ibid.*

India Board, }  
30 June 1819. }

THOS. PERE. COURTENAY.

## II.—FORT ST. GEORGE.

N<sup>o</sup> 1.—Extract from a Letter in the Judicial Department, from the Court of Directors of the East India Company, to the Governor-General in Council at Fort Saint George; dated 29th October 1813.

THE Reports referred to in these paragraphs we find to have been prepared in conformity to the 37th Section of Regulation VII, of 1802, which directs “ the judges of circuit to transmit to the foudarry adawlut a Report containing such “ observations as they have made during the circuit, regarding the effect of the “ present system for administering the criminal laws in the prevention and punishment “ of crimes, as well as respecting the state of the gaols, the treatment and employment “ of the prisoners, and such other matters as they may think deserving of the notice “ of the court.” We perfectly agree with you in opinion as to the merits of the Reports furnished by two of these judges, Messrs. Read and Grant, which have supplied us with much useful information on the topics to which they relate. We are not surprized that the Report of Mr. Travers should possess less interest and information, when we reflect that this gentleman had but recently entered upon the duties of a department which was new to him, he having been employed in the Revenue branch of our service.

Letter from  
15th March 1811.  
(57.) Reports of  
the three Judges on  
completion of their  
Circuits, trans-  
mitted.

36.—We have examined the Reports of the two judges first named, with the particular view of ascertaining, as far as those documents enable us to do, the operation of the system of criminal justice and police which exist in the provinces under your governments; many of the facts and observations which they contain have attracted our attention; but we shall at present defer entering upon this subject, as we shall soon take an opportunity of addressing you fully upon it, as well as upon the administration of civil justice within those territories.

37.—According to the account given by Mr. Read of the Phasegars\* within the southern division, they resemble the Thugs in the higher provinces of India, and are certainly a description of offenders to which the most attentive consideration of the sudder foudarry adawlut should be directed.

\* Persons who  
commit murder in  
the dark by stran-  
gulation.  
See vol. I, folio 80.

38.—With respect to the Iroolers and Yanadies, a people of wild character, who inhabit the hills to the north and north-west of Chittoor, and who are described to subsist by plunder, we find them to be represented by the judge of the centre division, unlike those predatory mountaineers in Bauglepore, who, through the kind and liberal treatment exercised towards them by the late Mr. Cleveland, in the intercourse he cultivated with them, were brought to a state of civil order and of obedience to the Company's government. We perfectly agree with Mr. Read as to the wisdom of endeavouring, by a similar course of policy, to draw off the Iroolers from their irregular habits, and to allure them to the occupations of civilized life: and we therefore approve the proposition submitted by him to the nizamat adawlut, for granting them allotments of waste land for a certain number of years, rent free, as an inducement to betake themselves to the quiet pursuits of agriculture. We also deem it to be of essential importance to the reformation of the Iroolers, that it be a leading object of your attention, by the study of their peculiar character, to avail yourselves of the influence of their chiefs in the accomplishment of so desirable a purpose. It was by securing the confidence of their leaders, and engaging their interests on the side of Government, that the inhabitants of that wild country, which was under the charge of Mr. Cleveland, are now among the most peaceable and orderly within our dominions on the Bengal side of India; and it was by a judicious imitation of the same line of proceeding, that Sir Henry Strachey was enabled to extend, on sure and permanent



N<sup>o</sup> 1.  
Judicial Letter  
to Fort St. George,  
29 October 1813.

\* permanent foundations, the blessings of social order and tranquillity to the rude and disorderly race who inhabit the jungle mehauls of the Midnapore district. It is by the employment of the means which we have here adverted to that we look for the improvement of the domestic habits of those of our subjects in India who are the least advanced in the manners and feelings of civilized life, much more than to a strict and undistinguishing enforcement of rules and regulations which may be ill suited to their genius and character, and the principles of which they may not be able to comprehend.

\* No further reports received. See the Court's second Order, dated 4th March 1818, Para. 5.

41.—The three Reports of the judges of circuit accompanying the despatch to which we are now replying, are the first documents of this description which we have yet received from your government. We direct that they be regularly transmitted\* to us in future; and that you supply us with a complete series of those which have been furnished you, since the first establishment of those courts.

N<sup>o</sup> 2.—Extract from a Letter in the Revenue Department, from the Court of Directors to the Governor in Council at Fort St. George; dated 16 December 1812.

N<sup>o</sup> 2.  
Revenue Letter  
to Fort St. George,  
16 Dec. 1812.

Para. 15.—AS far as we can collect from your correspondence, you seem to have been principally induced to propose the settlement upon village-leases, on account of the supposed incompatibility of the Judicial System which had recently been established in the unsettled districts, with the Ryotwar mode of collection. We applaud the principle which first suggested the introduction of that system into the British possessions in India; and we venerate the character from which it emanated; but the experience of nearly twenty years in Bengal has furnished unequivocal evidence that it has not been possible, by every practicable extension of the Judicial Establishment, to render it adequate to the great end for which it was instituted, namely, the speedy as well as the impartial administration of justice; but that, while the expenditure had been augmented from the sum of 220,000 *l.*, at which the annual charge for the provinces of Bengal, Behar, and Orissa, not including the charge of police and the diet of prisoners, was calculated by Lord Cornwallis, to the sum of 306,000 *l.*, at which the correspondent expenditure had arrived in those provinces by the accounts for 1809-10, and which by its extension to the ceded and conquered territories under that Presidency, alone amounted in that year to the alarming expenditure of 870,000 *l.*;—still the arrear of causes has gone on increasing, until it has attained a height that calls imperiously for the application of some effectual remedy.

16.—The growing accumulation of undecided suits under your Presidency, and which at so early a period since the first introduction of the Bengal Judicial code as December 1807, appears to have amounted, in the zillah courts alone, to 31,482, should in its progress, rather have directed your attention to the adoption of some mode whereby the process might have been simplified, and other causes of delay removed, than have made you solicitous for the extension of a system out of which that accumulation had arisen, accompanied as it has been by an increase of expense, which the resources of your Government are not calculated to meet, and which we find to have amounted at the same period of 1809-10, to 344,890 *l.* exclusive of the supreme court, the police and the diet of prisoners at the Presidency; thus making the whole of our judicial charges in India (if we include the expense of the courts under the Bombay Presidency, being 45,950 *l.*) to be no less than 1,261,344 *l.*

17.—The expedients which we observe you have since adopted for reducing the Judicial arrears, had been some years before resorted to by the supreme Government; but they have not been found adequate to remedy the evil, which still continues to be extensively felt in the Bengal provinces, notwithstanding the further measures which have been more recently devised for the same purpose. We do not see any reasonable ground to hope that a better result will attend the application of similar remedies on your side of India. The delay of justice must in a great degree restrict the positive benefits that might otherwise be derived from the Judicial System; and must have the effect of inducing many persons rather to submit to injuries than to seek for redress under the discouraging circumstances of procrastination, waste of time, and uncertain, though, perhaps, ruinous expense.

18.—The

18.—The incongruity which you represent to exist between the Judicial System and the mode which formerly obtained of collecting the land-revenue from each Ryot through the officers of Government, we must confess, appears to us to be a species of objection to that mode of collection, which may also be brought against a zemindary, or a village system of revenue management; the only difference being this, that under a Ryotwar settlement the obstructions which are occasioned by the nature of the Judicial process to the realization of the land-revenue, are experienced by the European collector; whereas under the other kind of settlement, the inconvenience is transferred to the zemindars and renters, who are left to seek the recovery of balances, and the payment of revenue in disputed cases, by the same methods and according to the same course. It is therefore, as we conceive, the formalities of proceeding in the courts of justice, and not the manner in which the Government administers its territorial revenues, that we must consider to be the causes of those impediments and difficulties to which you have alluded in your Revenue despatch of the 28th October 1808, and in the one now before us, as having rendered it in your judgment necessary, no longer to continue the principle of Ryotwar annual settlements.

N<sup>o</sup> 2.  
Revenue Letter  
to Fort St. George,  
16 December 1812.

19.—After the fullest consideration that we have been able to give to the important subject to which we have now adverted, we are led to think that we could not better consult the interest both of the British Government in India, and of the people living under its protection, than by resorting to an ancient usage of the natives in their village communities, as well for the adjudication of small suits and differences, as for the management of the revenue; and that by giving the sanction and aid of our authority to the ministration of potails or head-men, assisted by the panchaets or juries to which the people have been accustomed, we should provide more efficaciously for the speedy and equitable decision of questions of limited value, than we could hope to do by any Regulations to be carried into effect through the tedious process of courts, constituted on the principle of our zillah tribunals.

20.—We are aware that it may be said the potails might pervert the influence which such a reference would give them, and make it a source of oppression and vexation to their weaker neighbours; but every measure that can be devised, and is to be administered by man, is liable to abuse. It is the duty of Government to apply the best practicable guards and correctives; and it may reasonably be hoped that the exercise of a vigilant inspection and control over the native Judiciary Functionaries, together with the aids of reward and punishment, prudently applied, would serve to restrain the unfeeling and corrupt, and to encourage the honest and well-disposed.

21.—Colonel Read, colonel Munro, and other Revenue Superintendents under your Government, appear to have availed themselves of the usage to which we have referred, and which has been sanctioned by immemorial custom; and all our inquiries induce us to be strongly of opinion that justice could not be administered in a way so consonant to the feelings and habits of the people, nor on the whole, so satisfactorily, as through the intervention of the village-potails and panchaets. We find the same opinion to be strongly maintained and enforced by lieutenant-colonel Wilks, in his "Historical Sketches of the South of India," recently published in this country, as well as an official Report which he made to the Bengal government, in 1799, on the internal affairs of the Mysore country. The sentiments which he has expressed on this subject, were founded on practical observations made in the territories belonging to the Rajah, where, under the wise and efficient management of the dewan Poorneah, the ancient institutions of the natives were preserved, but purged of those glaring abuses and defects which had crept into them under the reigns of Tippoo Sulthan, and his father, Hyder Ally. Distributive justice appears, from the account of colonel Wilks, to have been there chiefly conducted through the medium of the potails and panchaets; and in his Report above referred to, he stated his firm belief, (a belief which the facts and circumstances related by him, seem fairly to warrant), that the substantial objects of the administration of justice, and the protection of the people in their most important rights, were obtained, in a respectable degree.

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No. 3.—Copy of a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Fort St. George; dated 29th of April 1814.

Our Governor in Council at Fort St. George.

Para. 1.—OUR last letter to you in this department was dated the 29th October last.

2.—In our despatch in the Revenue Department, dated 16th December 1812, we took occasion to convey to you some general observations on the practical operation of the system of judicature which has of late years been established in the territories of Fort St. George, and to prepare your minds for a fuller and more matured disclosure of our sentiments and determination on this important subject. Since that period, it has engaged our deliberate consideration, as have also the existing arrangements for conducting the police within those territories.

3.—We propose in this separate letter, to communicate to you the ideas and views we have formed, after a careful examination of your official records, and after collecting the sentiments of many of our servants now in England upon the subject, in regard to both these branches of internal administration under your Government; and to furnish you with such orders and instructions as we have deemed expedient, and indeed essentially necessary, for attaining the accomplishment of those great objects of civil regulation, and at the same time, relieving, in some degree, our finances from that heavy pressure to which they are at present subject, under the heads of Judicial and Police Charges.

4.—We have approached the consideration of this subject, under a deep impression of the fitness and wisdom of proceeding with due caution and care in the adoption of any material alterations in existing systems of government, and of the mischiefs which too often result from innovations in matters of such important and delicate concern. With these strong convictions on our minds, it is very satisfactory to us, on a review of this great question, to be enabled to state, that the modifications which we are about to prescribe in this despatch, do not involve the introduction of any novel or untried principles, nor any essential departure from an ancient and long-established order of things; but rather the revision and amendment of one of the ancient creation, which has existed a few years only in the provinces under your Presidency, and the operation and effects of which, it is our duty to watch over, with the view not only of preserving and cherishing whatever of good may be found to accompany it, but also of modifying and reforming it, in those respects in which experience may have proved it to have failed in its expected consequences. It is in this spirit, that we have entered upon the present investigation;—on the one hand, influenced by an earnest disposition to avoid all changes, not absolutely called for in an existing system, adopted under our own sanction; and on the other, not insensible to the obvious policy of removing the errors, and of supplying the defects, which may be found to belong to it, before the progress of time shall have rendered them inveterate.

5.—We shall in the first instance, direct your attention to the state of your Judicial Establishments. The increased and increasing expenditure on this account amounted, for the year 1811-12, to no less a sum than 348,262*l.* exclusive of the expense of the supreme court of judicature, diet of prisoners and the police, being comparatively a small part of the whole Judicial Charges at the three Presidencies in that year. This has been made the subject of frequent correspondence with your Government; but the instructions which we have transmitted to you, strong and urgent as they were, have led only to partial retrenchments of a trifling nature, while they have fully served to satisfy our minds that any considerable diminution of this article of public disbursement cannot be looked for, nor even a limitation be fixed to its present high scale, by any measure short of a revision of the whole system.

6.—The expedients which you found it necessary to adopt for reducing the arrears in the courts under your Government, had been, as we observed in our Revenue Letter of 16th December last, “some years before resorted to by the supreme Government, but (as we also remarked) they had not been found adequate to remedy the evil which still continued to be heavily felt in the Bengal provinces, notwithstanding the further measures that had been more recently devised for the same purpose.” Even so lately as the year 1812, it was found necessary to pass a Regulation for augmenting the number of judges in the sudder dewanny and nizamat adawlut of Calcutta, “as occasion might require;” and in the same year, a resolution was adopted to appoint a certain number of *permanent* assistant zillah judges to be employed where their services were most wanted, thus constituting, in both cases, a standing increase of expense attendant upon the Judicial System.

7.—It

7.—It nevertheless appears from the last accounts received from that side of India, that the number of suits depending before the different tribunals of civil judicature on the 16th July 1812, amounted to no less than 20,981\* ; and so far from any expectation being held out by the Government of Fort-William of any material reduction of that number, we are led to entertain the strongest apprehensions of an augmentation.

8.—We must here remark, that when the present judicial system was introduced into the provinces of Bengal, Behar and Orissa, the number of depending suits in the dewanny adawlots was stated by Lord Cornwallis, in his Minute of the 11th February 1793, at about 60,000. The consequent delay in the decision of suits was then described by him, as “ruinous to the suitors, as defeating the end of justice, and as striking at the very root of the prosperity of the country.” Lord Cornwallis, in the establishment of the system, considered a speedy settlement of causes to be a primary and essential object to be effected by it, observing, as he justly did, “that the constitution of the courts should be so framed, as to put it out of the power of the judges to deny or delay justice ; that individuals should, by a mere application, be able to command their interposition for the redress of injuries from whomsoever sustained.” It is to this effect also, “that he observes in the same Minute, that there should be courts of justice to punish oppression and exaction ; and that the people must be satisfied that the remedy must be certain and effectual, and that it can be expeditiously applied.”

9.—The facts which we have adduced, and others which will hereafter be noticed, furnish but too ample evidence that the provisions of the Judicial Code of British India, highly beneficial as they have proved in some important particulars, have yet substantially failed in the accomplishment of one of the most material ends they had in view in that large portion of our possessions, where the code was originally introduced, and when it had been longest in practice. But in taking a survey of the inadequacy of the Judicial System, the existing accumulation of undecided suits is very far from exhibiting the whole extent of the evil. To form a tolerably correct idea on this subject, especially in regard to the zillah courts, to which we here more particularly direct our observations, we must bear in mind the number of persons who may be deterred from applying to them for redress, from the despair of having their disputes and grievances settled within any reasonable time, as well as from the great distance they must travel for justice, the expense of the journey, and the interruption which it must occasion to their private concerns, called away, as they are, from their homes at the very season when their absence cannot be dispensed with, without serious injury to the cultivation of the land. The records of the Bengal Government inform us of another evil of no less consequence, viz. that the affrays, homicides and woundings, which are continually occurring in those provinces on the subject of disputed rights, are occasioned by the length of time that necessarily elapses before redress can be obtained, which has been found to impel those who feel themselves injured in their rights and property, to have recourse to violence and force for the defence of them, thereby taking the law into their own hands.

10.—It would be needless to argue that the same causes must produce the same effects within the possessions of Fort St. George. The proof of this fact is strongly borne out by the official communications of several of the Judicial and Revenue servants belonging to your establishment ; but if such evidence were wanting, it might alone be very safely rested on a reference to the actual population of the country, and the number of suits decided and remaining undecided within the year, which sufficiently show how disproportioned the existing means of Judicial Administration are, to the wants and necessities of the people.

11.—This deficiency of means is, no doubt, to be imputed in part, to the great extent of the local jurisdiction of the zillah and provincial courts ; but we are firmly persuaded, on a full examination into this subject, that even if the state of the Company's funds would admit of such augmentation of these courts as would reduce their local jurisdiction to one half of their present size, it would, after all, operate only as a partial remedy, and still leave the administration of justice in a state and condition, very inadequate to the fulfilment of its professed purposes.

12.—We are led to direct your attention, in the first instance, to that branch of this important subject which relates to the *European agency* employed for the discharge of the duties of judges and registers in the zillah courts ; and in doing this, we shall avail ourselves of the opinions of some of the best informed and most enlightened

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of our servants, who, under the Bengal Government, and under your Presidency, have been enabled, by experience in the execution of the judicial functions, to form opinions, and who have felt themselves called upon, by a sense of duty to record them. Sir Henry Strachey, judge and magistrate of Midnapore, in his Report of the 30th January 1802, after enumerating circumstances which obstructed the due administration of justice, observes as follows: "another impediment, though of a very different nature, 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 them as judges and magistrates. Nothing is more common, even after a minute and laborious examination of evidence on both sides, than for the judge to be left in utter doubt respecting the points at issue. This proceeds, from the imperfect connection with the natives; and our scanty knowledge, after all our study of their manners, customs and languages. 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. We make not sufficient allowance for the loose, vague and 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."

"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;" and as he says, in another place, "a very few simple rules would, perhaps, suffice to correct the abuses of former times. 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."

Report as Circuit  
Judge, on termination  
of the 2d session  
of the Calcutta  
Division for 1802.

"We cannot study" (the same judge observes) "the genius of the people, in its own sphere of action. We know little of their domestic life, their knowledge, conversation, amusements, their trades and castes, or any of those natural and individual characteristics which are essential to a complete knowledge of them. Every day affords us examples of something new and surprizing; and we have no principle to guide us in the investigation of facts, except an extreme diffidence of our opinion; a consciousness of inability to judge of what is probable or improbable."

13.—The ideas of colonel Munro on the same subject, were communicated to your Board of Revenue in his Report from the ceded districts, dated the 15th August 1807.

"There is," he observes, "such a strange mixture of fraud and honesty in the natives of India, and even in the same individual in different circumstances, that none but a native can, on many occasions, penetrate the motives from which such opposite conduct arises. The numerous petty dealings constantly going on with comparatively very few disputes, the frequency of depositing money and other valuable articles, without any kind of voucher, and the general practice of lending money without any receipt or document, but the accounts of the parties; manifest a high degree of mutual confidence, which can originate only in a conviction of the probity of each other. But on the other hand, every native will perjure himself in a litigation respecting water, boundaries of villages, and privileges of castes. He will also perjure himself, with little hesitation, in favour of a relation, a friend, or an inhabitant of the same village. These causes, added to bribery, render perjury so common, that scarcely any dependence can be placed upon evidence, unless when it is supported by collateral proofs. The number of witnesses, and even their general character, is therefore of less consequence than an acquaintance with those particular customs and prejudices by which their evidence is likely to be biassed. The judge must always be inferior to a native, in knowledge of this kind; he will likewise be deficient in the language; he never can be so much master of it, as to follow and detect the minute points by which truth and falsehood are often separated. The voice of a witness, the manner, the mode of expression, the use of words of a less positive, though often similar, sense; all these, must be beyond the reach of an European, whose knowledge of an Indian language can never extend to such niceties."

14.—These are the sentiments and opinions of two of our servants, well qualified from local observation and practical knowledge, to speak on such a subject; and they have

have been strongly corroborated by other respectable authorities on record, which we have consulted in the course of our investigation.

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15.—It is but too obvious that an European must labour under very great disadvantages in the administration of justice; among a people so peculiar in their habits, their ideas, and their customs, and with whose dialects it is in vain to expect we can ever become sufficiently acquainted. A document, which we received from Bengal in the year 1810, distinctly informs us that “a few only of the magistrates understand the Bengalese language.” In the Peninsula, where the dialects are much more various, this deficiency in the native languages cannot, we conceive, be less felt than it is, within our possessions subject to the supreme government.

Mr. Secretary  
Dowdeswell's Report,  
dated 22 Sept.  
1799.

16.—These circumstances, while they must render the proceedings of the European judge liable to great error and misconception, in spite of all his care and disposition to act rightly; must also, in a great measure, reduce him to a dependence on the native officers of the court, which, in various ways, will tend, as we know it very extensively has, to the abuse and perversion of the ends of justice; and from the inability of the judges to follow readily what passes in the progress of hearing a cause, a dilatoriness in the despatch of business must arise, which of itself would contribute, in no small degree, to an accumulation of suits instituted in the zillah court.

17.—What also occasions the great arrears of suits in all our tribunals, both European and native, is the process and forms by which justice is administered. This process, and these forms, are substantially the same as those of the superior tribunals in England, and even pass under the same names. The pleadings of the court are almost in every case written, (as well as the evidence of witnesses) and they proceed by *Petition* or *Declaration*, *Replication* and *Rejoinder*, *Supplemental Answer* and *Reply*.

18.—Such a minute and tedious mode of proceeding, in a country where the courts are so few, compared with the vast extent and population of it, must be quite incompatible with promptitude and despatch. Causes must be long pending, and slowly got over off the file; and the tardiness with which they are brought to a settlement must, in innumerable instances, be a greater evil than the original injury sought to be redressed, to say nothing of the frequent visits which the litigant parties are under the necessity of making, for the purpose of filing their pleadings in the progress of the cause, according to the turn which the proceedings may take. This grievance is one of no ordinary magnitude to the suitors, as well as to those who may be summoned to give evidence. On one description of persons, it must, according to the information we have received from colonel Munro, operate with peculiar severity. We here refer to the heads of villages.

“They are (he observes) subject to great inconvenience and distress, being summoned as witnesses in every trifling litigation that goes before the judge from their respective villages. They are supposed to know the state of the matter better than any body else, and are therefore always summoned. They are detained weeks and months from the management of their farms, and are frequently no sooner at home, than they are called away fifty or one hundred miles by a fresh summons about some petty suit which they could have settled much better on the spot; and crowds of them, as well as of the principal Ryots, are always lying about the courts, and very often without its being known to the judge that they are there.”

19.—We have the declaration of your Board of Revenue, that “these cumbrous formalities (as they term the forms and process of the courts,) “rather embarrassed than aided litigants.” The inconveniences to be expected from them, were ably pointed out by colonel Munro in the same year, on the extension of the Judicial System to the ceded districts; and some of those which have actually resulted are strongly, but, we believe, faithfully, depicted by the collector of the southern division of Arcot, in his Report on the settlement of the Revenues for the fussy year 1808-9. “Hundreds of complaints of acts of oppression have been made to me, but in which I have no power to grant redress. I can only refer them to the court; and the court, if it did nothing else, would not have time to redress all such grievances, even if they came before it; but the road to justice in such instances, is so clogged with forms, &c., that nine out of ten of such grievances, never can come before it. It is cheaper (he adds,) for complainants to submit to be plundered, than to seek redress.”

Mr. Ravenshaw

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20.—What must also be very materially obstructive of the purpose for which such forms of proceeding are prescribed by our system of civil judicature, is, that they are perfectly new to the natives to whom justice was used to be administered, according to very simple rules, and in a summary manner.

21.—The general unfitness of the natives to conduct their own causes, in tribunals whose proceedings are regulated by rules of such a refined and intricate nature, has led to the appointment of vakeels, or licensed pleaders, to each court; but this measure, though intended for the convenience of suitors, is accompanied with injurious effects, by placing the plaintiffs and defendants very much at the mercy of a set of men, who for the most part, we fear, are wanting in respectability of character, with little sense of reputation, and depending for their subsistence, on the encouragement and fomentation of frivolous and vexatious litigations.

22.—The defective and superficial acquaintance of the vakeels themselves with the Regulations, and their general inaptitude for the discharge of their duties, has long been the theme of complaint on the part of our servants under the Bengal Presidency, as well as by colonel Leith, who was employed under your government in framing the original Code of Laws and Regulations, and who has, in his letter to the chairman to the Court of Directors, of the 25th January 1808, of which we formerly transmitted you a copy, expressed his opinion on the subject of the vakeels, in terms which have particularly attracted our attention: "There is, perhaps, (he says) no part of the Judicial System which has been attended with worse consequences than the vakeel branch of it. They are, in general, extremely illiterate, and their situation gives them various opportunities of committing abuses which are not easily detected. In particular, they have been accused of promoting litigation, by holding forth false promises of success to their clients. Their habits of intercourse with the natives, and their being, in a manner, the only persons who are acquainted with the Regulations, makes it easy for them to do so. I do not hesitate in saying, that one great cause of the litigation and delay in law-suits, has arisen from the native pleaders."

23.—Your Board of Revenue also, in the Report to which we have already referred, have distinctly averred, that "the licensing of pleaders in vakeels had led to a series of fraud and corruption in the zillah and provincial courts;" and they therefore recommend, that in the Revenue courts, which it was then in contemplation to establish at the Presidency, "pleading *ore tenus* should be adopted, instead of petitions, replications, and rejoinders." We therefore direct you to instruct the courts of sudder dewanny and nizamat adawlut, and the inferior courts, to communicate their ideas on this subject; and that you do thereupon revise the respective powers, together with the forms of process in both departments, with the view of rendering the proceedings in civil cases, as summary as may be compatible with the ends of substantial justice.

24.—The reply and rejoinder may, perhaps, be dispensed with, as the plaint and answer generally contain all the material facts of the case.

25.—Another part of the system which has an evident effect in lengthening the proceedings of the courts, has not, as far as we know, the recommendation of being borrowed from any English institution; this is the practice (provided for by Regulation III, of 1802,) of taking down in writing all depositions, although delivered orally in open court. We have great doubts as to the necessity of this custom; and desire that the subject may be carefully considered by the courts.

26.—The employment of licensed vakeels is so connected with the Judicial System now established, that we are certainly not prepared to do away this class altogether; but we are very desirous that the subject should be maturely considered by you, as well as by the sudder court, with a view of devising, if it be possible, a remedy for an evil so generally acknowledged.

27.—We would here call your attention to another part of the Judicial System, We allude to the latitude of the appeal allowed from the decisions of the registers of the zillah courts, and from the decisions of the judges of those courts. The facilities thus afforded for the prolongation of judicial disputes, and its attendant evils, have been represented to us by many of your most experienced servants, as strongly requiring the application of some remedy. By the original Regulations of your government, no suits were appealable from the judgment of a register, or a judge of a zillah court,

court, unless in the former case the amount of the property litigated exceeded 25 A. rupees, and in the latter, 1,000 rupees: By Regulation VII, of the year 1809, these restrictions were removed, and appeals were allowed in all cases from their determinations, except in regard to suits tried by a zillah judge, in appeal from the head and other native commissioners. We are of opinion that a renewal of the restrictions which formerly existed under Regulation II, of 1802, would be productive of much good effect; and we hereby direct that no further appeal be permitted to be from a decision of a zillah court, on an appeal from the register, or from any native tribunal. With regard to special appeals, we leave you at liberty to extend the provisions of Section 26 of Regulation VII, 1809, to any case not comprehended within them, which, on due consideration, you may think fit.

28.—The expenses also of prosecuting suits which before were confined to the maintenance of witnesses, and the employment of a vakeel, have since the year 1808 been considerably augmented, by the direct charges to which legal proceedings are subjected; by fees, on the institution and trial of causes, and on the presentment of petitions, exhibits, &c. both in the European and native courts, as well as by stamp-duties upon the pleadings in the former.

29.—These additional charges were imposed, as it is declared in the preambles of Regulations IV. V. and XVII. of 1808, for the purpose of preventing litigious and groundless complaints, the filing of superfluous exhibits, and the summoning of unnecessary witnesses.

30.—To the first-mentioned of these Regulations, and to Regulation XVII, which gave a retrospective effect to the provisions of the former one, respecting judicial fees, the sudder dewanny adawlut have, in their Report of the 19th February 1813, particularly called our attention, as the chief means by which the arrears of civil suits had been so greatly reduced since the year 1807. But with the evidence we have before us on this subject, we see too much reason to conclude, (bearing in mind, as we must, the smallness of the interests which produce litigation among the natives,) the additional expenses thus imposed, serve to discourage, and often to preclude, the fair claimants from applying to our judicatories.

31.—Under the Rules and Regulations which obtained, previous to the introduction of the present system for the administration of justice in Bengal, a deposit-fee was levied on the institution of suits in the civil courts, varying from five to two per cent. in proportion to the cause of action, and certain other authorized fees of court. On the first establishment of the present system in 1793, these fees were abolished, and the suitors were relieved from all other expenses except the prescribed fee to the pleaders, and the actual charge in summoning their own witnesses. The grounds which induced Lord Cornwallis to adopt this measure are explained at large in his Minute of the 11th February 1793: "This tax," (observes his Lordship, alluding to the fees we have just stated) "which the people are obliged to pay for having justice administered to them, at the same time that it debars many from recovering their rights, and fails of its intended effect, has a further oppressive operation, by punishing equally all suitors, whether their causes be litigious or not. The fact is, that the evil which this Regulation is intended to obviate, is ascribed to a wrong cause. It is not to be attributed to the litigiousness of the people; but, with more truth, to the dilatoriness and insufficiency of the administration of justice."

32.—The zillah courts created under the new system, being soon overwhelmed with causes, the principle maintained by Lord Cornwallis was departed from, and fees were established on the institution of suits, and on exhibits, &c. as well as stamp-duties on the written pleadings. The reasons assigned in the preambles of the Regulations relating thereto, were the same as those which induced you to resort to those expedients. We are much disposed to believe, from the practical Authorities we have consulted upon this subject, that though these charges upon law-proceedings have served to diminish the number of vexatious suits instituted in our courts, they have at the same time had the effect of deterring too many from seeking judicial redress for real and substantial injuries, on account of their inability to support the costs which necessarily accompany the means of obtaining it.

33.—Having adverted to the general and most obvious defects in the present system, we are brought to the consideration of the remedy most applicable to them;—and after a minute examination of every available source of information within our



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reach, and having attentively reviewed the whole that we have collected, we are disposed to think that the important object, as far as the administration of civil justice is concerned, may be obtained in a degree commensurate to the wants and necessities of the people, by such a modification of the present Judicial System itself, as shall consign a great part of the business now conducted by the zillah and provincial courts to intelligent natives, through whose agency the means of administering justice might be enlarged, and at the same time a foundation laid for diminishing the expense attending the existing establishments of the company.

34.—We find, from the concurrent testimony of our most experienced servants, that throughout Hindostan the affairs of every village were formerly managed by two descriptions of persons, one usually designated by the appellation of potail, though in some parts of India called mundil or moccuddim, and the other characterized by the names of curnum or putwarry. The potail acted as the judge, magistrate, and collector within his village; in the former of these capacities, he settled the disputes which occurred within it; assisted in cases of importance, or where the litigant parties required it, by a punchayet or native jury, consisting of fewer or more persons, whose judgment was subject to an appeal to the amildar or collector of the province, in whom was vested, not only the general administration of the revenues, but also the superintendence of civil justice, as well as of the police. This was the mode of administering justice in all cases of property or personal right, except in regard to questions of caste or religious discipline, which were decided by the rulers of the different tribes, assisted by punchayets.

35.—The curnum or putwarry, who was, and still is, the register of the village, assisted the potail in the discharge of his judicial and magisterial functions; but it was his more especial duty to keep the public accounts, of cultivation and revenue, and to record transactions between one individual and another, in the nature of bargain, payment, or receipt, his registry being the attestation of all such transactions.

36.—Both the one and the other of these village-superintendents enjoyed lands free from or upon payment of a small quit-rent, or what is nearly the same, specific shares of the produce of a particular portion of land, besides certain payments in grain or in money, from the other residents of the village. In a country where internal disturbances have been so frequent, these officers are stated by colonel Munro to have been regarded by the inhabitants as their natural and permanent superiors; their influence in the little communities to which they belong being founded as much in personal respect, as in the authority of their office. They are the native gentry of the country; and from the particular relations in which they stand to the people, they possess a knowledge of the general concerns of their villages, and of the character of every one within them, which renders them peculiarly well qualified to perform the municipal duties intrusted to their charge.

37.—In the modern possessions under your Government, where the zealous and well-directed inquiries of some of your ablest and most intelligent servants brought us to a nearer acquaintance than in any other parts of India, with the nature and uses of the local institutions of the country, and where also the policy had been most attended to, of regarding these institutions as the natural and only solid foundation on which to raise the superstructure of civil government, a close adherence to the ancient and customary course of proceeding in the adjudication of civil causes appears to have been observed, until the introduction, a few years ago, of the Judicial Establishments now existing.

38.—Of the utility of the potails in their judicial character, and of their identification with the domestic economy and internal arrangements of the country, we have the recorded testimony of many of our servants.

39.—Colonel Munro, in his Report from the ceded districts of the 15th May 1806, informs us that, “every village with its twelve ayangadees is a kind of little republic, with the potail at the head of it. And that India is a mass of such republics. The inhabitants, during war, look chiefly to their own potail; they give themselves no trouble about the breaking out and division of kingdoms. While the village remains entire, they care not to what power it is transferred; wherever it goes, the internal management remains unaltered. The potail is still the collector and magistrate, and head farmer. From the age of Menu to this day, the settlements are made either *with* or *through* the potails.” And in another of his interesting

interesting and valuable Reports, he informs us that " whoever rules the province, " they rule the village." This description of the village-societies of India is confirmed by the view which your Board of Revenue took of the same interesting subject in their Report of the 25th April 1808.

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40.—The account here given of the pottail, and of his influence and importance, as necessarily resulting from his character and relative situation within the village-community of which he is the chief member, is also in strict conformity with the statements which have been afforded by colonels Read and Wilks, by Mr. Thackeray, and other respectable authorities.

41.—Your Board of Revenue, in their Report to which we have just referred, further state, that " the influence of the head inhabitant among the people is much " greater than that of a zemindar or poligar; and that when he is not over assessed, " he will always exert it on the side of Government."

42.—From these concurring testimonies, we are led to recognize in the pottail and curnum the most powerful instruments that any government can possess, for conducting the detailed operations of its internal administration, as well in regard to the distribution of justice as the direction of the police. It appears to be through this agency, that the frame and constitution of the little village-communities of which all India is composed, has been held together for so many centuries. They are unquestionably (what they have been termed) " the natural and permanent authorities " of the country;" and true policy strongly dictates the expediency of our availing ourselves of their services; for it is thus only, as we are now firmly convinced, that the business of Government can be adequately conducted in a foreign country like India, in which the population is so extensive, and the habits and manners of the people so different from our own."

43.—The Judicial Regulations admit of the employment of native commissioners, as referees under the orders of the zillah tribunals, and as judges; with an original jurisdiction in matters of personal property to a limited amount; and in the case of the head native commissioners, authority is given to decide suits of small amount respecting real property. The Regulations also empower the other native commissioners to act as arbitrators, when applied to for that purpose by the inhabitants. But, restricted as these native authorities are in their powers, and liable as they also are under the latitude of appeal, which is permitted from their decisions to the zillah judges, to have them suspended or reversed, a large portion of business thus necessarily devolves on the judges and assistant judges, which, together with the appeals from the judgment of registers, and the suits that come before them under an original jurisdiction, they are utterly unable to deliver themselves from, by every possible exertion they can make.

44.—We are, however, very far from meaning to detract from the efficiency of the native branch of the Judicial System. On the contrary, we refer with satisfaction to the facts stated in the Report of the sudder dewanny adawlut at Fort St. George, wherein it is observed, " that these subordinate Judicatories are operative, to a very extensive " degree, in promoting the general and speedy distribution of civil justice, *in causes,* " *though small, yet of infinite importance to the parties,* who could not, without the " most serious inconvenience, be subjected to the necessity of leaving their families, " and giving attendance at the stations of the zillah courts." This Report from the sudder adawlut furnishes a strong and convincing argument for the employment of natives, in the administration of civil justice, and satisfactorily demonstrates the absolute necessity of availing ourselves of their instrumentality, to a much greater extent than has hitherto been done.

45.—We must, however, continue to think that the agency of natives *appointed* to act as commissioners, is much less eligible than that of the heads of villages acting within the limits of their own municipalities. The slender and very insufficient emoluments allowed to native commissioners for the performance of very laborious and responsible duties, must render it extremely difficult to secure the services of men of respectability and influence in society, and possessing the requisite qualifications.

46.—These circumstances are stated in the Report from the sudder dewanny adawlut, to which we have already referred, as " having hitherto retarded the con- " summation of the arrangements for this purpose in some cases, by the difficulty

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“ of finding persons sufficiently men of business and character to discharge, satisfactorily, a trust so delicate, and one that is so closely connected with individual comfort and prosperity; in others, by the disinclination of those of adequate respectability and talent to undertake a duty which, without promising any immediate personal advantage, seemed to be laborious to a degree alarming to their habits.”

47.—The official correspondence of the local authorities under the Bengal Government, leave it not a matter of speculation, that the native commissioners in those provinces are a description of persons who, like the darogahs of police, are of inferior character among their fellow countrymen; very rarely possessing that local influence and consideration which ought naturally to attach to individuals holding those situations.

48.—These necessary qualities, we have already shown, are much more likely to be found among the potails and curnums of the villages, than among any other denominations of the natives. They have for ages been in the constant habit of administering justice in their villages, with all the aids derived from acknowledged rank and hereditary connexion; they are still in the enjoyment of, or possess, the right to a permanent provision in land and fees, originally assigned them as public officers, for the execution of that and other duties. That particular duty, we cannot doubt they would again gladly execute, because it was one inseparably connected with the consequence which belonged to them in their respective villages, and which, by being committed to other hands, must, as we are satisfied it has, from various official channels of information, considerably impair their influence, and render a numerous body of men dissatisfied, if not disaffected to our government, whose support and attachment we cannot but consider of more importance to the internal security of the country, than even the strength of our military establishments; such a measure, would incalculably relieve the inhabitants from those vexations and inconveniences to which they are at present subject from the want of the ready means of judicial redress, and would be most acceptable, as it would restore a form of judiciary administration which had long been familiar to a people distinguished, above all other nations in the world, by a dislike to innovation, and a respect and adherence to ancient rules and customs.

49.—As the punchayets or native juries appear also to have uniformly prevailed under every native government of India, it is necessary that they should make a part of any consideration involving in it a return to the ancient form of judicial administration.

50.—It is remarkable that this institution should have been passed over without notice in the recorded discussions which preceded the establishment of the Judicial System under your Presidency; finding, as we have, on examination of the Reports of those collectors, who antecedent to that period superintended the administration of civil justice, that it was a general rule, at least among those in the modern territories, to avail themselves of the use of the punchayets in cases brought before them, and also to encourage the use of them by the heads of the villages. It is stated by captain Read, in a letter dated Kistnaghurry, 30 July 1794, “ that it was the custom of the inhabitants to settle trivial disputes by punchayets, or courts composed of themselves; and that when they could not settle them by that means to their mutual satisfaction, to apply to the collector, who either did so himself, or formed a punchayet for the purpose, on whose verdict he determined;” and in a cowlenamah of that officer is the following instruction; “ it is directed, that when any differences arise relating to a municipal management or cultivation, a punchayet, or native court of arbitration, may be assembled to adjust them, and that if the offended party afterwards resolve on an appeal to the huzzoor, he shall be sent thither, with its proceedings attested by its members, when orders shall be sent on the affair in question.” The members of the punchayet appear to have been mutually chosen by the parties, to prevent corruption and intrigue; their proceedings were openly conducted, in presence of such of the inhabitants as chose to attend; and the members were not permitted to separate before they pronounced their decision, which was afterwards signified to the parties concerned by a written attestation, and enforced, if necessary, by the authority of the collector.

51.—No person in our service abroad, has had more frequent or fuller opportunities of forming a just opinion of the advantages derived from these native juries, than

than colonel Munro. In his Report of the 15 August 1817, he says, "there can be no doubt that the trial of punchayet is as much the common law in India, in civil matters, as that by jury is of England. No native thinks that justice is done, where it is not adopted; and in appeals of causes formerly settled, whether under a native Government, or under that of the Company, previously to the establishment of the courts, the reason assigned, in almost every instance, was, that the decision was not given by a punchayet, but by a public officer, or by persons acting under the influence or sitting in his presence. *The native who has a good cause always applies for a punchayet, while he who has a bad one, seeks the decision of a collector or a judge, because he knows it is much easier to deceive them.*" "The natives cannot, surely, with any foundation, be said, to be judged by their own laws while the trial by punchayet, to which they have always been accustomed, is done away. The code provides referees and arbitrators; but these, are not what the native wants; he has most probably had recourse to them already; and when he comes forward to complain publicly, he expects a punchayet."

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52.—Equally strong evidence is borne by colonel Wilkes in support of punchayets, in the Appendix to his *Historical Sketches of the South of India*.

"Fully to understand the character and manners of the Hindoos, requires to have lived and been educated among them, as one of themselves; and I conscientiously believe, that for the purpose of discriminating the motives of action, and the chances of truth in the evidence of such a people, the entire life of the most acute and able European judge, devoted to that single object, would not place him on a level with an intelligent Hindoo punchayet," which he in another place describes as "an admirable instrument of practical decision."

53.—It is also highly spoken of by Sir John Malcolm, in his sketch of the Sikhs, wherein, after stating "that trifling disputes about property are settled by the heads of villages, by arbitration, and by the chiefs," he in a note to the word arbitration, adds "it is usual to assemble a punchayet, or court of arbitration, in every part of India under a native government; and as they are always chosen from men of the best reputation in the place where they meet, this court has a high character for justice."

54.—We have in our despatch of the 16th December last, referred you for a practical illustration of the fitness of punchayets, acting in conjunction with the heads of villages, for the adjudication and settlement of questions of individual property and right, to a Report made by Colonel Wilkes to the Governor-General, on the "interior administration of the Government of Mysore."

55.—To the authorities we have here produced of several of our most able and experienced servants on your side of India, as to the practical utility of the punchayet institution, we shall only add that of an experienced judge under the Bengal Government, Mr. Melville, judge and magistrate of Dacca. In his Report of the 21st December 1801, he observes, "I have said, that authority and great encouragement should be given to procure an adjustment of petty disputes and quarrels, through the means of punchayets. This mode of arbitration, (for in the present instance 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, as at present practised, is a source of general unhappiness, and the parent of multiplied crimes."

56.—The same judge, in a circuit Report for the division of Patna, of so late a date as the 27th June 1810, after noticing the length of time "a claim must wait, with the sacrifices an individual must make, before the decision of a civil court can be obtained, and his want of confidence in the stability of that decision," proceeds to observe, "It must be noticed also, that the manners of the people are daily growing worse. The present system has, in its relations and consequences, affected the influence of paternal authority, and of castes, formerly salutary checks on morals; and our courts, by having a detail of duty much greater than they can effectually manage, are unable to supply any adequate substitute."

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57.—The great argument which has been alleged against intrusting the natives with the exercise of any extensive judicial authority, is their proneness to corruption. The fact is, certainly, not to be denied; but it is at the same time necessary that we should trace it to its cause, before we assent to the validity of the inference which is deduced from it. This we believe to consist, in the want of efficiency which has marked the native governments, in the more modern periods of their history. Nothing could well have been more relaxed than was the management of the affairs of civil administration under them, whether, as it related to judicature, to police, or to revenue. Those Regulations which are devised and provided in every civilized country for the guidance of public officers, and for preventing malversation and abuse of trust, had either grown into desuetude, or were greatly disregarded. Most of the public establishments had become perverted from the original purposes of their institution. It was therefore no other than a natural consequence, that in the absence of a salutary and effective exercise of the supreme powers of the state, the public functionaries, when prompted by self-interest, should have been influenced by venal and corrupt motives.

58.—If we are correct in this reasoning, we may deduce from it, a sufficient ground for believing, that under a vigilant and active superintendence and control, exercised by the British Government, the potails and curnums, assisted by the punchayets, might be most advantageously employed in the administration of justice, without a recurrence of those serious and formidable abuses which prevailed in the latter period of native administration.

59.—The eminent success which has within the last twenty years attended the exertions of some collectors of the revenue, in the modern territories subject to your Presidency, in preventing the corrupt practices of the native servants, and in keeping them to their duty, seems fully to warrant that conclusion. The great practical principle which they steadily kept in view, and to which the success of their labours must be very largely ascribed, was to leave the *detailed management of affairs to the natives, according to the existing forms and usages of the country; and to see that they did their duty, instead of attempting to do it for them.* A constant and pervading exercise of the powers of superintendence, is the sphere of action in which the Company's European servants can be most beneficially employed; and in this sphere, the active application of their time, their attention, and their talents, are of the most essential, and indeed of indispensable importance to the well-governing of the country.

60.—We conceive in the first place, that the potail might, by virtue of his office, execute the functions of commissioner within his village, in the several modes prescribed by the Regulation. As referee, he should hear and determine all such causes as may be referred to him by the zillah court; subject to the same limitations as to the amount litigated, and, generally speaking, to the same rules as are prescribed for native commissioners acting in this capacity.

61.—And in all cases thus coming before a potail, either party should have the power of requiring the assembly of a punchayet, or the court may, in the order of reference, prescribe that mode of trial; and it should also be at the discretion of the zillah judge to refer cases of particular descriptions, and not exceeding in value an amount to be specified by Regulations to the potail and punchayet for *final* adjustment. Boundary cases may with peculiar propriety be thus referred for final decision; but in cases not specially referred in this manner, the right of appeal will of course be allowed.

62.—The amount to which the decisions of the punchayet might be rendered final, should, in the first instance, at least, be very small. Being however strongly impressed with a conviction of the advantages which might be derived from that mode of trial, in point of promptitude and cheapness, we are anxious that its operation should be rendered as extensive as possible, consistent with the regular and impartial administration of justice.

63.—The potails, or, at the option of the parties, the punchayet, assembled under the authority of the potail, should be empowered to act as *arbitrators*, without limitation as to amount, in all cases brought before them by voluntary consent, under bonds of engagement to abide by the award pronounced, and to its being made a decree of the zillah court, and without appeal, except in cases of alleged corruption, or partiality, proved to the satisfaction of the tribunal to which the application for setting aside the award is made, as already provided for by Regulation XVI, of 1802.

64.—In

64.—In the provision we have here made for the arbitration of disputes by potails, and village-punchayets assembled by them, it is not our intention to supersede the enactment of Regulation XXI. of 1802, as to the reference of suits by the zillah courts to that mode of settlement; on the contrary, we are of opinion that individuals should be encouraged, in all cases, to get their differences accommodated by arbitration, in the way most agreeable to them; nor do we see any objection to investing the courts of justice with authority to enforce the execution of awards in private arbitration, provided the litigants shall have previously entered into a written engagement to submit to the decision of the arbitrators, and to the award being entered on the records of the court.

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65.—In regard to the jurisdiction which should be given to the potail for deciding suits of his own authority, we do not feel ourselves justified, in the first instance, in directing that his decision, or that of the village-punchayet, should be conclusive, except in the two cases already mentioned, namely, where both parties have voluntarily consented to abide by the decision, or where the zillah court, adverting to the nature of the dispute, as well as the amount litigated, have referred the case to the potail and punchayet specifically for a final decision.

66.—In thus allowing, however, an appeal from the village-court to that of the zillah, we by no means intend that the execution of the judgment pronounced by the former shall be stayed during the pending of the appeal, except under special circumstances, upon which the judge shall be at liberty to exercise his own discretion;—such a permission would, we fear, greatly multiply appeals, and occasion their being lodged for the purposes of vexation or delay. We therefore desire, that in all cases not exceeding a certain amount, which we leave it to you to fix, the decision of the potail and punchayet be forthwith carried into effect; resistance to the process of that court, would constitute a breach of the peace, and fall under the cognizance of the magistrate.

67.—By the ancient system, still prevalent under the native princes, there appears to have been an intermediate jurisdiction, original and appellate, between the village-courts and those of the provincial aumildar or collector, namely, that of the tehseidar or deputy of the collector. As we do not propose by our present instructions to give civil jurisdiction to the collector, we are, for the same reasons, unwilling to give it to any of the constituted revenue servants; but at the same time we think it necessary that an intermediate native judicature between the village and zillah-court should, if possible, be established; such a court might, in some degree, diminish the number of appeals to the European judges, and might render it more difficult to obtain a decision through the partiality or corruption of the native judges, as two sets of natives must thus be persuaded to abuse their trust.

68.—This course, would enable us also to try the experiment of the punchayet on a larger scale than that of the village, so as to have a greater selection of persons to exercise that function, as all the inhabitants of a village may possibly be connected with one or the other of the litigant parties.

69.—With this view, it has occurred to us, that some of the natives who are highest in rank and most worthy of trust, whether now employed as commissioners, or not, may be invested with a jurisdiction over a certain number of villages, so as that there may be three, four, or five in a zillah, each with a peculiar district, and in order to induce persons of that description to undertake the office, and to discharge the duties of it with zeal and fidelity, we shall not object to your allowing them a fixed salary, in addition to the fee on the institution of suits brought before them, such as is received by the present native commissioners.

70.—The original jurisdiction to be vested in these native officers of justice, might extend to all suits instituted in their courts for personal property, not exceeding 200 a. rupees, for malguzarry to the same amount; and lackarage, not exceeding 20 a. rupees: assisted, as they should be, where either of the litigant parties desire it, by a punchayet; and their jurisdiction might be final to the extent of five pagodas. Their appellate jurisdiction (either party in the appeal being allowed a punchayet) might be final in all cases not exceeding ten pagodas; and also in regard to suits preferred in the zillah-courts, which the judges may, in analogy to the nature of the references to potails and village-punchayets which we have suggested, deem it proper to refer, in the same special manner, to those superior native judicatories for final determination.

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71.—By reverting to the established practice under the native governments, of employing the heads of villages, and punchayets assembled within them, in the administration of justice, with the introduction of district-punchayets as we have proposed, we are persuaded that we shall confer the most solid benefit upon our native subjects, and relieve the European judges, in a very considerable degree, from that weight of judicial business, the pressure of which must necessarily have compelled them to depend, in a great measure, upon the inferior officers of their court, who are open to various temptations to betray their trust, and to deceive their superiors. The admission of the potails and curnums to this participation in the municipal administration, will be attended with little or no expense to the litigants; for we propose that suits brought under the cognizance of those village-officers should be altogether relieved from fees and stamp-duties. The inhabitants, as we have before observed, will have their complaints inquired into at their very homes, where the transactions to be investigated can be much better understood; and, what is no small consideration, where the inquiry will be conducted, in a mode sanctioned by the ancient usages of the inhabitants. We are also persuaded, that as the authority of these village-officers must necessarily be confined to the cognizance of such matters as occur immediately within their own little communities, the history of which will be within the personal knowledge of every member of it, the best practicable facilities will thus be afforded to a prompt and satisfactory administration of justice.

72.—In order that we may be enabled to appreciate the effect of these several measures, we are particularly anxious for correct and precise information as to the nature as well as to the number of suits instituted in the several courts. We desire that such returns may be made by the several judges to the sudder-court as may enable that court to furnish Government with a yearly or half-yearly Report, in which the following particulars are to be stated:

1st. The number of suits instituted before the several courts now existing, or hereafter created, distinguishing whether they have been decided or dismissed; whether the parties have acquiesced in the decision, or have appealed, and to what court; and whether the decision has been confirmed or reversed by the court of appeal.

2nd. In regard to courts which have an original and appellate jurisdiction, the returns will distinguish, whether the suit comes before the court originally, or on appeal; and in the latter case, will show the proportion of appealed sentences respectively reversed or confirmed.

3d. The average value of the matters litigated, and the *nature of the dispute*. The situation of the parties, particularly in cases in any way respecting the rent of the land; whether paid to government, or to zemindars or other holders of land.

73.—Having thus signified to you our sentiments and instructions respecting the system of Civil Judicature within the territory under your authority, it remains for us to pursue the same course with reference to the administration of Police. We have in a foregoing part of this despatch, taken occasion to speak of the hereditary influence which the potails and curnums possess within their communities, and of the intimate knowledge they must necessarily have of the individuals residing within them. These village-superintendents are aided in the performance of their police-functions by two officers, generally known by the names of taliar and totie, who properly form part of every village-establishment, and who, like the potail and curnum, and all other public servants on such establishments, are supported by enaams or mauneams, and other emoluments, derived from the inhabitants of their respective villages.

74.—It is to these officers, that, colonel Munro has referred us in his paper of observations, to which we have already alluded, and in which he states, that “in every village in India there are hereditary watchmen, whose business it is to guard the property of the inhabitants and travellers from depredation, and to exert themselves in recovering it, when stolen; and that there is, perhaps, no race of men in the world who are equally dexterous in discovering thieves; that they are maintained by the produce of an enaam-land, by a trifling tax on each house, and by a small allowance from travellers, when they watch their property at night; that no war or calamity can make them abandon their inheritance; that if driven from it they always return again, and often live in the village, when every other person has forsaken it; and that this long and constant residence, together with their  
“ habits

“ habits of life, makes them perfectly acquainted with the character and means of  
“ livelihood of every person in it.”

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75.—The committee of general Police, after having consulted with all the judges and magistrates, collectors and commercial residents in the districts, observe in their Report to your Government of the 24th December 1806, “ that the general  
“ division of the country into villages and dependent hamlets is well known; and the  
“ influence of the head inhabitants of their villages is established on the broad basis  
“ of immemorial usage and prescriptive right; that this influence had, undoubtedly,  
“ in many instances, been abused; but that the abuses, if traced, would probably  
“ be found to originate with the ruling authority; and that as the object of the power  
“ which circumstances lodged in the hands of these people, was public utility, the  
“ inference appeared reasonable that it might, by proper regulations, be reformed,  
“ so as to answer the purposes of its original institution; and that to divert the  
“ controlling power of small societies from the persons in whom it was primarily  
“ and naturally vested, and to place it in hands uninterested in the welfare of the  
“ society, and without any influence, appeared little calculated to conciliate the  
“ affections of the powerful, or to provide for the protection of the weak.”

76.—In perfect unison with these ideas, Lord William Bentinck stated, that  
“ the heads of villages were the most proper persons for police-officers, as having  
“ the greatest influence; that they would be pleased with the consequence which  
“ they would derive from it; that they were the only persons acquainted with every  
“ transaction, and who have the power, in consequence, to prevent robbery and  
“ intrigue; and that without the aid of this description of persons, there could be  
“ no efficient police.”

77.—In the more recently acquired possessions in the Peninsula, while the duties of the magistrate were intrusted to the collectors, much attention appears to have been paid to the preservation of the village-police, more especially in the havelly or circar lands, which constituted the far larger part of those possessions.

78.—The judge of circuit of the centre division, referring to the zillah of Darapooram (comprehending the northern and southern divisions of Coimbatore) reported to you at the conclusion of the first sessions of 1812, that he had had “ an opportunity  
“ of observing minutely the effect of the excellent arrangements which had been  
“ introduced by the magistrate for preserving the peace of the district, and securing  
“ the property of the inhabitants; that the advantages which had resulted from it,  
“ were manifest, in the general prosperity and apparent happiness that seemed to  
“ reign in every village that he passed through; that the police-officers were active  
“ at their stations, and the villagers equally prompt in their co-operation for carrying  
“ into effect the orders of the magistrate; that the consequence was, that few crimes  
“ were committed in the zillah, and when they did occur, such was the promptitude  
“ of pursuit, that it was scarcely possible for the offenders to escape from the grasp  
“ of justice.”

79.—The same testimony is borne by the same gentleman in his Report on the zillah of Verdachellum, as well as by Mr. Thackeray, in his Report of 1807. We may add also, that further proof is to be found in the Reports on the state of the districts of Malabar and Canara, and of the southern pollams, long the scenes of every species of disorder and outrage.

80.—On this subject too, we must particularly point out, to your attention the sentiments of the select Committee of the House of Commons on East India Affairs, as contained in their fifth Report, in which you will find much to support and confirm what we have advanced in this despatch, respecting the village-police. In concluding their remarks on this point, they declare that “ they looked to the revival  
“ of the talliary office, as the best security of internal police.”

81.—It is the strongest possible recommendation of the talliary police, that it secures the aid and co-operation of the people at large in the support and furtherance of its operations, because it is pursued in a mode which adapts itself to their customs and usages, and to that scheme of internal polity by which society among them has been held together, from the earliest ages; and we are firmly persuaded that any system which has been or may be resorted to for the general management of the police of the country which is not built on that foundation, must be radically defective in its construction, and inadequate to accomplish its intended purposes.



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82.—We are well aware that in the Northern sircars, and in the Western pollams, where the possessions of the zemindars are extensive, and where they had long exercised an arbitrary sway, it is not to be expected that any efforts of the Company's servants, in the general charge of the civil administration, should be at once or very soon felt. But we nevertheless consider it to be perfectly consistent with the nature and principles of the permanent settlement, wherever it has been introduced, and to be an object for which indeed specific provisions were made at the time, to interpose, when occasion may require, for the reformation and suppression of any great and prominent evils which go to frustrate the purposes and ends of all good governments;—nor can we conceive any thing to have a nearer concern with good government, and the interest and welfare of the country, than the preservation of social order and tranquillity.

83.—This, we apprehend, never can be effected by the feeble operations of a few darogahs and peons stationed through an extensive tract of country; wanting in local influence and connection with the people; insufficiently remunerated to induce respectable men to accept the office placed; beyond the sight and control of the magistrate, and surrounded with various temptations to betray their trust;—yet such appear to be the only instruments by which the details of the police are conducted in the zemindarry countries. This system has had a fair trial, under the Bengal Government; and wherever, as has been the case through the greater part of the provinces, the magistrates have had no other agency to depend upon for the maintenance of the public peace and order, than that of darogahs and peons, the consequence has been, that open and daring robberies, and every other kind of individual outrage, have prevailed to an extent which has rendered the persons and property of the inhabitants utterly insecure.

84.—We must therefore call your serious attention to the necessity of taking measures in the zemindary countries for the purpose of re-establishing this village-police, agreeably to the usage of the country, and of placing it under the orders and control of the magistrate; and we further direct, that in such other parts of the Madras possessions in which it may be found neglected, or in a mutilated condition, it be also restored to its former efficiency.

85.—The services which will be rendered to the magistrates by this police-agency, when placed on the footing we have described, and made to form an immediate branch of our system of government; will, we are satisfied, enable you not only to reduce the greater part of the present darogah-establishment, but also effect a considerable reduction of the police-corps still maintained by your government at a heavy expense, and which nothing but the inefficient condition of the civil police could have justified to the extent to which they have been employed.

86.—We have, as directly connected with the important question here discussed, bestowed much attention on the arguments which have been alleged by the Committee of general Police, for formally investing the zemindars with the nominal but honorary distinction of a superior authority within their own limits, which should vest in them the recommendation of the darogahs, but the actual appointment of such officers to be in the magistrate; the individuals so appointed to be paid by the Government. If we could encourage the expectation that such an arrangement as the Committee have pointed out would have the effect of removing any disposition which this description of persons may at present feel, to obstruct rather than to support our measures of internal administration, more particularly those of the police, it would be the strongest possible recommendation in its behalf; but we must own that the failure of all endeavours of a similar nature under the Bengal government furnishes us with but little expectation that they would, in the present instance, answer any useful end.

87.—To exclude them, however, altogether from a system which is to depend in so great a degree upon native agency, would be mortifying to them, and not improbably excite their endeavours to frustrate the intended object. We shall not, therefore, object to your availing yourselves of their influence in the support of the police, in the manner which has been described, nor even to investing them with actual authority for that purpose, in such particular cases, in which, from the respectability of their characters, and their disposition to co-operate in promoting the views of Government, you may deem them fit persons to be intrusted with the powers of an agent of police.

88.—There

88.—There is another point which we deem of essential and of indispensable importance to the vigorous administration of the police, on which it is highly necessary that we should put you in the possession of our sentiments. We refer to the expediency of transferring the superintendence and control of the police of the zillahs to the collectors of the Revenue, with whom it formerly rested. A proposition to this effect was strongly recommended to the adoption of your Government during the administration of Lord William Bentinck, by the Committee of General Police, in their Report to which we have already referred. It then met the decided approbation of his Lordship; and when the subject came before us, we in our judicial letter of the 31st January 1810, recommended it to your serious consideration.

N<sup>o</sup> 3.  
Judicial Letter  
to Fort St. George  
29 April 1814.

89.—It is quite evident to our minds, that the collectors of districts are the only persons who can effectually command the village-police, and regulate and control their conduct and proceedings. The aumildar or collector under a native government invariably administers the affairs of police, as well as superintends the revenues; and among his subordinate agents, for the performance of these twofold duties, are the potails and curnums, and the talliary police-officers. In almost every instance, as we believe, in the British possessions in India, where the system of realizing the land-revenue is by village or by ryotwar settlements, the potail and curnum act as the servants of the collector, and receive the revenue from the actual cultivators within their villages; and under a zemindary settlement they are employed in the same business, with this only difference, that in this latter case, they are employed under the immediate orders of the zemindar or his people; the services of the taliar and totie are also still required in conducting the details of the revenue under the potail and curnum.

90.—To place, therefore, the superintendence of the revenue and of the police in the hands of separate individuals, must necessarily produce a collision and clashing of authorities between them in the exercise of their respective functions; for both must mainly rest on the agency of the village-officers, who being equally at the call of either, their services may be required at the same instant by both. This, while it must distract the subordinate agent, must in some degree affect the operations of the magistrates and of the collector. These two branches of the service are therefore paralyzed by a separation of powers and authorities, which under every native government, and even under our own, till of late years, were united in one person; an arrangement which had its origin, in the necessary and unavoidable connection which has been established by immemorial usage in India between police and revenue duties.

91.—We have lately received the Report of colonel Munro to the Committee of General Police, which we directed you to transmit to us in our public letter of the 9th July 1812; and we have found in it, much to strengthen and confirm our opinions and views on the above point.

92.—In your letter in the Judicial Department of the 29th February 1812, you have, in reply to our despatch of the 31st January 1810, stated your reasons for having thought proper to negative the proposition of the Committee of Police for uniting these authorities in the collectors.

93.—The great objection which you have urged against the proposed measure is, “that it would be a departure from the fundamental principles of the present constitution of the Government.” We are not disposed at present to enter upon the question, generally, as to the union of revenue and judicial power; but we are satisfied that such a union may safely, and indeed advantageously be adopted, with reference to revenue and police functions.

94.—As to the additional expense that would attend the execution of the measure in question, which you have also alleged as a reason against its adoption, we are sanguine in the expectation, that an efficient village-police, placed under the immediate superintendence of the collector, would so greatly improve the internal order and quiet of the country, that, as we have already observed, the services of the darogah establishments, and of the police-corps, which are maintained in some parts of the country at no small charge, might be gradually dispensed with. We are particularly led to entertain this expectation, as well from what has been stated on this subject by the Committee of General Police, to which we called your attention in our judicial letter of the 31st January 1810, as by colonel Munro, in his paper of communications already referred to, and by colonel Wilks in his “Sketch of the South of India.” By colonel Munro it is observed, that “by reverting to the

N<sup>o</sup> 3.  
Judicial Letter  
to Fort St. George,  
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“village-institutions, an expensive police, which has been formed within these few years, and is still increasing, might be abolished, as not only useless, but vexatious to the country; that there was already an ancient system of police in India which answered every useful purpose, and which required no other aid, unless that of being restored, where it may have been destroyed by violence.” By colonel Wilks it is affirmed, that “the new establishments of police, on which such large sums have been unnecessarily expended, might be entirely reduced, by putting into activity the admirable institution of village-officers, instead of attempting to destroy that excellent instrument of police, of which (he adds) I speak not from vague tradition of what it has been, but from a close observation of what it is.”

95.—Though we disapprove of the darogah branch of the existing system of police, as ineffectual and ill-adapted to its intended purpose; we are thoroughly satisfied of the necessity of some intermediate link of agency between the magistrate and the village-officers, under whose authority and control the latter should be more directly placed. The tehsildars of districts form a part of the regular establishment of the collector, to whom we propose to transfer the duties of magistrate; and as in their subordinate administration of the revenues of their districts they are closely connected and in constant communication with the potails and other village-officers, they at once appear the fittest substitutes that can possibly be provided for the darogahs. By adding the functions of police to the revenue-duties they at present discharge (and both invariably belong to them, under a native government,) you will completely effect that union of the two departments which is, in our firm persuasion, alone compatible in an Asiatic country, with the efficacy and vigour of either.

We conceive that all the arguments and considerations which have been urged in favour of vesting the general superintendence of the police in the collector, equally apply in principle, to the employment of the tehsildars, as their immediate agents, in this latter branch of the public service.

96.—Under all the circumstances and considerations which we have here brought forward, supported and established as they are, by such highly respectable authorities; we are confirmed in the opinion, that the arrangement we have proposed respecting the police, is the best that it is practicable to devise.

97.—The agents of the collector in the administration of the police, will be the district aumildars or tehsildars; and the village-potails, curnums and talliers, aided, as occasion may require, by the aumildars, peons, and by the cutwals and their peons in large towns.

98.—We shall now furnish you with our ideas on some points connected with the administration of criminal justice.

99.—We consider it to be one great advantage which will attend the modifications of the existing system of civil judicature which we have instructed you to adopt, that they will so much relieve the judges of the provincial courts from the duties which they now have to discharge in hearing appeals from the decisions of the zillah-judges, as to leave them little more to attend to, than the criminal business of the circuits, which we find had induced you in the year 1808, to empower the nizamat adawlut occasionally to dispense with the periodical vacations of those courts, and which we further perceive, from the preamble of Regulation I, of 1811, had in some instances been so heavy, that the half-yearly circuits had not been completed, before the arrival of the period fixed for the commencement of the ensuing circuit.

100.—It is however but too evident, that the great extent of the local jurisdictions of the courts of circuit must still, in various ways, act as a serious impediment to the vigorous execution of the criminal laws. The Committee of General Police, in stating their sentiments on the Judicial Code, have observed, that amongst other defects, it has the disadvantage of deterring and discouraging persons from informing against, or prosecuting, public offenders, by the expense “and loss of time attending a prosecution, which, instead of producing benefit to them, adds to their misfortunes.” This disinclination to prosecute, and the impunity with which, in consequence of it, offenders too often escape the punishment due to them, necessarily gives a confidence to the dishonest and depraved part of the community, in the commission of crimes and misdemeanors, which must sensibly increase their number. It is further stated by the Committee of the Police, that the mode of “administering criminal justice under the system of half-yearly gaol-deliveries, is so tardy, (we should rather say, the quantity

quantity of business to be got through, is so great,) that petty offenders, who are only sentenced to imprisonment for two or three months as the punishment of their crimes, may be four or five months in confinement, before they are put upon their trial, and that the period of punishment prescribed by the law is thus postponed to so late a date after the commission of the crime, that the advantage of the example is lost."

N<sup>o</sup> 3.  
Judicial Letter  
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101.—It was these considerations, which induced the Committee to recommend that the zillah-judges, collectors, and commercial residents, should be empowered to hold quarterly sessions for the trial of offences which might not be of sufficient magnitude to require being postponed until the arrival of the court of circuit.

102.—By Regulation, I, of 1811, you have specially provided for the holding of quarterly sessions in the zillahs of Masulipatam, Chittore, Trichinopoly, and North Malabar, by one of the provincial judges, not engaged in the half-yearly circuit. We are strongly of opinion that it would very much conduce to the more prompt and convenient administration of criminal justice, if the zillah-judges were to be so far invested with a jurisdiction in criminal matters, as to enable them to hear and determine all cases of public offence not of a capital nature, and now cognizable by the courts of circuit only, which might be brought before them by the collector in his magisterial capacity, with a limitation in regard to corporal punishment of 50 rattans; in regard to fines, to 200 Arcot rupees; and as to imprisonment, to one year. We also conceive, that the same desirable and important end would be materially furthered, were the collectors acting as the magistrates of zillahs to be empowered to punish offenders by corporal punishment to the extent of 30 rattans; by fine, not exceeding 100 Arcot rupees; and by imprisonment, not of longer duration than three months. We are not prepared to recommend that the collector should be associated with the zillah-judge in the trial of offences at quarterly sessions, but we think this is matter worthy of consideration, and if you should deem the measure expedient, we authorize you to adopt it.

103.—It is also matter worthy of your consideration, whether, in criminal cases, the sentence of the provincial courts of circuit may not be carried into immediate execution without a reference to the nizamat adawlut, when the guilt is clearly established, and there seems to the circuit-judge no ground for recommending the prisoner to mercy; and, with the same view of expediting the administration of the criminal law, whether the present forms of proceeding in the courts of circuit will not admit of simplification, consistent with the substantial ends of justice.

104.—In addition to the advantage which we contemplate from the employment of the collectors in the administration of criminal justice, we are satisfied of the necessity of that arrangement, from a reference to the letter from Bengal, of the 2d January 1813\*, which informs us, that the Judicial Establishment of that Presidency urgently requires that an assistant should be added to the register at each of the stations of the zillah and city magistrates; and that of sixty writers required to be sent out this season, in addition to the usual number annually furnished, thirty-nine are expressly stated to be wanted for the Judicial Department. The finances of the Company are certainly not equal to the pressure of such an establishment; and we trust that by the improved system of Judicial Administration which you are directed to carry into execution, you will be enabled at once to abolish the office of assistant judge.

\* Error, Public  
Letter from Bengal,  
18 Dec. 1812.

105.—We cannot pass by this opportunity of recalling to your attention the observations contained in our revenue letter of the 16th December 1812, as to the enforcement of the Regulations concerning *Pottahs*. A strict observance of that Regulation would tend, we are convinced, equally to the benefit of the landholders and their tenants. By rendering their respective rights and obligations more certain, it would facilitate the adjustment of disputes concerning rent or cultivation, and would thereby operate as an additional relief to the courts of justice.

106.—We trust, that in consequence of our former reference to this subject, it has already occupied your attention. We are of opinion also, that the Regulations relating to distraints require revision and amendment. The power of distraint without judicial process, which is given by Regulation XXVIII. of 1802, is admitted to be one of the severest oppressions to which Ryots and others can be exposed. The pottah Regulation duly observed, would afford the best safeguard against such oppressions, and would have the effect of preventing, in a great degree, those disputes

N<sup>o</sup> 3.  
Judicial Letter  
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respecting rent, by which the country is so frequently disturbed. The enforcement and the means of carrying it into execution, ought to be secured by an adequate process.

107.—The superintendence of this matter, naturally falls to the collector in his magisterial capacity, whose duty it should be, (with the assistance of the native officers under him) to take cognizance of any breach of this Regulation, whether by the refusal or neglect to grant pottahs. No demand of a zemindar, &c. for arrears of rent, should be receivable in any court, but on a pottah; nor should he be at liberty to proceed to sell under distraint, without an order from the collector, founded (if that should be necessary) upon a report from the potail or tehsildar, and the village and district-punchayet respectively.

108.—In furnishing you with these instructions for the enforcement of pottahs, we think it proper at the same time to declare, that we by no means intend that the zemindar should be released from the provisions of the existing law, as to the rates of assessment on the land, but that he be equally liable as before, to the penalties attendant upon an infringement of them.

109.—In another numerous class of cases described in Regulation XXXII. of 1802, viz. those of *disputed boundaries*, the collector should have the nominal jurisdiction, that is, he (or his subordinate officers, according to the extent) should decide them on the verdict of a punchayet. We see no other mode of settling such litigated points, in a satisfactory manner.

110.—We have only further to add to this despatch our particular injunction, that in any Regulations which you may pass for the purpose of notifying the alterations of the system we have prescribed, they may be expressed in a style and in a language the most familiar to the comprehension of the natives, and divested of technical terms borrowed from the legal forms and phrases of our judicatures in this country; and that you also employ the best practicable means of circulating them among the inhabitants, and of rendering them acquainted with the nature of such Regulations.

London,  
29th April 1814.

We are  
Your loving friends,

(Signed) "W. F. Elphinstone, J. Inglis, J. Morris, J. Daniel, R. C. Plowden,  
S. Davis, A. Roberts, A. Allan, J. Bannerman, C. Mills,  
D. Scott, H. Lindsay, J. B. Taylor."

N<sup>o</sup> 4.—Copy a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Fort St. George; dated 4th of May 1814.

Our Governor in Council at Fort St. George.

N<sup>o</sup> 4.  
Judicial Letter  
to Fort St. George,  
4 May 1814.

Para. 1.—IN our Revenue despatch of the 2d May 1804, we called your attention to the advantages which might be derived from the occasional employment of a committee of our servants, to examine into the state and condition of the provinces under your Government, and to report to you fully upon every subject connected with their prosperity.

2.—The modifications in the present system of internal administration pointed out in our judicial of the 29th ultimo, will render it particularly desirable that you should have recourse to a similar measure for carrying into execution the orders and instructions contained in that letter; this commission to be limited to three years, unless the government represent to the Court of Directors the necessity for its further duration.

3.—Colonel Thomas Munro, who returns to Madras by the fleet now under despatch, appears to us to be peculiarly qualified to act at the head of whatever commission you may judge it necessary to appoint; and we therefore direct that he may be nominated as first in the Commission, with a salary of 10,000 pagodas a-year, in addition to his travelling and other necessary expenses, the account of which must be verified, in the way prescribed with regard to similar charges under the Political Residencies.

4.—The

ADMINISTRATION OF JUSTICE IN FORT ST. GEORGE. 309.

4.—The extensive knowledge and experience of colonel Munro in the interior administration of affairs under your Presidency have induced us to deviate, in this particular instance, from the rule which we have laid down of not employing military officers in civil situations. We therefore direct, that whatever other appointments may be made by you, shall be filled from our covenanted civil servants, and that the allowances to be granted to them may not exceed what you may deem to be a reasonable remuneration for their services.

N<sup>o</sup> 4.  
Judicial Letter  
to Fort St. George,  
4 May 1814.

5.—You will not fail to transmit to us by the earliest opportunity such Reports as you may from time to time receive from colonel Munro, and from the other gentlemen who may be employed on this important service.

London, 4th May 1814. (Signed) *W. F. Elphinstone, J. Inglis, &c. &c.*

We are

Your loving friends,

Two transcripts of this letter were signed 13th May 1814.

(Signed) *W. F. Elphinstone, J. Inglis, &c.*

N<sup>o</sup> 5.—Copy of a Letter in the Judicial Department, from the Secretary to the Governor of Fort St. George, to the Secretary to the Court of Directors; dated 4th January 1815.

To James Cobb, Esq. Secretary at the India House.

Sir,

UNDER the idea that the Honourable the Court of Directors will be desirous of receiving the earliest information of all steps taken in pursuance of the Instructions conveyed in their despatches, dated 29th April and 4th May last, the Right honourable the Governor in Council has directed me to transmit to you the accompanying copies of two Minutes, on the subject recorded by Mr. Elliot; of several letters addressed to colonel Munro; of those received from him; of a letter from the Civil Auditor, and of the reply to it, regarding the construction to be put upon the Honourable Court's orders fixing colonel Munro's allowances; and of a Minute which was yesterday recorded by Mr. Elliot, proposing that Mr. George Stratton be appointed joint Commissioner with colonel Munro.

N<sup>o</sup> 5.  
Judicial Letter from  
Fort St. George,  
4 January 1815.

I have the honour to be,

Fort St. George, }  
4th January 1815. }

Sir,

Your most obedient humble servant,

(Signed) *D. Hill,*

Secretary to Government.

N<sup>o</sup> 6.—Extract from a Letter in the Revenue Department, from the Court of Directors to the Governor in Council at Fort St. George; dated 12th April 1815.

Para. 167.—YOU will have perceived from our Judicial Despatch of the 29th of April 1814, that we were neither unaware of the existence, nor insensible of the magnitude, of the evils and inconveniencies described by Mr. Ravenshaw, in his letter of the 4th October 1812, as resulting from the want of the ready means of settling the petty disputes which are constantly occurring among the natives; and the sentiments and instructions contained in that despatch, will have prepared you to expect our approbation of your having, agreeably to that gentleman's suggestion, and the recommendation of the Board of Revenue, directed a Regulation to be framed, authorizing the collector, in the first instance, to hear and determine all disputes respecting the occupying, cultivating, and irrigating of land, which may arise between the renters and their ryots in those districts where the land-revenue is fixed, either permanently, or for a term of years. You justly observe, in support of this proceeding, that when the amount and appropriation of the demands of Government upon the land are permanently fixed, the collector may be regarded, as an arbiter in such disputes, not less impartial than the judge; and that from the means of information possessed by him, and the promptness of his decision, the authority proposed to be delegated to him, is likely to be of great utility, and to give entire satisfaction to the inhabitants.

N<sup>o</sup> 6.  
Revenue Letter to  
Fort St. George,  
12 April 1815.

N<sup>o</sup> 6.  
Revenue Letter to  
Fort St. George,  
12 April 1815.

168.—We have read, with the attention to which they are justly entitled, the observations of Mr. Ravenshaw on the existing defects of the Judicial System, as it regards the protection of the cultivators; and we entertain an earnest persuasion that the measures we have generally proposed in our despatch already referred to, will go far to remove the evils so forcibly pointed out by him.

169.—We observe that his proposition for investing the collector with the power of civil adjudication, went farther than appears to have been sanctioned by the Board of Revenue, or by your Government; inasmuch as he recommends that the collector should be allowed to decide “disputes relative to the revenue collections.”

170.—We have had occasion to enter into a consideration of this subject in our Judicial Despatch to the Bengal Government of the 9th November last, (with a copy of which we have furnished you) and from which you will perceive that our minds are strongly disposed towards giving to the superintendents of the revenue under that Presidency, the power of determining revenue questions, subject to the limitations therein expressed; and that we have desired to be furnished with the sentiments of that Government, and the subordinate judicial and revenue authorities under it, upon that matter.

N<sup>o</sup> 7.—Copy of a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Fort St. George, dated 20 December 1815.

Our Governor in Council at Fort St. George.

Para. 1.—OUR last letter to you in this department was dated the 16th May 1815.

N<sup>o</sup> 7.  
Judicial Letter to  
Fort St. George,  
20 December 1815.

2.—We have received by the Coldstream the documents accompanying your secretary's letter of the 4th January 1815. We have likewise received by the same conveyance the proceedings to which you have drawn our attention in the 205th paragraph of your judicial letter, dated the 1st March 1815, and we are thereby informed of the measures which have been adopted by you down to that period, for the purpose of carrying into effect the instructions which were conveyed to you in our Judicial Despatches of the 29th April and 4th May 1814.

3.—We entirely approve of the tenor of the instructions which were issued by you to colonel Munro, on his appointment to the office of First Commissioner of internal Administration for the Madras Provinces, and of your having at his request, furnished him with copy of the proceedings of the Committees of general Police in 1805, 1806, and 1811.

4.—We also acquiesce in the office-establishment which you have authorized the First Commissioner to entertain, at an estimated expense of 250 star pagodas per mensem; but in permitting him to draw for personal expenses to the same extent as a political resident, in addition to his salary of 10,000 star pagodas per annum, you have misconceived our orders of the 4th May. We acquainted you in our letter of that date, that besides the salary we had allotted to colonel Munro, he was to be allowed “his travelling and other necessary expenses, the account of which was to be verified, in the way prescribed with regard to similar charges under the political “residencies.” Our intention was, that his additional allowances should be confined to travelling and other necessary expenses, and house-rent, when stationed in the districts; and that these disbursements should be verified, in the way above pointed out; but we did not mean that colonel Munro should be entitled to draw on the same scale for personal expenses, as is permitted to a political resident. The allowances, therefore, for which we perceive that you have authorized him, on the construction you have put upon our orders, to draw under the several heads of “house-rent at the Presidency,” “domestic servants,” and “table charges,” are from the receipt of this despatch to be discontinued.

5.—In consideration of the circumstances stated in your President's Minute of the 3d January 1815, we confirm your appointment of Mr. George Stratton, second member of the Commission, with a salary of 12,000 pagodas per annum, to cover all charges for travelling and other expenses. We are satisfied, also, that in appointing Mr. Stratton to be third judge of the sudder adawlut, the objects of the Commission will be facilitated; while at the same time the business of the sudder court

court will by this appointment be expedited. We cannot consent, however, to this appointment being considered as involving a permanent addition to the number of judges in that court.

N<sup>o</sup> 7.  
Judicial Letter to  
Fort St. George,  
20 December 1815

6.—The residence of the second member of the Commission at the Presidency, will enable the senior member to employ much of his time, conformably to the fifth paragraph of his instructions, “in visiting the districts, for the purpose of communicating personally with the local authorities on the system of internal Administration; its operation, whether in opposing or promoting the comforts of the people; and the prosperity of the country, and the means by which it may be improved.” Far from objecting to the latitude which is given to colonel Munro in the fourth and fifth paragraphs of his instructions, we much approve that you have directed his inquiries to the Revenue, as well as to the Judicial branch of the Administration; and we have no doubt that you will be equally disposed to attend to his suggestions for the improvement of the one and the other.

7.—To enable the Commissioners to prosecute with effect inquiries of such importance, it is requisite that they should be authorized to collect information, through every channel that may be within their reach; and we therefore direct that the judges and collectors do facilitate their investigations, not only by unreserved communications, but by directing all their subordinate officers, together with the potails, &c. of villages, to furnish every detail of information which the Commissioners may from time to time, think it proper to call for.

8.—It is scarcely necessary for us, after this explanation of our sentiments, to add, that the provisions of Regulation XXIX, of 1802, are not to be suffered to interfere with the researches of the Commissioners. You will, therefore, if it should appear to you necessary, so modify these provisions by a new Regulation, as to guard against any such inconvenience.

9.—Having adverted to these preliminary arrangements, we proceed to notice the result of your deliberations, as exhibited in your Judicial Consultations of the 1st March 1815, on the Instructions which we conveyed to you in our Judicial Despatch of the 29th April 1814.

10.—We there find recorded a letter from colonel Munro to your chief secretary, dated the 24th of December 1814, in which, after submitting to you an abstract of the contents of our despatch of the above-mentioned date, and distinguishing in this abstract, such of our orders as were, in his conception, positive, from those which were discretionary, he suggested the means by which the objects we had in view might be best accomplished. This letter of colonel Munro is followed by a paper of considerable length, in which, after taking a detailed survey of the same despatch, according to the order of the paragraphs, you enumerate the measures which you proposed to adopt in pursuance of our instructions, and specify the authorities to which their execution was respectively to be assigned.

11.—In perusing these proceedings we have been gratified to find, that with the exception of one point, (which is indeed of considerable importance,) there is no material difference between colonel Munro’s understanding, and the interpretation given by you, of our intentions.

12.—The point on which a difference of sentiment has arisen between you and colonel Munro, regards that part of our despatch in which we enjoined the transfer of magisterial functions to the collector;—Colonel Munro, thinking that we meant to include in the transfer, not merely the superintendence and control of the police, but the whole duties of magistrates; and our Governor in Council, on the other hand, conceiving that we intended to confine the transfer to the superintendence and control of the Police-Establishment.

13.—We have no hesitation in declaring our intention to have been, that the transfer should take place, in the sense and to the extent, supposed by colonel Munro; and this intention, we still think was fairly deducible from the tenour of paragraphs 84, 85, 88 and 91, 95 and 97, 102, 104, and 107 of our despatch.

14.—We should not, however, be averse to leave to the zillah-judges a concurrent power to act as magistrates in conjunction with the collectors; provided that this can be effected, without risk of collision between the two authorities.



N<sup>o</sup> 7.  
Judicial Letter to  
Fort St. George,  
20 December 1815.

15.—We cannot concur with your observation “that it is by no means necessary to the efficiency of the collector’s superintendence of police, that he should be invested with the powers of a magistrate.” On the contrary, we are of opinion that to withhold magisterial powers from the superintendents of police would greatly lessen that respect and salutary awe which their office, as well as character, ought to inspire.

16.—It only remains for us therefore to direct, that our instructions for the transfer of the duties of magistrates to the collectors be carried into effect, so as that the zillah-judges may be enabled to give their whole time to the administration of civil justice.

17.—With reference to your XVIIIth Resolution, “that the Commission are to prepare and submit to the sudder adawlut the draft of a Regulation for requiring boundary disputes to be settled by the collector, on the verdict of a punchayet, &c.” we take occasion to remind you, that in paragraphs 167 and 168 of our Revenue Despatch of the 12th April 1815, we approved of your having, on the recommendation of the Board of Revenue, directed\* a Regulation to be framed, authorizing the collector, in the first instance, to hear and determine all disputes respecting the occupying, cultivating and irrigating of land, which may arise between renters and their ryots. As it does not appear, however, from your Records that such a Regulation has yet been passed, we embrace this opportunity of desiring that provisions to the foregoing effect, may be incorporated in the Regulation to be framed by the Commission under your XVIIIth Resolution above referred to.

\* Rev. Cons.  
1st Feb. 1814.

† Mr. Ravenshaw.

18.—We have also, in the 169th and 170th paragraphs of the same despatch, called your attention to a proposition, which had been submitted to your Board of Revenue by the late collector † of the southern division of Arcot, for empowering collectors to hear and determine disputes between zemindars or renters, and the ryots, respecting revenue-collections. We intended, as you observe from those paragraphs, to have forwarded to you by the same conveyance, a copy of our Judicial Despatch to Bengal of the 9th November 1814, in which we entered into the consideration of the above-mentioned principle, subject to the limitations therein expressed; and as we were informed you had desired to be furnished with the sentiments of that government, and the subordinate judicial and revenue authorities, upon the expediency of its application to the Bengal territories, we now furnish you with a copy of the despatch in question, and direct, should you not feel prepared to adopt that principle, that you will take the earliest opportunity of collecting the opinions of the sudder dewanny adawlut, the provincial and zillah-courts, the Board of Revenue, the collectors, and particularly of the Commissioners, on the subject; and that you transmit their answers to such reference, as soon as practicable. It is not our intention to give to collectors a power of deciding upon complaints which may be preferred either against themselves or the native officers of revenue, subject to them respectively.

19.—We are fully persuaded that no part of the conduct of the members of the special Commission will have any tendency, to use your own language, “to unsettle the minds of the people with regard to the established system of internal administration, and destroy their confidence in its permanence;” but that they will be influenced alike by duty and attachment to our service, “to strengthen and uphold the legitimate influence of all the constituted authorities of the Government.”

20.—Since writing the preceding paragraphs we have received by the Sphinx the letter of your Secretary in the Judicial Department, dated the 5th July last, with the papers therein referred to.

21.—We entirely concur with the Commission, that “the shortest and most efficacious way of preventing the minds of the people from being unsettled with regard to the permanency of the present system, would be to publish, with as little delay as possible, all the Regulations required under the proposed changes, which most immediately affect any considerable body of the people, and to circulate them, so as to reach the districts as soon as the Commission.” They add, that this, “by showing at once to the people, the whole extent of the proposed changes, would satisfy them that no material innovation was meditated in the existing system, and would remove every doubt regarding its permanency; and that it would also enable the Commission to convince them that the modifications introduced, were not intended to weaken or destroy, but to strengthen and improve it, by bringing its advantages nearer to them.”

We

ADMINISTRATION OF JUSTICE IN FORT ST. GEORGE. 31<sub>3</sub>

We fear, however, that the early promulgation of the Regulations, at least as far as they concern the village-courts and the village-police, will be defeated, in consequence of the investigations which you have required to be previously made, respecting the points specified in the first and eighth articles of your Minutes of Consultation, dated the 1st of March 1815.

N<sup>o</sup> 7.  
Judicial Letter to  
Fort St. George,  
20 December 1815

22.—We must own, that it appears to us to have been a much more preferable course to have passed and circulated the Regulations without delay, and to have left those matters of detail for subsequent inquiry and adjustment on the spot, as was proposed by the commissioners, in their letter of the 28th March 1815.

23.—The arguments adduced by the Commissioners in that letter, are indeed so much in unison with our own sentiments upon the main point then under discussion; and they have with so much accuracy and ability, defined the course which in their opinion ought to be pursued for the purpose of giving early effect to our instructions, that we cannot too strongly express our satisfaction at the additional evidence which this document affords, of their peculiar fitness for the discharge of the important trust that has been committed to them. Under this impression, and with an increased conviction of the benefit that must eventually result to our native subjects, and to our general interests from the investigations of the Commissioners, we direct that the course that has been pointed out by them in their letter, may be adopted by you, and that the sudder adawlut, the Board of Revenue, and all the subordinate public functionaries in the provinces under your authority, do furnish every information in their power respectively; and do give every facility to the Commissioners, in the prosecution of a service which we have so much reason to think will be successfully accomplished, under that full support which it is the duty of all our servants to afford, and which we doubt not you will enforce, by your own example.

24.—The instructions that were sent to your Presidency by the supreme Government in the years 1799 and 1804, requiring you, previously to passing any Regulations for the internal administration of the territories subject to your authority, to submit the same to them for their sanction, were very properly considered by your President, as not applicable to a case in which the authorities at home had pronounced a deliberate opinion, and had prescribed a course of proceeding. We shall therefore much regret the reference you made upon the subject to Bengal, if it shall prove to have unnecessarily delayed the proceedings of the Commissioners, which, we must observe, are not by the latest accounts we have received from you, in so advanced a state of progress as we should have expected, when we advert to the period that has elapsed since it was instituted.

London, }  
20th December 1815. }

(Signed)

We are, &c.  
C. Grant,  
T. Reid,  
&c. &c.

No. 8.—Extract of a Letter in the Judicial Department, from the Government in Council at Fort Saint George to the Court of Directors; dated 17 February 1817.

Para. 21.—AT our Consultation of the 23d December, there was laid before us a letter from the Commission, in which they recommended that the civil auditor should be instructed to pass all additional charges attendant upon the introduction of the new system of police and magistracy, which might have been referred to them by the collectors, and to which they might have agreed. In reply, we caused it to be stated to the Commission, that the orders of your Honourable Court, and the course of the service, did not admit of any public charges being passed without our previous sanction; but that the additional charges to which they alluded, might be submitted for sanction, in such form and at such periods as they should deem most convenient. We have already sanctioned several charges of this nature; but we consider it unnecessary to enter into a detail of them, at present. The Commission have stated that they will endeavour to keep the magistrates establishments upon the lowest possible scale, until the arrangements can be completed, and returns received from all the districts; that they will then submit a statement of the whole, showing the increase and decrease of expense that has taken place; and that they have no doubt that on the whole, there will be a considerable reduction.

Cons. 23d Dec.  
No<sup>o</sup> 22, 23.

N<sup>o</sup> 9.  
Judicial Letter to  
Fort St. George,  
4 March 1818.

N<sup>o</sup> 9.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Fort St. George; dated 4 March 1818.

Letter from, dated 1 March 1815. (13, 14.) Copies of the Reports of the Judges of Circuit, and of those made to the Police Committee in Lord William Bentinck's time, will be transmitted as ordered.

Para. 5.—THE documents referred to in these paragraphs were specifically and urgently called for in our despatch of the 29th October 1813, and more especially the Reports of the judges of circuit, of which four only had reached us from the first establishment of the criminal courts in 1802, down to that period. Nearly eighteen months having elapsed from the date of these orders to the time when you replied to them in your letter of the 1st March 1815, ample time was unquestionably afforded for a full compliance with the orders in question; but instead of this we are merely informed in that letter that the fouzdayr adawlut "had been furnished with them for their information and guidance," without any sort of explanation of the reason why they had not then been transmitted home.

N<sup>o</sup> 10.—Extracts from a Letter in the Judicial Department, from the Governor in Council at Fort St. George to the Court of Directors; dated 19 March 1818,

Cons. 24th June,  
7—9.

Para. 14.—WE beg leave to point out to the notice of your Honourable Court a letter from Colonel Munro, dated the 26th of May 1817, in which he reports the result of his personal inquiries in the districts of Trichinopoly, Madura, Dindigul and Coimbatore; with regard to the village-servants, and particularly the heads of villages, and also to the acceptableness of the new system of police to the people.

21.—It appears that in the year 1815, before the introduction of the new arrangements, the number of causes decided by the zillah-judges, assistant judges and registers, was 7,928, and the number of causes decided by the native judicatories which then prevailed, 30,687; and that in the year 1817, under the present system, the number of causes decided by the zillah-judges, assistant judges, and registers, was 4,749, and the number of causes decided by the native judicatories 66,302. The total number of causes therefore decided by the European and native judicatories of the zillahs was, in the former year, 38,615, and in the latter 71,051, which gives a balance of 32,436 in favour of the latter.

Cons. 19th August,  
No. 43.

23.—On the 19th of August last we passed a Resolution that the functions of the Commission for the revision of the Judicial System should cease and determine from the 3d day of January 1818, being three years from the date of its complete formation, the period assigned for its duration by your Honourable Court. We at the same time, caused this Resolution to be communicated to the Commission, with instructions that they should lay before us a final Report\*, distinctly referring to all their past proceedings, and explaining to what extent the new Regulations were in practical operation, what particular local measures might in certain cases, remain to be adopted for the purpose of giving them practical operation, and what prospective course of proceeding ought in their judgment to be pursued with regard to them.

\* Copy of this Report was sent to the Board, 22d Feb. 1819.

24.—When the above Resolution was passed, it was supposed that there would be sufficient time for the preparation of such a Report, before the day fixed for the close of the Commission. It was presumed, that the political arrangements in the southern Mahratta country, which had called away the first Commissioner, would have terminated at an early period, so as to have allowed him time and leisure, to bring the affairs of the Commission to a close before the end of the year. When, however, the period fixed for the termination of the Commission had arrived, it was found that the important and unlooked-for events which had intervened, affecting the object of colonel Munro's mission into the Mahratta country, had of necessity, prevented his return within the time expected, and had also required his full and undivided attention; in consequence of which, the preparation of the Report necessary to bring the affairs of the Commission to a satisfactory termination, had been unavoidably delayed. The further continuance of the Commission had also become desirable in consequence of a letter lately received from the Vice-President in Council at Fort-William, requiring information as to the effect and operation of the system now introduced under this Presidency, an inquiry which it appeared to us could best be answered by those employed in directing the introduction of that system, and watching its progress.

Cons. 23d Dec.  
6—7.  
30 D<sup>o</sup>, 7—8.

25.—Under

ADMINISTRATION OF JUSTICE IN FORT ST. GEORGE. 315

25.—Under these circumstances, we resolved, that the appointment of the junior commissioner should be continued until the end of March, for the purpose of his drawing up and closing the proceedings in question, continuing to act as junior judge of the sudder adawlut, and communicating, when necessary, with colonel Munro.

N° 11.—Copy of a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Fort St. George; dated 19th February 1819.

Our Governor in Council at Fort St. George.

Para. 1.—OUR last letter to you in this department was dated 8th April last.

2.—We transmit herewith, copy of a Judicial Despatch which we have addressed to the Government of Bombay under the present date, prohibiting the introduction of our Judicial and Revenue System into the territories which have been acquired by cession or conquest from the powers with whom we have been lately at war. In the event of any part of the new acquisitions being annexed to the territories under your government, we direct, that in matters appertaining to their internal administration, you be guided by the instructions contained in the accompanying despatch,

London,  
19 February 1819.

We are, Your loving Friends,  
(Signed.) *James Pattison, C. Marjoribanks.*

N° 11.  
Judicial Letter to  
Fort St. George,  
19 February 1819.

N° 12.—Copy of a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Fort St. George; dated 12 May 1819.

Our Governor in Council at Fort St. George.

Para. 1. 2.—WE have attentively considered the whole of your proceedings towards carrying into effect the orders which we had issued for the reform of your system of Judicature and Police.

3.—We are not surprised that in the execution of these orders, you found yourself engaged in long discussions, involving many matters of detail. The Minutes and Reports of the several authorities contain much valuable information. But as nothing could be more unsatisfactory than a continuance of that controversial character which those discussions assumed; as it is highly desirable that the undivided energy of Government should be employed, in giving full efficacy to the measures upon which you finally determined; we shall abstain from all examination of the merits of the controversy, and from all detailed remarks on the provisions of the Regulations themselves. We shall content ourselves with expressing our general satisfaction with them, and with directing that they be carried *strictly* and *faithfully* into execution.

4.—There is no subject which we have more at heart, than the giving a very full and fair trial to this new system; and we look to those who exercise the powers of Government, and to our servants acting under their authority in the Revenue and Judicial Departments, for the most zealous exertions in carrying our instructions into effect. But our object would be entirely defeated unless the Regulations were administered, in the spirit in which our instructions were conveyed. We therefore desire that you will be most cautious in your selection of persons to fill the office of collector, as upon the zeal and intelligence of those officers much of the efficacy of the new regulations will depend.

5.—It is impossible for us to conclude this despatch without acknowledging, in terms of the warmest commendation, the zeal, ability and judgment, displayed by the Commissioners in the execution of the duty intrusted to them. We are aware that the most important and laborious part of that duty fell on colonel Munro, the first Commissioner, in whose commendation it would be superfluous for us to speak, were it not for the purpose of assuring you, for your information, and for that of the civil service in general, that we consider the services which he has rendered to the Company, and to the natives, as chief of the Commission, to be as deserving of our hearty acknowledgments as any act of his long and honourable public life.

East India House, }  
London 12th May 1819. }

(Signed) We are,  
Your loving Friends,  
*C. Marjoribanks, G. A. Robinson, &c.*

N° 12.  
Judicial Letter to  
Fort St. George,  
12 May 1819.

### III.—B O M B A Y.

#### LIST OF PAPERS.

Copies and Extracts of Reports and Proceedings of the Governor in Council at *Bombay*, concerning the Administration of Justice, Civil, Criminal and Police; from 1810 to the present time :—*Viz.*

- N<sup>o</sup> 1.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Bombay; dated 10 April 1815 - - - - - p. 317.
- N<sup>o</sup> 2.—Extract from a Letter in the Judicial Department, from the Governor in Council at Bombay to the Court of Directors; dated 6 August 1816 - - - - - *ibid.*
- N<sup>o</sup> 3.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Bombay; dated 22 December 1815 - - - - - p. 318.
- N<sup>o</sup> 4.—Extract from a Letter in the Judicial Department, from the Governor in Council at Bombay to the Court of Directors; dated 2 April 1817 - - - - - *ibid.*
- N<sup>o</sup> 5.—Extracts from a Letter in the Judicial Department, from the Governor in Council at Bombay to the Court of Directors; dated 29 July 1818 - - - - - p. 324.

India Board, }  
30 June 1819. }

THOS. PERE COURTENAY.

### III.—B O M B A Y.

N<sup>o</sup> 1.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Bombay; dated 10th April 1815.

WE embrace this opportunity of informing you, that we have sent as numbers by this conveyance, copies of our late despatches to the Presidencies of Calcutta\* and Madras †, on the subject of the revision of the judicial system in those parts of India. We send you copies of these despatches, because we consider the sentiments and instructions which they contain on that important subject, to be equally applicable to the newly ceded districts in your quarter of India.

\* 9 Nov. 1814.  
† 29 April.

19.—We have noticed in the Report of Mr. Keate, judge and magistrate of Kaira, under date the 31st of July 1813, paragraphs 7 and 8, that gentleman's opinion of the propriety of so far adopting the ancient system of the native government, as to confer a superintendence over the police on the collector. We have thought upon this occasion, as indeed in almost all cases, that where a precedent may be found for any correction of our system of government; in the ancient laws and practices of the natives, that course is at once more safe and more gratifying to the people, than any direct innovation, however theoretically advantageous. We have stated at large in our judicial despatches to Bengal and Madras, to which we have already referred you, our reasons why we think that the general superintendence of the police should be transferred from the zillah judge to the collector; and among those considerations which have led us to direct that this modification be made in the system, the employment of the native revenue servants in the minor duties of police, which can in no other way be duly effected, was one that weighed strongly in our minds in favour of the principle.

N<sup>o</sup> 2.—Extract from a Letter in the Judicial Department, from the Governor in Council at Bombay to the Court of Directors; dated 6th August 1816.

15.—WE beg to express our acknowledgments to your Honourable Court for these valuable documents, which cannot fail to be productive of advantage to us, in our endeavours to improve the judicial system prevailing under this Presidency, and which will not fail to engage our consideration.

Letter to, dated 10th April 1815. (Para. 18.) Copies of Judicial Despatches to Madras and Bengal, forwarded as containing sentiments applicable to the judicial system under this Presidency.

16.—The subject of this paragraph is also engaging our attention; and we shall shortly do ourselves the honour of reporting fully our proceedings, on the formation of a system of police for the territories dependent on this Presidency, referring for the present to the draft of a Regulation which has been prepared, and is now under reference for the opinions of the court of circuit, of the several magistrates and collectors, and in which such modifications will be introduced as a consideration of your despatches to Madras and Bengal may suggest.

(19.) The Report of Mr. Keate, the Magistrate at Kaira, on the propriety of vesting the police in the charge of collectors noticed; the Court's approval of the ancient laws and practices of the natives; the subject fully discussed in the Despatches to Madras and Bengal. Consultation 1815, 27th December; 2,700.

N<sup>o</sup> 3.  
Judicial Letter  
to Bombay,  
22 December 1815.

N<sup>o</sup> 3.—Extract from a Letter in the Judicial Department, from the Court of Directors to the Governor in Council at Bombay; dated 22d December 1815.

Para. 19.—WE have, in a foregoing paragraph of this despatch, had occasion to notice, that by the Regulations of your Government, the administration of justice among the natives is not only administered in civil cases, subject to some modifications conformably with the law of the case, or the established usage of the country, as the parties may be of the Hindoo or Mussulman religion, but that the same principle is also acted upon, in criminal cases. This is a departure from the course pursued under the other two Presidencies, of which you are fully aware; nor do we mean, in thus noticing the circumstance, to insinuate that the principle that has been adopted under your Government, in regard to criminal jurisprudence, is not fully warranted by local considerations. But it is a point on which we are desirous of receiving such information as yourselves, and the judicial and revenue-officers under your authority, may be enabled to supply us with, as well as on what has been the practical effect and operation of the principle to which we have referred. You will therefore furnish us with the information by an early opportunity.

N<sup>o</sup> 4.—Extract from a Letter in the Judicial Department, from the Governor in Council at Bombay to the Court of Directors; dated 2d April 1817.

Letter to, dated 22d Dec. 1815.

Para. 19.—On the administration of criminal justice under this Presidency being different from the course pursued under the other two Presidencies. Information required on the subject, and on what has been the practical effect and operation of the principle.

78.—PROCEEDING as we have done in the former instances, in replying to the important points embraced by your Honourable Court's despatch, we propose to lay before you a detail of the information which our records afford, respecting the grounds on which the administration of criminal justice has been governed according to the law of the religion of the party, and not by the Mahomedan, as is practised in Bengal and Madras.

79.—The late Governor Duncan, in delivering in a Regulation for the apprehension and trial of persons charged with crimes or misdemeanors for the Island of Salsette and its dependencies, explained in his Minute of the 18th November 1799, that it was founded on the IXth for 1793, and the IVth for 1799 of the Bengal code, with this difference, that it was not necessary, nor would it have been just to prescribe the Mahomedan law, as a rule of guidance in the criminal jurisprudence of these islands, in which it probably never obtained, as it so long has in the Company's eastern provinces; or must, at least, have ceased so to do, for more than two centuries, or ever since the Portuguese's original conquest thereof in 1534. It seemed therefore fairer, in framing a judicial system, to follow the precedent already sanctioned by the supreme government in the instance of the similar Regulations for Malabar, wherein the law of the religion of the defendant is equally allowed to all the different sects, except that with regard to the native Christians, the descendants of the converts made under the Portuguese government, who form a considerable part of the society in these islands, it has been thought best to let the English criminal law continue to have effect in regard to them, as well as in regard to the few instances that can occur of cases of Parsees, in concurrence with the spirit of the like rule, observed in respect to persons of those two descriptions, in the court of the recorder at Bombay, which may also be similarly applicable to the cases of all European foreigners, not British subjects.

80.—Section XXXIX, of Regulation V, 1799, was accordingly framed upon that principle, and a Section to the same effect was introduced in Regulation III, 1800, for Surat and its dependencies; and by Regulation II, 1805, that enactment having been extended to Broach and Kaira, the same system was thus generally introduced; and the tract entitled "Observations" constitutes, therefore, part of the criminal code for the territories dependent on Bombay, as it did for Malabar, when that province was subject to this Presidency.

81.—The Minute of the late Mr. Duncan, recorded on the judicial consultations of the 3d May 1805, explains the circumstances under which a modification was introduced in the administration of criminal justice in Bengal, in as far as related to the Brahmins of the territory and city of Benares, who might be guilty of crimes that would, in all others, have incurred capital punishment, being exempted from it, and subjected to other penalties.

82.—It

82.—It was under the impression derived from his knowledge of what had been thus sanctioned in Bengal, that when afterwards employed in Malabar to frame Regulations for that province, Mr. Duncan thought this exception in favour of a particular class, (which was all that could be allowed of in Benares, where the Mahomedan law had long had operation,) might be made more general among the Nayrs, Mapillas, and its other inhabitants, the more especially as the Hindoo part of that community had not without great reluctance submitted to the Mahomedan government established over them during part of the reigns of Hyder Aly Khan, and of his son.

N<sup>o</sup> 7  
Judicial Letter  
from Bombay,  
2 April 1817.

83.—It was accordingly provided in the judicial regulations for Malabar, which were ultimately sanctioned by the supreme government, that as well in criminal, as in civil cases, the Hindoos, in like degree with the Mahomedans, should have the benefit of their respective laws; for the judges instructions in the administration of which, in the recentness of the newly formed establishments in that country, and with a view to indicate how both laws might be made to furnish one sufficiently consistent rule of guidance, the body of "Observations" already referred to, were written: in consequence of the same principle having since been extended, under the similar sanction of the supreme government, to all the natives subject to the jurisdiction of the country courts on this side of India, wherefore it was that these "Observations" have been alluded to, in the Regulations for the administration of justice, as comprehending a brief manual of the chief distinctions in both the two great bodies of law, for the general guidance of the British officers in the administration thereof, in the manner and for the ends above specified, and including in the same view, such modifications of any of the prescriptions in the Mahomedan code, as the supreme government had authorized, up to the year when that commentary was composed.

84.—The commentary was designed (as Mr. Duncan explains) primarily as a rule to guide the judges in appreciating the expositions of the native law-givers, and to enable them to discuss with the Hindoo and Mahomedan oracles thereof, what might seem erroneous in their explanations; so as ultimately to obtain a true and sound definition applicable to each case; and also for the purpose of distinguishing under what circumstances the British Government in India had modified any of the less unexceptionable parts of the country law, for the more equal and efficient administration of general justice; deviations which the printed Regulations might safely have declared to fall within the scope and spirit of such country law, by the Mahomedan code being, for instance, fully ascertained, in the 64th and 77th Sections of the said commentary or "Observations," to lodge a very general discretionary power in the superior ruler, to enable him to qualify criminal sentences for the more efficient and salutary example to the public, according to the exigency of the case; a maxim also that seems sufficiently recognized by the laws of the Hindoos.

85.—Your Honourable Court will observe, that that Minute was delivered in, in consequence of the exposition of the law, as given by the officers of the court of session at Surat, on the trial of Roop Shunker Brahmin, and of Powee Woman, having been disapproved by the court, as far too lenient for the crime, of murder, of which the parties were proved guilty: Mr. Duncan remarked on that occasion, that although it might be proper to retain, in the printed Regulations, the whole of that clause which requires the provincial criminal courts to refer to the tribunal of the Governor in Council, all instances wherejn the said courts may not approve of the Mahomedan or Hindoo exposition of the law, as applicable to the result of the respective trials, a clause may seem necessary to be added to this inhibition, in as far as the same respected the tribunal, of the Governor in Council, authorizing in the latter any deviation in its final sentence from the legal expositions by the officers of the inferior court, which shall be conformable to, and within the provisions already sanctioned by the supreme government, as set forth in the commentary stiled "Observations," according to the practical rules presented from the 79th paragraph thereof; a reservation which will tend perhaps as nearly as possible, to reconcile substantial justice with the laws of the religion of the Mahomedans or Hindoos, who may become the objects of its jurisdiction in the last resort.

86.—"That the solicitude and circumspection, exemplified among the British in India, to found all their judicial acts, towards its inhabitants, on the basis of the laws of the country, has been greater than among the natives themselves, more especially in as far as respects the Hindoo legal institutes, which till our time had, under the sway of their Mahomedan masters, remained for ages little more than a dead letter, in the



N<sup>o</sup> 4.  
Judicial Letter  
from Bombay,  
2 April 1817.

libraries of the Brahmins: notwithstanding which, he conceived that they feel as a hardship, their being now exposed by us to loss of cast by transportation, although it be only in cases when every other person in India would incur a capital punishment; and after also the nugatoriness and futurity of merely banishing them from one part of India to another, had been proved by experience to be little else than a mere evasion and mockery of justice, as far as regards the chief end of retributive jurisprudence, in the deterring of others from the commission of crimes."

87.—"It was, however, with a view of providing against this dreaded transportation to Pulo Penang, or Prince of Wales Island, that the pundits of the Surat court had, without leaving the sentence in the case above adverted to, as they did in a former instance, to the discretion of the ruler, thought fit to intimate that the most atrociously guilty Brahmin Roop Shumker, should be banished to a country where he can follow and observe the rules of his religion; which was a construction derived, Mr. Duncan suspected, rather from the result of their own wishes and sentiments, than sanctioned by any positive dictum, as far as he could gather or trace, of ancient or modern writers on the Hindoo law; at the same time that, however this might be, it had been already shown how extremely inadequate such a limitation, as to the locality of banishment, would prove to all the purposes of criminal jurisprudence in this country; nor could it be supposed, that the unlimited and entire expulsion from family, friends and cast, and exclusion from all social duties, which Menu expressly ordains against Brahmins offending thus highly, would not amount to loss of cast, in any rational construction of the term."

88.—"But as it had hitherto been our uniform aim, to administer justice to the natives with all allowable lenity, circumspection and compassion; and the present being the first instance of a Brahmin from the ceded districts, under the treaty of Bassein, having thus incurred the risk of transportation, he proposed, for this single instance, passing a sentence of perpetual imprisonment on Roop Shumker, in the gaol of Broach, instead of banishing him beyond sea; since, to suffer such a truly nefarious character to be again at large, might well be deemed a cruel injustice to the community; and Mr. Duncan further proposed to publish, as was accordingly done, for general information, a notice similar to that in the Bengal Regulation XXII, 1795, as a salutary warning to all Brahmins committing capital crimes; after which, those of that body of men who expose themselves to the announced punishment, would do so, with the fullest information, at least, of the prescribed consequences of their guilt."

89.—The Minute by Mr. Duncan refers also to the case of another Brahmin, who had been found guilty, as an accomplice in preparing poison which caused the death of a woman to whom it had been administered, on which the sentence on the principal was, in consistence with the opinion of the Hindoo law-officers, limited only to seven years imprisonment, whilst the law as applicable to the Brahmin was pronounced to be, that after certain prescribed expiations, he should be expelled the Honourable Company's territories, never to return, adding however, that "the lord of the country might do what he thought proper."

90.—The court of session deeming the sentence inadequate to the offence, referred the case to the decision of the tribunal of the Governor in Council, in the "earnest hope (as the court expressed) that some more appropriate retribution might be found for this heinous offence; more especially, as the subject was left by the Shastrees, to the lord of the country, who may do what he thinks proper." The Brahmin was transported to Prince of Wales Island for life.

91.—In his letter to the senior judge of the court of circuit, dated the 28th of November 1808, the magistrate at Kaira took occasion to remark, in laying the calendar before the court, that "the 9th case was that of a Brahmin and a Cooly, the former of whom he had long had occasion to be acquainted with. That it was perhaps as great a misfortune to the Brahmins themselves, as it was to society, that the profession of divinity was hereditary; for the respect paid to it, by obstructing the course of the law, encouraged the commission of crimes, while the advantages of education were extended to so few of the cast, that those eminent in learning and moral conduct bore no kind of proportion to those distinguished by their vices and the immorality of their lives. That excepting the Coolies, among whom robbery was not considered discreditable, the magistrate knew of no description of thieves so numerous in his jurisdiction, as the lower orders of Brahmins, whom hitherto it had not been customary to sentence to hard labour, a punishment which

“ which he believed their own laws would only protect them from, in cases where they proved themselves versed in the tenets of their religion. That as he conceived an attention to this point might be beneficial to society at large, and not inconsistent with the Hindoo law, the sentiments of the judge of circuit on the occasion would be acceptable.”

N<sup>o</sup> 4.  
Judicial Letter  
from Bombay,  
2 April 1817.

92.—In laying that Report before the Government, the senior judge (Mr. Grant) remarked, “ that from the nature of the excess charged against Bowanisunker Timajee, Brahmin, the law-officers of his court held its tenet to be otherwise than the construction put on the law by Mr. Holford ; stating, that by their Dhermasastoa, all Brahmins, the ignorant or untaught orders, as well as the learned or higher classes, are exempted from hard labour, as they are all in common from the penalties of death, mutilation and stripes ; nor, after referring to the translation of the Hindoo code of laws by Halhed, had the judge been able to trace any thing of a contrary tendency, unless indeed (page 255) the power of causing a Brahmin who is poor, and cannot read the Beids, to become a slave for life, may be inferred to imply hard labour. That under these doubts, he did not feel himself warranted in adjudging that punishment to Bowanisunker ; but that it might be ascertained for future guidance, whether Brahmins of any description, could consistently with the law be subject to hard labour, he took the liberty of submitting the question for the determination of Government.”

93.—The superior tribunal of the Governor in Council was of opinion, that since it was not customary to subject Brahmins to hard labour, that, was a sufficient reason for avoiding it, till at least the British authority in Guzerat be more familiarised to the natives. The culprit, Bowanisunker Timajee, accused of and tried for various acts of depredation, and excesses, was accordingly sentenced to undergo the remaining term of his imprisonment, without the superaddition of hard labour.

94.—In his annual Report on the state of crimes and police within the Broach jurisdiction for 1813, the magistrate (Mr. Romer) stated that, the steady adherence to uniform and equitable rules of justice, so happily introduced with the Honourable Company's government into their possessions here, has no doubt tended to produce these effects (a protection against attacks by armed men). To these equitable institutions, which neither know nor allow distinction of persons, that fruitful source of corruption and misrule in the native governments, the Company's subjects now look up with confidence and trust ; and while much has been done, by wisely tempering justice with mercy, the terror of the law has certainly had its share in bringing forth good. That he has every reason to believe the examples shown, in the capital punishments inflicted within the Broach zillah, in the present and last year, had been sensibly and beneficially felt.

95.—The magistrate at Kalra (Mr. Keate), in a letter addressed to the third judge of the court of circuit, on the 19th November 1813, in setting forth the great advantage which, in his opinion, would result by a pardon being extended to a criminal named Naarsing Khoomansing, observed, that “ he had referred the question for the decision of Government, whether Naarsing should be brought to trial under Regulation III, A. D. 1806, or under Regulation I, A. D. 1812 ; and the resolution in favour of the former, renders any question as to the political nature of his offences at this time superfluous. But although the experience and judgment of the court would at once distinguish between the nature of the two offences and the degrees of punishment, he could not forbear respectfully to suggest, that in the minds of the people at large, and of the prisoner's caste and connections in particular, no such discrimination can be made, or is indeed known.”

96.—The popular belief therefore will be that Naarsing is actually put upon his trial for rebellion, of which the charges laid in the indictments are overt acts. It follows, that if such punishment only is awarded, as would, in the Hindoo law, be adequate to those offences, abstracted from their implication in the crime of treason, there was danger that the native subjects, measuring the moral guilt by the standard of punishment, may continue as heretofore, to look upon resistance to the authority of Government, and to the laws, as a venial or easily expiable offence ; that this was conformable to the very principle asserted by Naarsing in his defence.”

97.—Colonel Walker reported, in his letter dated 28th March 1805, after advert- ing to the lamentable degree in which the administration of justice was neglected amongst the Mahrattas, observes, that “ in all disputes concerning property, either

N<sup>o</sup> 4  
Judicial Letter  
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“ between Government and individuals, or with each other, the Hindoo and Mahomedan law, according to the faith of the parties, ought to direct the decision.”

“ In criminal cases, however, such as a breach of the peace, theft or murder, the will of the Government determines the punishment, which is commonly a fine, imprisonment or banishment.”

“ In all instances, the offending party is required to give security. The multitude and nature of these securities strongly mark the mutual distrust between the Government and its subjects: that justice, in fine, in Guzerat was not administered according to the written laws of the several castes, but depended on the will of the person in whose hands the local authority might be placed.”

98.—Not being able to trace any further data connected with the instructions of your Honourable Court, we have forwarded a copy of the 19th paragraph to the court of circuit, with directions to submit the same to the several zillah magistrates, and to require their opinions severally, as to how far the departure from the principle pursued at the other Presidencies, of administering criminal justice conformably to the law of the Mussulman religion, is warranted by local considerations; and on what has been the practical effect and operation of the modification that prevails under this Presidency, of trying the natives by the law of their own religion; and whether, in particular, the evils anticipated by Mr. Keate in the case of Naarsing, have been experienced in any degree from the Hindoo portion of the community being generally subject to a less exemplary punishment than others, particularly in respect to all Brahmins, in the exemption from hard labour, in addition to the punishment of imprisonment; and whether that exemption should not now be discontinued, and no different degrees of punishment be allowed to be inflicted on our Hindoo and Mahomedan subjects for the same crime, especially where it is not of a capital nature; and even in respect to capital offences committed by Brahmins, we were desirous of being informed, whether punishment by transportation was equally dreaded by the lower as well as the higher classes of Brahmins, and operated as a check against the commission of crimes as effectually as capital punishment would do.

99.—We have also called for returns of the different degrees of punishment inflicted on crimes of the same description, according as the party has been of the Hindoo or Mahomedan faith; and to be informed, whether any complaints or remarks have been made by the natives in consequence of the unequal operation of the law, and of the distinction of persons that is allowed by our Regulations, and which is rather at variance with those doctrines which have been generally promulgated in favour of the uniform and equitable rules of British jurisprudence; the salutary impressions of which are adverted to in Mr. Römer's Report of the 31st of May 1813.

100.—In forwarding the Reports from the zillah magistrates, the court of circuit has been required to accompany them by their own opinion upon the advantages or otherwise of the modification which prevails under this Presidency, of trying the natives by the law of their religion, as a principle of jurisprudence operating on the moral habits of the community in whose favour the distinction in the scale of punishment preponderates, and unjustly against those who are liable to severer punishment for the same description of offence. Similar references have been made to the collectors of the several zillahs.

101.—Another very material distinction prevails under this Presidency, in the mode of administering criminal justice, which is a departure from the course pursued at Fort William and Fort St. George. Under those Presidencies, the native law-officers decide on the fact, or on the guilt or innocence of a prisoner; or, in the words of the Regulations, after the trial shall have been completed, “ the cauzy and mufty (who are to be present during the whole of the trial) are to write, at the end of the record of the proceedings, the futwah or law as applicable to the circumstances of the case, and to attest it with their seals and signatures. The court shall attentively consider such futwah; and if shall appear to them consonant to natural justice, and also conformable to the Mahomedan law, they are to pass sentence in the terms of the futwah, &c. On trials for murders, the law-officers shall deliver their futwah or law opinions upon the case; or, as the Madras code more explicitly provides, the law-officers of the court who may be present during the trial, shall be required by the judge to declare whether the prisoner is convicted of the charges against him, &c. Whenever the judges may disapprove of any part of the proceedings held on a trial, or of the futwah delivered by the law-officers, they are not to pass sentence on such cases, but shall complete the trial, and transmit to the nizamat (or foudary adawlut) a copy of all the proceedings, and the

“ the futwah of the law-officers, with a separate letter stating the grounds of their disapproval, and wait the sentence of that court.”

N<sup>o</sup> 4.  
Judicial Letter  
from Bombay,  
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102.—By the Bombay Regulations, “ the judges are to determine as to the matter of fact ; in the event of their deeming the charge not proved, they are immediately to pronounce the party acquitted, and to discharge him from the bar ; but where, on the contrary, they consider any degree of guilt as proved on the party, they are to proceed to judgment, if the prisoner be a Christian or Parsee, on the principles of the English law ; but if the party tried be a Mahomedan or Hindoo, the judges are to draw up a summary of the case, which is to conclude by a question thereon, to be stated to the native expositors of the law of the religious persuasion of the parties respectively, as to what punishment is thereby assigned to such offence,” &c. &c.

103.—The only record to be found, explanatory of the grounds for the variation from the Bengal and Madras Regulations, is contained in the first quoted Minute by Mr. Duncan, in which he explains, that, “ instead of leaving to the native law-officers, as in Section 47, Regulation IX, 1793, for Bengal, to prescribe the law as applicable to the circumstances of the case on the whole evidence before them, leaving thereon to the court to decide on the fact and the law together, rendering them judges of the fact and the law, as they have become by Section 3, Regulation IV, of the supreme government, for 1797, it has been thought more suitable to former analogy, in the degree of criminal jurisdiction hitherto more or less extended from the court of oyer and terminer, over the inhabitants of these islands (Salsette and Caranja,) as well as equally suited to the ends of public justice, to constitute the British members of a court of session judges of the matter of fact, which will prove more acceptable to the society over whom the said rules, are intended to operate, than if these parts of the Bengal system had been literally adopted.”

104.—The court of circuit has been also directed to consult the magistrates, and offer their own opinion upon the advantages of this modification of the Bengal Regulations, and whether it prove more acceptable to the society than that of constituting the native officers the judges of the fact, as well as the expounders of the law ; ascertaining and reporting, whether the native law-officers have ever demurred, in expounding the law in any particular case, on the ground of the offence not having been, according to their judgment, proved by the evidence. By prohibiting the native law-officers, moreover, from judging of the applicability of the evidence in substantiation of the offence, and constituting them merely expounders of the law, and not judges of the fact, the natives cannot be said to be tried by the forms of their own laws, however their punishment may be regulated by them, in the enlarged sense in which their institutions have been generally understood to have been preserved to them.

105.—Whilst such are the Regulations for the ordinary administration of criminal justice, the last variations from the Bengal code have not, through inadvertency, been preserved in Regulation I, 1812, which, having been adopted verbatim from Regulation IV, 1799, of the Bengal code, provides that crimes against the state “ shall in all cases be cognizable before all the judges of the court of circuit, or before any other special court which Government may be pleased to appoint for that purpose, consisting of three judges and two Mahomedan law-officers, or such other number of judges and law-officers as may be thought proper.” Hence the Hindoo revenue-officers of the Neryad pergunnah were, on the 30th November 1815, tried by a court composed of British and Mahomedan judges, but their punishment was awarded according to the prescriptions of the law of their religion, without any exception having been taken by the prisoners to the constitution of the court.

106.—With the view, however, of preserving an uniformity in our code, we have under consideration the expediency of amending the provisions of Regulation I, 1812, by expunging such parts of it as authorize the appointment of native judges, and leaving the special court to be formed only of European judges, provided no alteration shall be determined on in respect to the Regulations established for the ordinary administration of criminal justice.

N<sup>o</sup> 5.  
Judicial Letter  
from Bombay,  
29 July 1818.

No. 5.—Extracts from a Letter in the Judicial Department, from the Governor in Council at Bombay to the Court of Directors; dated 29 July 1818.

28.—NO modification has yet been made in the existing system of civil judicature, the inquiries of the court of appeal not having as yet been completed. But on a subject of such importance, we feel it our duty to put your Honourable Court in possession of the opinions of your judicial and revenue servants under this Presidency, on the proposed modifications in the civil branch of the administration of justice, without waiting for the Report of the court of appeals.

29.—Mr. Romer, in reply to the circular instructions sent to the several zillahs, states that the measures for facilitating the administration of justice have not failed within the Surat jurisdiction, but on the contrary are equal to their object. That no serious delay has existed or does exist in that court, as the statements he exhibits, commencing from the close of the year 1808, will show; previously to that time, small suits, under the amount of fifty rupees, were not brought regularly in the general file of the court. That he is not aware of any individuals being in need of judicial protection, from being unable or deterred from seeking it, in our courts; nor are razeenamas filed because the parties are unable to bear the inconvenience of a long protracted decision.

30.—The statement furnished by Mr. Romer shows that, in 1808, there were suits depending, of all amounts, 973; and that after adding the accessions of fresh suits in each year, and deducting the number disposed of, the arrear on the file at the end of 1815 - - - - - amounts to - - - - - 1,562

Of that arrear, the suits before the judge and assistant judge were,—

Large suits	- - - - -	251	} 914
Appeals	- - - - -	663	
Before the register	- - - - -	79	} 648
— the assistant register	- - - - -	103	
— the sudder umeen	- - - - -	40	
And the two other umeens	- - - - -	426	— <u>1,562</u>

Hence, the means provided for the decision of civil suits were fully equal to even a greater demand, until the extraordinary influx of new causes in the years 1814 and 1815, when extra powers for deciding large causes and appeals were required; and this being supplied by the appointment of an assistant judge, who commenced the exercise of his functions on the 1st of October 1815, has reduced the file to the following number of suits, viz.

Depending before the judge on the 1st of October 1815:

Large	- - - - -	285	} 926
Appeals	- - - - -	641	

Fresh causes filed from the 1st of October 1815 to the 30th September 1816:

Large	- - - - -	154	} 792	1,718
Appeals	- - - - -	638		

DEDUCT:—

Decided by the judge within last mentioned period:

Large	- - - - -	117	} 447
Appeals	- - - - -	330	

By the assistant judge:

Large	- - - - -	160	} 471	918
Appeal	- - - - -	311		

Arrear on the 1st October 1816 - - - - - 800

Showing a decrease from last years, of 126 suits. Hence the accumulated causes in the judges file, the only one in the Surat Adawlut, really in arrear are under progressive diminution. The state of the other files are shown to be as clear as any practicable purpose can require.

That

That from his experience of the native character, Mr. Romer expects no good would result from the establishment of the punchayets, unless it be, as the choice of two evils, in a jurisdiction where civil causes have accumulated in arrear to the degree of clogging the means of ordinary proceeding: that to introduce them when not thus required, would be only administering to an appetite for litigation, to which the natives of India, notwithstanding it may be perfectly true that in some parts great distress is suffered from want of speedy justice, are proverbially prone. That with regard to matters of caste and religious discipline, Mr. Romer has always considered them, in the first instance, as belonging peculiarly to the cognizance of the whole punchayet or jumoa of all the assembled members of the party or parties caste, with which it becomes not the judge or the magistrate to interfere, either in aid or control of their proceedings, except upon regular complaint of oppression or violence inflicted, under the cloak of upholding caste customs, from malignant or vindictive motives. That suits on the part of excommunicated individuals, against the expelling members of their punchayet, are not unusual; but although some instances to the contrary occur, in which the court applies the only remedy in its power, namely, the award of damages, the punchayets are usually found to have good reasons for such penances or mulcts as they laid upon the complaining member, who in general can only regain his place amongst his brethren, by conforming to their decision. It is to these institutions, and to the internal regulations made by common consent, aided by the jealousy with which individuals of some castes are known to watch for, and guard against aught that might sully in their eyes the reputation and respectability of punchayet, the moral character of the natives of this country is placed under a control, that no laws of the state can so effectually reach; and hence, it becomes the great duty of the magistrate himself, carefully to avoid interfering or meddling with caste discipline and usage, but in cases of ascertained necessity, and for the purpose of justice.

N<sup>o</sup>. 5.  
Judicial Letter  
from Bombay,  
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That although appeals from decisions of the assistant register and native commissioners form nearly two-thirds of the suits before the judge, Mr. Romer is not acquainted with any further mode of limiting their admission that would not also affect the right of appeal. That with regard to forms and process, they are as simple as they well can be. On filing a petition of appeal, the respondent has notice of it by summons to that effect, and it is left optional with him, to plead anew by written answer, &c. or not, which few do. That all the original papers of the cause, with an extract of the record, are then transferred below, to the proper officer of the judge's court, and the cause is heard and determined in its turn, on a review of it from the original papers, unless it appears to the judge that investigation of particular points, or taking some necessary evidence, has been omitted, when it is sent back, with the requisite orders, to be completed, and returned by the inferior court for final decision.

31.—The judge at Broach has not been able to discover a possibility of collision between the police and revenue authorities, nor whence it could arise: that in native governments, indeed, where the profits of those employed in high offices are not derived from specified sources, it is likely that two such officers would be constantly at variance, and might raise mean obstructions to the duties of each other; but the subordinate officers could not support any such conduct, without the countenance of their superiors; and the revenue and police duties are so clearly defined under the British Government, that Mr. Barnard does not conceive how such inconvenience can take place. That judicial insufficiency does not exist in this part of India; that delay in the administration of justice is only occasional and of short duration in the Broach zillah, and never operates to deter the parties from forwarding their claims. That daily experience convinces Mr. Barnard that the inhabitants repose the utmost confidence in decisions of European officers, and would be very loath to exchange them for punchayets, umeens or commissioners: that total insulation in point of interest and connection, between Europeans and natives, is sufficient to account for this, independently of other strong reasons. That matters of caste and religious discipline are very simple: that in addition to the code of Hindoo law, each punchayet has its own rules; they are of the plainest nature; the only exertion required from judicial authority, is to enforce their observance, and there is seldom any difficulty in performing this, with the assistance of argument and admonition from the Shastrees. That he does not find the heads of professions ever exercised any powers in this part of India: that they are applied to for information, as to usages in their respective tribes. That although not positively necessary, benefit would yet be derived, by

N<sup>o</sup> 5.  
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extending the jurisdiction of the register, not so much in the actual dispatch of business, as by affording opportunity to the judge and magistrate, in either capacity, to convince as well as decree, and most particularly, by enabling him to bestow that degree of attention to the police which will anticipate its duties; for punishment of offences is comparatively of small effect, and the greater number of criminals are so almost from profession; nay, consider their conduct, as following a vocation which has nothing in it either wrong or extraordinary.

That in point of education, there would be no difficulty in finding natives sufficiently qualified for the exercise of the proposed duties, should it be determined to employ them more extensively. That with regard to character and integrity, Mr. Barnard does not think either is easily to be met with: that natives employed in such offices immediately under the eye of the judge, are usually most cautious and correct in their proceedings, well knowing the suspicion they are liable to, on all sides; but this would not be the case, were their numbers much increased, or their stations remote.

Mr. Barnard does not think any benefit would be derived from further limitations of appeals from decisions of the native officers. Though it may appear paradoxical, he should rather expect it, to increase the total number of appeals, and to discourage a useful practice of ameens, of applying to the judge for his opinion of general principles of law as applicable to complicated cases. That the forms prescribed by existing Regulations, appear as simple as consistent with security to justice; and that he could wish them altered only, in one particular, namely, the administering oaths to witnesses previous to any questions. In place of which, he would suggest deferring the oath, until it appeared that the witness either asserted or denied knowledge of a fact relevant to the issue, as a mode which would be more consistent with the understandings of the lower, and feelings of the higher classes: for the adduction of irrelevant evidence is so common, that it is no small part of a judge's labour (and indeed not always practicable, on account of pressure of business,) to explain to the party concerned, the nature of his own case. That the expenses of law-suits were not immoderate previous to the introduction of stamps, nor did they require reduction, except in the fees of vakeels. It does not appear that the greatness of their gains produces the effect of inducing men of high consideration to enter the profession; and he should conceive it desirable (if possible) to proportion the fee to the business. That the advantages of the decision of disputes on the spot, and by persons acquainted with the history of the case, would be dearly paid for, by the interest and influence to which the native officers in such instances, would be almost certainly subject. The influence and authority ascribed to the heads of villages in the provinces of Bengal and Madras, appear not a desideratum, but an injurious consequence of inefficiency of the judicial establishment; and is inclined to suppose, that in the most flourishing provinces, they prevail least.

32.—The collector of Broach reports, that he employs his ameens' and patels, in investigating disputes connected with revenue matters, including the measurement and boundaries of lands, water-courses, examining accounts, &c. &c. That the parties generally agree to have their cause arbitrated by some of the umeens, who, when they have finished their investigation and report, submit it to the collector, when the latter revises it in the presence of the parties, and passes his decisions, with which they are generally satisfied, not hearing of any appeals to the judge and magistrate. In addition to the umeen patell, there are attached to the cutcherry, sundry desaees and muzmoodars, who are acquainted with revenue concerns, and are present upon the hearing and deciding of all complaints, and offer their sentiments upon most of the cases submitted to his judgment.

33.—The Report from Mr. Babington having been made previously to the annexation of the Northern Concan to the Tannah zillah, it is not necessary that we should detail his observations, which go to the continuance of the present system, as fully adequate to meet the calls for justice within the former limited jurisdiction, without any of the modifications proposed by your Honourable Court.

34.—The collector of Surat reports, that never having heard of any individual, in need of judicial protection, being unable or deterred from seeking it in our courts, it did not appear to him that any alterations were at present necessary in the administration of civil justice in the Surat division; but that should any general alteration be determined upon, the system adopted for Anjar, by Regulation IX, 1816, founded  
on

on the 89th and 90th paragraphs of your Honourable Court's despatch to Bengal, would answer every purpose.

35.—Mr. Dunlop observes, that the difficulties and delays to which some of the inhabitants of the Kaira jurisdiction are exposed, by the distance of their habitation from the chief station, certainly call for some provision in their favour: the distance of Gogo, Dhundooka and Dholera, all (but particularly the latter) places of very considerable trade, almost precludes the inhabitants from seeking the recovery of any debt, until the trading or fair season is over, when, instead of employing the leisure of the rains in settling their affairs, many are obliged to proceed to Kaira.

That the ruinous consequences of this, are fully evident; the merchant loses the use of his capital for a considerable time, and a debtor is often tempted to refuse payment, from a knowledge of the difficulties in the way of legally obliging him, which are such as frequently to induce a creditor to prefer the usual expedient of importunity, for years, rather than encounter them.

He suggests as a remedy, that the native commissioners at Gogo, Burwalla, Dhundooka and Dollera, should be empowered to receive complaints, which might be transmitted by them to Kaira for registry, at stated periods.

That suits for trifling sums would of course be referred back, so that both parties would be spared the journey to Kaira altogether; and those for larger amounts, which must be decided in the adawlut, would remain until the period fixed for their decision, when the plaintiff would obtain redress for one journey, instead of the two he is generally obliged to perform at present, first, for the filing, and subsequently for the decision of the suit.

That with this exception, redress in civil suits is as expeditious as can reasonably be expected; and as provision is also made by our Regulations for the admission of pauper suits, there does not seem any such call for a reform of system, as has been found to exist on the other side of India.

That the account given by Colonel Munro and other Madras servants, noticed in your Honourable Court's despatch, and by Colonel Wilks, of the qualifications possessed by patells and tullaties (curnums) in some of the districts under the Madras Presidency, and in Mysore, by no means apply to persons of that description in his collectorship: that their power has long been usurped by the principal pergunnah servants, such as dessaees, muzmoodars, and aumeens; and the consequence has been, that the qualifications they may perhaps at some former period have possessed, are no longer to be found, and that they have been reduced for a considerable time past, to mere tools in the hands of dessaees and muzmoodars, or even of persons from their own order, whom accidental circumstances have placed between them and the Government.

That the want of education is only one of the objections to the employment of the patells. As their miserable and unsettled governments had generally left little to the ryot but what could be secured by the arts of deception, they have therefore been in the habits of depending for a livelihood, on the success of their fraudulent practices; that this has created a relaxation of morals and integrity, from which Mr. Dunlop is strongly led to believe that their purity will generally be found to bear a pretty exact proportion to the more or less immediate control of Europeans, under which they may be placed.

That from these considerations, our present system of providing for the decision of civil suits, by the appointment of native commissioners, is preferable to the institution of village punchayets, or any other scheme which should render them less dependent on the European part of our establishments.

That wherever parties are inclined to submit their differences to the decision of punchayets, they have a ready mode of so doing, by both parties executing penalty bonds (moochulkas) to abide the award, which in such case could not be interfered with, as the party suffering, could sue the other on his bond, an issue which few would choose to abide.

That the native commissioners also within the Kaira zillah, appear decidedly of the most respectable class of its inhabitants, and are generally persons of property, which must raise them somewhat above petty temptations; their occupations of cauzees, dessaees and aumeens, have given them a competent knowledge of business; and the general acquaintance (which they soon acquire) with the Regulations, seem all calculated to introduce much more regularity and consistence in their decisions, than could be expected from the general diffusion of village judicatures or punchayets.



N<sup>o</sup> 5.  
Judicial Letter  
from Bombay,  
29 July 1818.

That during his practice as a judicial servant, it has frequently occurred, on his proposing to refer any suit to arbitration, under the Regulations for that purpose, the parties have plainly said, "If we had wished our cause to be decided by a punchayet, we should not have brought it into the adawlut;" thus unequivocally declaring their feeling on the subject; and Mr. Dunlop's inquiries among the merchants and other natives, tend strongly to confirm this test of their confidence in our tribunals.

36.—Mr. Ironside, the judge and magistrate of Kaira, states that the only impediment or unreasonable delay to the administration of justice in the Kaira zillah, arises out of the distance of the pergunnahs of Dhundooka, Raunpoor and Gogo, from the sudder station.

That the number of suits connected with rights of landed property, boundaries, &c. are but small; the cause of this, compared with the equally extensive jurisdictions under the other Presidencies, where this species of litigation prevails so greatly, must be sought for in the opposite system of revenue, and dissimilarity in the character of the landholders, particularly of the zemindars.

Mr. Ironside recommends an extension of the jurisdiction of the register and his assistant; the former to rupees (1,000) one thousand, and the latter to (500) five hundred, at least, as a temporary measure. That great benefits would result to the mercantile interests of the ports of Gogo, Bhownughur, Dolera, and generally to the western districts, by the register or his assistant being stationed at Dundooka, or its neighbourhood, during the fair season, or for such periods as the state of business might require; a measure which could be effected, without any expense worthy of notice.

That in respect to punchayets, such disputes as the natives are disposed to settle by that mode, they do not go to the expense of bringing before the adawlut: that the courts are always disposed to support the decisions of punchayets, provided they be tolerably consistent with justice, and no partiality appears: that the parties grant written powers generally, and that the party against whom the claim lays, grants a blank bond, the amount of which is filled up at the discretion of the punchayet. That the discontented party may indeed appeal to the court, which is a salutary check on the proceeding of the punchayet, but that all fair settlements are invariably maintained; so that the business of the adawlut is very much confined to such differences, as the parties are unable to settle by a punchayet; and in supplying the authority in confirming and enforcing settlements, for which, under the native government, the custalees, bhauts and brahmins were called in, either in consequence of their previous guarantee, or on many occasions often without any such pre-engagement. That in cases of real property, Regulation VII, A. D. 1815, has supplied, by its legal provisions, what, in regard to other disputes, the court is guided by usage and natural equity.

That when it has become necessary to bring a suit into the adawlut, and expense is incurred, it is equally convenient for the parties to have it decided, either through the medium of the European officers or native commissioners; neither of the parties prefer punchayets, and each almost invariably starts objections to the persons named by the opposite side. The proposition rarely comes from themselves, and recommendations of the judges to refer to a punchayet, are seldom acceded to; these persons must therefore be considered the best judges from whom they are likely to obtain complete satisfaction.

That the decisions of punchayets in this part of the country, are by no means entitled to great credit for expedition; but that the advantage, in this respect, would be often found on the side of the courts.

That the decisions of punchayets are not founded chiefly on the merits of the case. With the best evidence before them, they seldom award the whole of the amount claimed by the party, and rarely dismiss the most suspicious and ill-founded demand, without awarding a certain sum, fixed arbitrarily, and with reference to their opinion of the defendant's wealth, and by partiality, seldom very open, but generally suspected.

That the village patells, in the soubah of Guzerat, have never exercised powers of the nature contemplated in your Honourable Court's despatches, or indeed beyond what they have continued, from their influence, to possess in common with other equally respectable members of society; they have never exercised the function of referees; indeed, in Mowassee villages, a kind of compulsory jurisdiction of the village pattells, if frequently attempted, would be productive of dangerous feuds: that the state of civilization forbids the attempt, in the present day; and when the conduct

of

of the patels in their revenue trust is considered, the purity which might be anticipated in a judicial capacity, may well be questioned.

That the generality of patels are dependent, in matters of account, on their tullatee or some banian, the extent of their education seldom reaching beyond the ability to sign their own names; but the coombee patteedars are a sober and intelligent class.

That the native commissioners are generally men of local consequence, and all of them, of respectability; although the selection of some, has not fallen on men of rank in the district in which they are employed, yet they do not yield to the others in respectability, and are above the reach of any temptations to which they are exposed. That their decisions are in good repute, and seldom appealed against. Mr. Ironside recommends that the jurisdiction of the sudder-aumeen be extended to (200) two hundred rupees.

Mr. Ironside strongly urges the expediency of increasing the powers of the aumeen of Dhundooka, and in the three western pergunnahs, to causes of the amount of rupees (100) one hundred, unless in the event of its being the residence of the register or his assistant. That the native commissioners to the westward, ought to be authorized to receive all suits under (200) two hundred rupees, forwarding them to the court to be numbered and brought on the file, thereby relieving the parties from that trouble. The fees being realized by the medium of stamps, the chances of malversation, in adopting this measure, are greatly diminished.

Mr. Ironside is not aware that there is in reality, any substantial delay experienced in practice from the forms of proceedings, in which he discovers little other resemblance to the forms of English courts than the names: where the case is simple, and in small causes, the pleadings do not often exceed the plaint and answer, if restricted to these; in other and more difficult causes, the parties must be allowed to explain and amplify verbally. That in regard to simplicity, the natives are allowed to tell their own story in their own way, and are not deficient in ability to present the best view of it. The oral examination which succeeds the pleadings, the material parts of which alone, in all small causes, are committed in writing, sifts the matter with greater freedom and scope to the bottom.

Neither is he aware that the expense of justice, in times of peace and plenty, is unsuited to the mass of the population: that few actions are brought against Coolies, or the very lowest castes. That the majority of plaintiffs are generally money-lenders: that the conduct of this class is marked by a very considerable degree of indulgence and forbearance towards their debtors; and are enabled to afford the loan of their money at very reasonable rates, by the certainty they possess of ample means of complete recovery: that this has superseded the most grinding usury on the part of the shroff, and the uncertain recovery of a part of his demands by a punchayet or banjgur, procured by Langwa traga, and other violent means, through the instrumentality of Bhauts and Brahmins. That the market rates of interest are now below the legal.

That the heads of castes do not appear to have any power, as such, beyond that of acting as conveners and spokemen in delivering the sentiments of the majority, without whose acquiescence and concurrence they cannot act. That the castes, in their collective capacities, are in the active exercise of the powers of expulsion, fining and prescribing pilgrimages, for any violations of their institutes.

That there are few appeals to the adawlut, in cases of this nature; and that no further interference or control is now exerted, than under the Guycowar government, and is necessary to prevent oppression.

37.—Within the Kaira jurisdiction alone has Regulation VII, 1802, which was enacted for "the more expeditious and effectual administration of justice," been carried into effect, by the nomination of commissioners to officiate in the districts comprehended within its jurisdiction, "where no man had to travel further than the principal town to prosecute his suit, if under (50) fifty rupees."

38.—We are not aware of the reasons which have occurred to prevent the appointment of commissioners in the several pergunnahs of the other zillahs. Mr. Romer states, that he has not found occasion for it, within the Surat jurisdiction. We are apprehensive that this has arisen, not from any difference in the characters and dispositions of the inhabitants of the districts dependent on Surat, and those of others, but from the defects of the system; from the parties being deterred from seeking redress, arising out of the expense and inconvenience attending a resort to the sudder station, where alone he could prosecute for the recovery of the lowest sum.

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39.—That natives are qualified to officiate in the cognizance of suits, even to a greater amount than the limitation prescribed in Regulation VII, 1802, under that salutary control which would prevail over their proceedings, with the same advantage to the country as is felt within the Kaira jurisdiction, we entertain no doubt; the extension of this agency seems, in the general opinion of your servants under this Presidency, to be alone necessary, which is on the other hand decidedly adverse to the institution of punchayets, beyond what already exists, and particularly in the cognizance of matters of caste and religious discipline.

40.—It is contended, that under the Regulations of this Presidency, it is optional with the natives to bring a suit into the adawlut, or before a native commissioner, or a punchayet; and that the last mentioned tribunal is seldom resorted to; and farther, that it is seldom the recommendation of the judge, to refer to a punchayet, is acceded to.

41.—These native institutions being thus recognized by the existing Regulations, there can be the less objection to the institution of that tribunal, by the formal promulgation of an enactment to that effect, conformably to Regulation VIII, 1816, of the Madras code. The clear and simple provisions of such a Regulation, would be more easily comprehended by the natives than those of Regulation VI, 1800, of the Bombay code; would be more generally acceptable to the country at large; and would remove from the natives, every possible ground of objection to our judicial system. Their disputes would be settled at their very doors, in the mode they would themselves prefer; the decisions of the punchayets, and the grounds of them, would be more intelligible to their capacities, and consequently more satisfactory, than those of any European agency could be, even admitting that the natives had every facility of appealing to its justice.

42.—The court of appeal having, as already observed, not hitherto furnished us with its final opinion upon the question of modifying the civil branch of the administration of justice under this Presidency, our determination is therefore necessarily suspended for the present.

109.—The instructions contained in your Honourable Court's despatches of the 29th of April, and 9th of November 1814, to the Governments of Madras and Bengal, for modifying the judicial system, have undergone a deliberate consideration; and we have now the honour of communicating the result of our proceedings, in the police and magisterial branches, which first engaged our attention.

110.—We take the liberty, in the first instance, of stating to your Honourable Court the substance of the Reports we have received from the several judges and collectors, to whom we transmitted copies of your Honourable Court's despatches, for their opinions of the expediency, or otherwise, of introducing these modifications in that part of your dominions subject to this Presidency.

111.—In the Report we have received from the magistrate at Surat, he observes that "as the collector had establishments in the different pergunnahs, the duties of officers of police have been performed by the same persons employed in the collection of the revenue, under the superintendence of the collector."

That as officers of police, the revenue establishments have been sufficiently useful, in internal matters, and in the apprehension of offenders.

That the magistrate's business was not more than he was able to discharge.

And that the proposed Regulation, and the establishment of a police, were totally inapplicable to the Mahomedan city and port of Surat, and town of Randier; and that no alteration in, or transfer whatever of the power and authority of the magistrate, appeared to him to be necessary, or to be called for.

That the duties of a criminal judge, under the new system, would fully occupy that part of his time now employed by the judge in his capacity of magistrate, in which he has the aid of a separate assistant in matters of police and magistracy. That the new system did not profess to recommend itself by an exposition of the evils in the old one, and modes of remedying them. That if evils do exist, they were not of that imperious nature that required so great an innovation upon it. That his objections to the proposed system are grounded on the absence of all necessity for change, defined or implied; the incompatibility of the duties of collector, with those of a magistrate; and lastly, the pernicious effects which unnecessary and sudden changes produce on the minds of the community. That as the system in force has not been found defective, it was better calculated than that proposed, to answer every purpose

purpose to be expected from a police: to this however might be granted, subject to rules and formal investiture of powers, as yet only sanctioned by practice, the recognition of the police control, without judicial powers of punishment, the want of which did not appear to be felt, nor was it required for any useful purpose. That the system of police in the pergunnahs, as hitherto exercised by the collector, had been of eminent use, beyond the large and populous city of Surat, and town of Randier, the police of which was as much as one magistrate could duly attend to.

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112.—The collector of Surat observes, that the transfer to his department of the police of the city of Surat, and town of Randier, would involve so heavy a charge, as to preclude his giving his personal attention to the pergunnahs, at all times necessary, but more especially on the introduction of the new system of direct settlement with the ryots. He apprehends that the heads of villages will abuse the authority intended to be vested in them. That the police duties of the pergunnahs have hitherto been conducted by his revenue-officers, without any Regulations for his guidance, in apprehending murderers, robbers, thieves, and disturbers of the peace, and sending them to him to be transferred to the magistrate for punishment, or being committed for trial by the court of circuit: that this system, which had prevailed for thirteen years, should be recognized by a Regulation. That no power of inflicting punishment should be exercised by the head men of the villages: that the offenders should be brought to the tannahs of the respective pergunnahs, where the revenue-officers might be authorized to inflict punishment to the extent sanctioned in Section 12, Regulation IX, 1816, in respect to the native commissioners of Anjar, and the collector, to the extent of 18 rattans, one month's imprisonment, or a fine of fifty rupees. But in his subsequent letter, of the 23d May, he adds, that no great inconvenience had hitherto been experienced by revenue-officers not being allowed to punish; and that it would only be necessary to vest them with authority to confine in the tannah for two or three days, persons who might be concerned in drunken affrays or trifling disturbances, not requiring severe punishment; that all cases beyond these, should be forwarded, as heretofore, to the magistrate.

That if any alteration be in contemplation in the present system, the provisions of Regulation XI, 1816, of the Madras code, for the establishment of an uniform system of police throughout the territories subject to the Presidency of Fort St. George, were generally applicable to the district under his charge, under the qualification he had suggested in regard to powers of punishment.

113.—The magistrate at Broach was of opinion, that the only method of improving the judicial system would be, by the assistance of European agency, in parts distant from the seat of the magistrate. That the Regulations now in force were adequate to effect this purpose, since nothing more was requisite than the deputation of a magistrate's assistant to the spot where his presence should be required. That if it be expected, from the proposed modification, that the public service would benefit by the same person performing both revenue and public duties, the end would be answered, by appointing either a magistrate's assistant to be assistant to the collector, or vice versa. That the employing native revenue servants in police duties, appeared subject to those evils which proceed from total inability or unwillingness, among natives, to distinguish between the principles of revenue and police proceedings.

114.—The magistrate at Kaira admits that a Regulation which has for its object to remove from the zillah judges that heavy load of duty which the office of a magistrate imposes on them, to the detriment of the cause of public justice in matters of greater importance to the community at large, and to render the apprehension of offenders against the public peace, through the village establishments, more certain and less expensive, and consequently better calculated to deter from commission of wrongs, is imperiously called for. That the duties of the magistrates alone, were almost sufficient to occupy the whole time of the judge; and that he therefore fully concurred in the general tenor of the draft submitted for his consideration, though he was dubious how far it would be practicable, in the Kaira district, to adopt it in its fullest extent. That he doubts whether collectors can command leisure sufficient to discharge the duties. Recommends that it should be expressly enacted, that the power of punishment should never be allowed to be transferred to any native agent employed in the collection of the revenue; for kamavisdars being invested with greater power than the present Regulation admits of, would materially injure the excellence of the present law. That collectors should be furnished with European assistants, sufficient to admit of their stationing one, in a certain extent of territory. That the village

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establishments should, within these limits, act as police officers, as stated in the Regulation. That the collector's assistant should have vested in him, the full magisterial powers intended to be given to the collector, and that he alone should have the power of committing offenders for trial before the criminal judge.

That in case Government should think it inexpedient to adopt this plan, he recommends that in large towns, and in particular portions of pergunnahs, where the state of the people would render it essential, there should be stationed a foudar, with magisterial powers to a very small extent, the village establishment continuing in all its police duties, under the direction of the kamavisdar; while in large towns, where there are police establishments, independent of the village establishments, they might be under the orders of the foudar, and not of the kamavisdar. That the foudar should be under the immediate control of the collector, as the magistrate to whom he should be obliged to forward all offenders whose misdemeanors deserve punishment beyond the scope of his power to inflict: that the foudar might, however, have a discretionary power of committing heinous offenders for trial before the criminal judge, when convinced that their crimes were deserving of greater punishment than the magistrate could inflict.

115.—In addition to these modifications of the Regulation, Mr. Ironside proposed to invest the whole of the judicial gentlemen of the zillah with magisterial powers, to facilitate the administration of justice, whether at the zillah station or in the interior.

That in reference to the 2d Clause of the 6th Section, criminal judges, besides the crimes and misdemeanors mentioned in the clause, might be empowered to punish the commission of robberies unattended with aggravating circumstances; for there were many offences in this country, which, though actual robberies, could scarcely be considered in a light beyond daring thefts, in consequence of the facilities afforded for their being committed, from the inefficient defence of property which native houses yield.

That the provision in the 23d Section, declaring the appointment of dharasaneas to be hereditary, he conceives would in practice, be found to defeat its own object; for if a man is sure that, even if he behaves ill, his son will succeed to his office, he will become indifferent about the correctness of his conduct; and if the next heir should be at enmity with the holder of the appointment, he will endeavour by undue means to make the chief authorities dissatisfied with his behaviour.

That the punishment which the magistrate was authorized to inflict, by the second Clause of the XXXth Section of the Regulation, for extortion, oppression, &c. must prove very inadequate in most cases, and therefore suggests, that all who may be charged with such offences be prosecuted in the civil court exclusively; or, if investigation be permitted in the magisterial department, that the magistrate be vested with the power of committing for trial, those he may conceive deserving of a greater punishment than he is permitted to inflict by the Section in question.

116.—He objects to the 32d Section, and conceives that no civil suit should be permitted in the cases contemplated; but that a decision should be authorized to be given by the magistrate, which should be final, as heretofore.

117.—With reference to the 37th Section of the draft, he conceives that where the collector's duties are heavy, or the zillah town is not very large, the criminal judges might be invested with the exclusive exercise of magisterial powers in the town.

118.—Mr. Dunlop states, that the proposed system, in the view he has taken of it, places at the disposal of the magistrate or superintendent of police, a body of effective servants, already in some degree organized and experienced in their duty, which no expense could probably create for a great length of time, even if Government were willing to incur the enormous outlay attending such an experiment.

That the principle of the arrangement, seems to possess great advantages over that now established, as offering a great increase of means, without burthening the resources of the state with any material addition of expense; but that it will be necessary, in the application of this principle, to guard against clogging the spring by which the whole is to be moved, too much.

That from long neglect, the village establishments within the Kaira jurisdiction (though the materials still exist) have become undefined, and even in some degree disorganized; and that it is only by the vigorous and complete introduction of the provisions of the Tulatee Regulation, this can be remedied, and that those who now scarcely acknowledge or rarely execute their duty, can be again subjected to a definite and efficient control.

That

That the most laborious part of a collector's duty, therefore, remains to be performed, before the system proposed can possess any energy in the greater part of the jurisdiction; that on this account, the introduction of order and regularity (in what may be considered more immediately the province of a collector) in the village establishments, deserves the first place in considering this subject.

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119.—The observations contained in the 1st to 16th paragraphs of Mr. Dunlop's letter, having been grounded on some additions suggested by the court of circuit and appeal, to the Madras Regulations, imposing on the magistrates the duty of revising the proceedings of their assistants, which have not been adopted, as will appear by that part of the Regulation adverted to in the margin, it is unnecessary to recapitulate those observations.

In Section 5, Clause first, Regulation X. and Section 6, Regulation IX, 1816.

120.—Mr. Dunlop proceeds to state, that the extension of the powers of punishment in the judges, in criminal cases, proposed by the second clause of Section VI. of the draft, would lessen the relief to be expected by that officer from the transfer, as the small number of cases annually tried by circuit judges, and the short duration of their circuits, seem to be a sufficient proof that their duties were not now too heavy; and that therefore the extension of the criminal judges power would appear unnecessary.

121.—With reference to the XXth Section, constituting the kamavisdars, or native collectors of divisions or districts, heads of the police in their respective divisions, Mr. Dunlop observes, that within his jurisdiction, if not throughout the countries subject to our control, this class of persons are already possessed of the power to oppress the inhabitants to a very considerable degree.

122.—Invested with the power, it is needless to doubt of its being exercised wherever interest or enmity may call it into action; and that he has always viewed the check of two authorities existing in the same place, as of the most essential consequence in restraining them.

That therefore the police control, and authority to collect the revenues, should not be vested in the same person, in districts at a distance from the zillah station.

That the same arguments against collectors being burthened with the detail of all magisterial proceedings, apply also equally to natives placed in charge of districts. That their duties (if properly performed) were already fully as much as they could attend to; and that the duties of police being superadded, would be constantly used as a plea for neglecting the other.

That the only mode which occurred to Mr. Dunlop of remedying these objections was, that of placing fouzders and revenue kamavisdars relatively in almost the same situations, with regard to each other, as the criminal judges and collectors are proposed to be constituted by the present Regulation, the fouzdar making his requisitions on kamavisdars for assistance; and all revenue servants, either in the villages or cusbas, being restricted under prescribed penalties, from detaining any person, apprehended by their establishments under this Regulation, beyond a certain specified time, unless substantial cause could be shown for having done so.

That on general abstract principles, the objections to investing any revenue servant, whether European or native, with judicial powers of punishment, must of course be precisely the same, though the practical consequences would, in Mr. Dunlop's opinion, be widely different. The European, he observes, has few connections with natives of any description; which, however it might interrupt his inquiries, must be acknowledged on every ground, to be greatly in favour of his impartiality; while the native, devoid of the principle and regard to character which govern the actions of Europeans, would see in the powers to punish, a fruitful source of gratifying his private interest or revenge; and the natives of the districts, having no longer any separate authority at hand, to whom they might appeal, would see no hope left of resisting his oppressions: but that the same arguments did not seem applicable to the European part of the establishment, who have not the same interests, partialities or enmities to gratify, and whose conduct was therefore likely to be governed by better motives.

That the advantages of investing the European part of the revenue establishment with judicial powers of punishment, will be most apparent in the districts where the effect of example in trifling cases is now almost lost, by the culprit being sent to the zillah stations for punishment; and that it also frequently happens, that innocent persons are withdrawn from their occupations and sent to the zillah station, of itself

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(in many situations) a severe punishment, merely because no authority on the spot is competent to establish their innocence.

That, therefore, considerable benefit may be expected from judicial powers of punishment being conferred on collectors and their assistants; which might be subjected to any revision, on appeal, that Government might deem necessary.

123.—In his letter of the 1st August, Mr. Babington, the judge and magistrate of the Northern Concan, states, that until it had been determined to extend the jurisdiction of the court of Salsette over the Northern Concan, he felt considerable difficulty in recommending the transfer of any part of the magisterial duties to the collector; as he found that he had ample leisure himself to attend to them, and was not sensible of any inconvenience having hitherto resulted from the established system.

124.—But as the attention of the judge was now likely to be fully occupied with civil business, the transfer of the magisterial duties to the collector, to the extent provided for in the Regulation, would be productive of great advantage. That the extension also of the powers vested in the magistrate to punish offences, by constituting him a criminal judge, will prevent delay in the decision of cases of inferior importance, and obviate the inconvenience of obliging the prosecutor, and the witnesses, to attend more than once at the place of trial.

125.—With regard to the Regulation itself, he had only one suggestion to offer, namely, that the limited extent of Salsette appeared to render it hardly necessary to vest the kamavisdars or native collectors (the havildars of districts, as they are here termed) with any police authority. It would probably be sufficient to require the patells, assisted by mattaras and carkoons, to collect all the necessary information; and without taking any evidence or confessions in writing, to forward the parties, with their report, to the police magistrate.

126.—In his second letter of the same date, Mr. Babington reports that the authority vested by Regulation XI, 1816, of the Madras code, in the heads of villages and curnums, or patells and carkoons (as they are here designated), appeared to be well calculated to ensure an efficient police; and the only objection that occurred to him was, that there would be some risk in vesting the patells of Salsette with the power to punish, as provided for in the 10th Section, and which was also the less necessary on account of the limited extent of the police magistrate's jurisdiction: that the same objection would not, however, exist to the patells being allowed to dismiss the parties in trifling complaints, which should appear to the patell and mattaras on a verbal examination to be groundless; and much unnecessary labour would be saved to the police magistrate by such a provision.

127.—The opinions of the members of the court of circuit are materially divided on this important question.

128.—The third judge, Mr. Sutherland, is of opinion that the system in force is better calculated than that proposed, to answer every purpose to be expected from a police system, with the assistance of additional European agency in parts distant from the seat of the magistrate, possessing the same powers as are now vested in the magistrate, which might be granted to the collector and his assistants, to act as a concurrent jurisdiction; excluding, at the same time, all revenue servants in charge of districts, and extending the present powers of the magistrate, as lately done under the Governments of Bengal and Madras.

129.—The second judge, Mr. Keate, is also adverse to so entire a departure, as the Madras Regulations exhibit, from the principles of Lord Cornwallis's system; but recommends a modification of it, limited to the transfer of the police control, without extending judicial powers of punishment to the collectors and their establishments. In his report of the 5th November last, Mr. Keate has entered more fully into a detail of the objections he entertains to the proposed measure.

130.—The chief judge, Mr. Prendergast, is of opinion that the judges of the adawlut should be constituted criminal judges of their respective zillahs; their registers, their assistants; the office of magistrate transferred to the collectors, and collectors assistants be made assistants to the magistrates; the kamavisdars to be nominated heads of police within their respective limits, with powers to punish to the extent of a small fine or a few days imprisonment; and the patells to be heads of police

police in their villages, without any powers of punishing, because the internal revenue system of village collection remains still very imperfectly arranged; the patells being moreover, not always employed as the only collectors of the village revenues, and the duties, rank and authority of patells, of which there are many in every village, not yet by any means clearly or sufficiently defined in any of our districts. That those alterations in the magistrate's department would in his (the chief judge's) opinion be best introduced by one concise Regulation, embracing the whole subject, and directing those officers to be severally guided, as far as they are applicable, by the Regulations already in force; which, with a few clauses easily extracted from the Madras code, defining the mode of handing over prisoners by the magistrate to the criminal judges, and for the latter receiving charge of and proceeding against them, would be very nearly sufficient. That having held the chief revenue, together with the magisterial authority, at Broach, for five years, Mr. Prendergast felt himself warranted by experience, in submitting this opinion.

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131.—The court of circuit submitted, at the same time, to our consideration, the draft of a Regulation framed on the principles proposed by the senior judge.

132.—The observations of your Honourable Court, as contained in your despatches under consideration, enter so fully into the defects of the system of administering justice in the territories subject to the Governments of Bengal and Madras, and comprehend so clear an exposition of the principles on which it is deemed desirable that the modifications should be effected, founded upon the opinions of the ablest and most experienced servants on those establishments, and on the ancient and well-known institutions of the country, that the necessity of entering into any elaborate review, for the purpose of elucidating the nature and extent of the change proposed to be introduced into the judicial code of Bombay, is, in a great measure, superseded.

133.—We are disposed to admit, that the delays and inconveniences attendant on the administration of justice, have not been experienced within this Presidency, in the same degree in which they appear to have prevailed in the territories dependent on Fort St. George and Fort William, because arrangements radically affecting the native institutions, have been carefully avoided by this Government, whose object has been limited to the correction only of the defects and abuses which were found to exist in the native revenue establishments, which possess materials for giving effect to the instructions of your Honourable Court, with every degree of facility.

134.—Still it is to be apprehended, that from the native institutions not having yet been organized, nor the duties which the village establishment should exercise, defined and recognized, nor formally promulgated by Regulation, the evils of a limited system, that is, of the concentration of all the powers of administering civil and criminal justice at one station, in an extensive jurisdiction, and compelling the inhabitants to resort to that station, to obtain redress of the most trivial complaints, have been felt at this Presidency, and render the observations contained in your Honourable Court's despatch to Madras, that there are many "who are deterred from applying for redress of their disputes and grievances, from the great distance they must travel for justice, the expense of the journey, and the interruption which it must occasion to their private concerns, on being called from their homes at the very season when their absence cannot be dispensed with, without serious injury to the cultivation of their lands," and that "it is cheaper for complainants to submit to be plundered, than to seek redress," applicable to this Presidency.

135.—The points which appeared to us to require consideration, were the following:

1st.—Whether, under the existing code, the inhabitants derive the fullest advantages from the judicial system, without inconvenience and distress.

2dly.—Whether by transferring the magisterial and police duties to collectors and their assistants, we shall be imposing too heavy a duty in the revenue department.

3dly.—Whether the duties of the zillah judges will be increased too much, by constituting them criminal judges.

4thly.—On the incompatibility and danger of vesting judicial powers in revenue-officers.

136.—That the inhabitants at the distant parts of each zillah, experience the want of a local judicial authority to which they could resort for redress, the records of this Government fully establish.



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137.—The observations of the judge and collector of Surat, tend to support the continuance, rather than recommend any change in that existing judicial system; but it is to be recollected, that the village-police within that jurisdiction is already vested in the collector and his village establishment. The objections, therefore, apply only to the other branches of the modification, and principally to a transfer of the magisterial and police duties of the city of Surat and town of Randier to the collector.

138.—The observations, however, of Mr. Romer, are not at all convincing. It is no proof that evils do not prevail, because the judge remains uninformed of them. They are, by the existing Regulations, obliged to remain at the sudder station: there is not a zillah judge who has yet made the circuit of his jurisdiction; and it may therefore be argued, that the judicial wants of the inhabitants in the distant parts of the pergunnahs, and the inconveniences and evils to which they must submit from the difficulties of obtaining redress, cannot be sufficiently known to him,

139.—To prevent the necessity of suitors travelling to Surat from distant parts of the jurisdiction, was the object of the arrangement suggested by the late Mr. Bouchier, in his letter dated December 1813: "that the police darogahs might be induced to officiate on small salaries, by being allowed to act as commissioners for the trial of small suits under fifty rupees; and that the peons entertained to assist the darogahs in preserving the peace, might be employed in all civil process."

140.—Mr. Romer, however, states, that the native commissioners at Surat, who are vested with the three-fold powers of aumeens or referees, salisans or arbitrators, and moonsiffs, have hitherto been employed, as aumeens only, and very usefully, under the immediate superintendence of the court; and that it had not yet been necessary to establish aumeens or moonsiffs, at any place in the pergunnah.

141.—But we may remark, that if the inhabitants in the pergunnahs should be in need of judicial aid, for the recovery of the smallest sum, they must resort to the sudder station.

142.—The magistrate at Broach, Mr. Barnard, has observed that the addition of a few commissioners in the remotest parts of the several pergunnahs, would be advantageous; as many in those situations are unable to prosecute their rights in the zillah courts, from the want of means to support themselves and families during their absence, as well as from the natural reluctance to proceed so far to appeal to a court they were hardly acquainted with; but that this purpose could be better effected by the register or his assistant occasionally holding a court at the extremities of the jurisdiction, provided one or the other could be spared from the duties of the zillah station, which in Broach could certainly be done. That the benefits under such an arrangement, would not be confined to the judicial department, but extended with great advantage to the police.

143.—The necessity for enlarging the powers of the zillah magistrates in particular cases, was represented by Mr. Ironside, in his Report dated 23d May 1815, to remove the inconvenience experienced in bringing offenders and witnesses from the remotest part of the jurisdiction, for crimes too serious to be adequately punished by the magistrate, with the powers now vested in him.

144.—In his Report of the 30th May 1815, Mr. Ironside has stated, that if moonsiffs were authorized to receive generally, all suits not exceeding in amount or value rupees (50) fifty, with power to try and determine all such suits in the first instance, the arrangement was well calculated to lessen the expense, trouble and inconvenience which plaintiffs or their vakeels are at present exposed to, by being obliged to repair to the adawlut to file their actions; and that the arrangement was particularly applicable to the Kaira zillah, from the very great distance a considerable portion of it is situated from the seat of justice.

145.—Mr. Prendergast has also stated, that "the inhabitants of our distant zillahs severely feel the inconvenience of being obliged to repair to the provincial courts."

146.—It is moreover very forcibly and very justly remarked by Mr. Dunlop, that "the advantage of investing the European part of the revenue establishment with judicial powers of punishment, will be most apparent in the districts, where the effect of example, in trifling cases, is now almost lost, by the culprit being sent to  
" the

“ the zillah station for punishment; it frequently happens also that innocent persons  
 “ are withdrawn from their occupations, and sent to the zillah station, of itself (in  
 “ many instances) a severe punishment, merely because no authority on the spot is  
 “ competent to establish their innocence.”

N<sup>o</sup> 5.  
 Judicial Letter  
 from Bombay,  
 29 July 1818:

147.—The foregoing observations refer, it is true, rather to the civil branch; but they are equally applicable to the criminal and magisterial departments.

148.—It is too evident (as remarked by your Honourable Court) “ that the great extent of the local jurisdiction of the courts of circuit, acts in various ways as a serious impediment to the vigorous execution of the criminal laws. It has the disadvantage of deterring and discouraging persons from informing against or prosecuting public offenders, by the expense and loss of time attending a prosecution, which, instead of producing benefit, adds to their misfortunes. This disinclination to prosecute, and the impunity with which, in consequence of it, offenders too often escape the punishment due to them, necessarily give a confidence to the dishonest and depraved part of the community, in the commission of crimes and misdemeanours, which must sensibly increase their number.”

149.—The mere statement of the fact, that “ the inhabitants in the distant parts of our territories have scarcely ever seen a police or adawlut establishment,” and must proceed to the sudder stations, in some instances upwards of one hundred miles, to obtain redress in cases of the most trivial nature, as abusive language and inconsiderable assaults, where the parties probably are ultimately proved innocent and dismissed, forcibly illustrates the necessity of extending the means of facilitating the administration of justice under this Presidency.

150.—The validity of the objections, under the second and third heads, which have been advanced to an increase of the duties of the collectors and zillah judges, by an adoption of the proposed modifications, can best be ascertained by a review of the duties which have devolved on the magistrates and judges of the four zillahs of Salsette, Surat, Broach, and Kaira, in the three preceding years. The result will probably prove, that by the transfer of the magisterial duties to the collectors, and the constitution of the zillah criminal judges, we shall diminish the duties of the latter, and not augment those of the former, beyond their competency to discharge them.

151.—The number of causes disposed of, in the four zillahs, in a period of three years, was as follows; viz.

In Salsette	-	-	-	-	8,816
Surat	-	-	-	-	23,331
Broach	-	-	-	-	16,887
Kaira	-	-	-	-	26,466
					<hr/>
Total number	-	-	-	-	75,500
					<hr/>
Of that number, there were adjusted at Salsette	-	-	-	-	5,739
Surat	-	-	-	-	9,525
Broach	-	-	-	-	12,623
Kaira	-	-	-	-	12,013
					<hr/>
					39,900
					<hr/>
Decided by the courts	-	-	-	-	35,600
Of that number, again, the causes decided by the native commissioners and the sudder ameens, was, at Surat	-	-	-	-	9,567
Broach	-	-	-	-	8,640
Kaira	-	-	-	-	8,298
					<hr/>
					26,505
					<hr/>
Leaving the causes decided by European agency, in three years, in the four zillahs only, at	-	-	-	-	9,095
					<hr/>
152.—The causes cognizable by judges, average at Surat, where there is an assistant judge, per month	-	-	-	-	28
At Broach, it is below	-	-	-	-	6
At Kaira, under	-	-	-	-	5
At Salsette, of trifling sums	-	-	-	-	33
					<hr/>
					72
					<hr/>

N<sup>o</sup> 5.  
Judicial Letter  
from Bombay,  
29 July 1818.

153.—The causes on the file on the 1st January 1817, of all descriptions, were,

At Salsette	-	-	-	-	57
Surat	-	-	-	-	1,144
Broach	-	-	-	-	379
Kaira	-	-	-	-	1,218

The total causes in arrear, amounted only to - - - 2,798  
On the 1st January 1818, they were - - - 1,507

Difference - - - 1,291

154.—This cannot be considered a heavy file; nor can the monthly average of causes as above stated, be deemed greater than what the judges ought to discharge with perfect convenience, allowance being made for the additional aid afforded to the Surat zillah.

155.—With respect to the magisterial duties, a review of the cases that have come before the magistrates, in a period of three years, will afford the same result.

156.—The number of persons apprehended, within the three years, were as follows :

In Salsette	-	-	-	-	520
Surat	-	-	-	-	1,735
Broach	-	-	-	-	1,371
Kaira	-	-	-	-	1,338
					<u>4,964</u>

Averaging 1,241 a year, in the four jurisdictions, or about 103 cases a month, or about three a day.

157.—The result of this investigation, irresistibly leads to a conclusion, that if the magisterial cases have hitherto averaged only four per day, the proposed modification will not impose too heavy a load of duty on the criminal judge, because the majority of those cases would fall within the jurisdiction of the collectors, their assistants and native officers; and even admitting that these Returns do not embrace the offences which have been committed in the distant parts of each jurisdiction, which have passed unnoticed and unpunished, any eventual increase of the magisterial duty will, it is to be hoped, be adequately met by the greater number of agents constituted for administering justice.

158.—A review of the several gaol deliveries, will at once prove that the cases which will fall under the cognizance of the criminal judges, cannot occupy their time by any means in so great a degree, as under the existing system, to the obstruction of their civil duties.

159.—There were committed for trial, in the three years under review	-	220
Of that number, there were condemned and sentenced to various degrees of punishment	-	170
Acquitted, and discharged on furnishing security	-	50
		<u>220</u>

160.—If the powers of the criminal judges in the cognizance of criminal offences, be limited, in the infliction of corporal punishment, to the extent of 50 rattans; in fines, to (200) two hundred rupees; and in the term of imprisonment, to one year; and supposing that one-half of the number apprehended in each zillah would fall within their jurisdiction, it would amount to (620) six hundred and twenty cases a year, or to fifty a month in each zillah, which surely is not more than the criminal judges, with the aid of their registers and assistants, could easily discharge. It will constitute a less load of magisterial duty, than falls to the zillah judges, under the existing system.

161.—It remains, then, to consider how far the modification would impose too heavy a duty on collectors. The pergunnah police at Surat and Salsette, is already under the collectors; but the anticipations of Mr. Dunlop, that "the duties of police being superadded, would be constantly used as a plea for neglecting the other," has not been realized within those jurisdictions; on the contrary, the revenues

revenues of Surat are realized with a degree of punctuality, not known in any other jurisdiction: nor has Mr. Bernard's objection, of "the total inability or unwillingness, among natives, to distinguish between the principles of revenue and police proceedings," derived any support from the experience we have had of the consolidation of those duties at Surat. Indeed, throughout the territories dependent on Bombay, the system is so interwoven with the native village institutions, that we feel persuaded equal benefit will be derived by a formal annexation of the police to collectors; and if transferred to their charge, it appears to be essential that they should be clothed with some degree of magisterial authority.

N<sup>o</sup> 5.  
Judicial Letter  
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162.—It has already been shown that the monthly average of magisterial cases, does not exceed 103 in each of the several zillahs, or about three cases a day; but only a portion of that duty will devolve on collectors; or, in other words, additional agents will be constituted to meet the whole of that duty, by vesting magisterial authority in collectors assistants, and in the heads of districts and of villages; nor do any of the collectors ground their objections to the arrangement, decisively on any anticipation of too great a load of duty being imposed upon them.

163.—Mr. Morrison states, that "if the *police of the city of Surat and town of Randier*, be transferred to him, he cannot give his personal attention to the *pergunnahs*, at all times necessary, but more especially on the introduction of the new system of direct management with the *ryots*." We do not at present propose to transfer the police of Surat and Randier to the collector; but supposing that the Government had determined on the measure, we think that doubts may be entertained on the justness of Mr. Morrison's objections, as it is admitted by the judge that the "magisterial business (of the whole jurisdiction) is not more than he is able to discharge." We cannot, therefore, conceive that it would be too much for the collector, distributed as that magisterial business would be, among more than twice the number of the agents which the judge possesses.

164.—Mr. Shubrick is, in favour of the continuance of the present system; but the comparison he has drawn between the duties of a collector under this Presidency and at Bengal, and the system prevailing at each, is not founded on experience. Our revenues are realized, through the medium of the revenue establishments, with an extraordinary degree of punctuality; little recourse is had to the courts of law to enforce payments, and with scarce any defalcation. In these respects, the duties of collectors, after the *jummabundy* has been formed, are not so arduous as those in Bengal, if we may judge from the numerous sales of lands which annually take place for the recovery of the revenues; which bespeak the existence of difficulties, not experienced under this Presidency. And if the permanent settlement has afforded that leisure to collectors, which Mr. Shubrick supposes, it has certainly rendered the introduction into the Bengal provinces of the proposed system, or rather the recognition and confirmation of the ancient institutions of the country, probably impracticable.

165.—Mr. Wilkins, however, states, that "a police Regulation, framed on principles similar to the Madras Regulation, might be introduced with public benefit into the districts under the Broach jurisdiction."

166.—Within the Kaira jurisdiction, we find Mr. Dunlop, the collector, decidedly in favour of the measure, under a caution, however, "to guard, in the application of the principle, against clogging the spring by which the whole machine is to be moved, too much."

167.—Captains Robertson and Barnwall consider "Regulation XI, 1816, of the Madras code, perfectly applicable to the jurisdiction of Kaira; the principles on which it is framed, being peculiarly adapted to the constitution of Indian societies in general, and particularly in conformity to the ancient usages of Guzerat;" and Mr. Babington has found the principles of that Regulation, equally well adapted to the Concan.

168.—The arguments founded on the dangers of innovation, appear inapplicable. The object of your Honourable Court is not, nor will your orders tend to innovate; but to preserve whatever exists, and to restore whatever has been destroyed of the ancient institutions of the country, with which the natives are familiar, and which are best adapted to the state of its society. The operation of the proposed Regulation, therefore, will only formally recognize, "by defined rules of proceedings, and formal investiture of powers," what already exists, and is acknowledged to be productive of eminent advantage.

N<sup>o</sup> 5.  
Judicial Letter  
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169.—The prejudicial effects anticipated from the proposed modification, founded on the incompatibility and danger of uniting revenue and judicial powers in one person, and that a native, will not, we are persuaded, be practically experienced, under the check and control under which those powers will in future be exercised.

170.—Your Honourable Court will have perceived, from our annual dispatches, the punctuality and facility with which the revenues have been realized under this Presidency, with scarce an appeal to the civil courts for enforcing payment: that the native officers will exercise their magisterial powers in collecting the revenues, appears to us to be extremely improbable; as they would scarcely have recourse to those powers, at a time when they were already constitutionally vested with authority fully adequate to realize the revenue, to which they would of course resort.

171.—By Section XXII, Clause second, Regulation XIII, 1802, of the Bombay code, camavisdars are authorised to place watchmen on the crops, at the expense of the parties to whom they may belong, until security shall have been given for the revenue payable therefrom.

By Clause third, camavisdars are empowered, when any person shall have failed to pay in his kist, to issue a dustuck, and to cause it to be served on the party in arrear, who, until he shall have discharged the amount, is to be at the expense of maintaining the peon until the kist be paid, or the dustuck be withdrawn.

By Clause ninth, a collector is empowered to confine a revenue defaulter for ten days; and if unsuccessful in obtaining payment of the debt, to convey him to the gaol of the zillah, the judge being directed to commit the defaulter, on the mere motion to that effect of the collector; here, he is to remain until his arrears are made good, inclusive of all subsequent arrears that may become due during his confinement.

172.—These are powers amply sufficient to enable the native revenue officers, if disposed and uncontrolled, to practice oppression and extortion over the inhabitants, on the plea of realizing the revenues. They are powers, moreover, greater than those proposed to be invested in the heads of villages, of confining persons for trivial offences, in the village choultry, for a time not exceeding twelve hours, or the lower cast of people in the stocks, for a time not exceeding six hours; or for a tahsildar or head of district to punish the same minor offences by imposing a fine, not exceeding one rupee, or imprisonment in the choultry for a time not exceeding twenty-four hours, or in the stocks for a time not exceeding six hours. It is not to be supposed that any native revenue officer, if inclined to practise abuses, would have recourse to his magisterial authority, which he cannot legally exercise, against a revenue defaulter, at a time when he may exercise powers with which he is thus constitutionally vested as above described.

173.—They are as incompatible, moreover, as the powers intended to be united in the same officer under the proposed modifications; and yet we are not aware that any abuses have been committed by the native officers thus armed with the means of oppressing the inhabitants, nor do we apprehend that any will be experienced, under the operation of the modified system; whilst the great advantages to the community in having their wrongs redressed within the limits of their villages, as collectors or their assistants can with ease resort to the spot to hear and determine on complaints falling within their cognizance, (and offences thus rendered cognizable by collectors, their assistants and native officers, constitute the great majority of those committed in an Indian society) are indisputable; whilst the immediate attention which the criminal judges and their assistants will bestow to those of a graver cast, short of a capital nature, will also prove a material improvement of the existing system.

174.—By limiting, moreover, the cases cognizable by the court of circuit to those of a capital nature, its duties will be, so circumscribed, as will, we hope, enable us to extend its circuit to the recently acquired territories, without any serious inconvenience; but should it be found, on experience, to be otherwise, we think that the appointment of a fourth judge would be sufficient to meet the additional labour arising out of an increased jurisdiction, and will, at the same time, facilitate the duties of the court in its appellate branch.

175.—No difference of opinion exists in regard to the entire applicability of Regulation XI, 1816, of the Madras code, for the police, to the territories subordinate to this Presidency.

176.—Within the Surat jurisdiction, the native institutions of police have been long in full operation; their efficacy is acknowledged; whilst the expense of that branch

of the administration within the pergunnahs, has not been found to be more than would have been incurred for revenue purposes.

177.—We cannot afford a more satisfactory proof of the advantages that will result from the general recognition of the native institutions of police, in a pecuniary point of view, than by exhibiting the saving that has resulted from the existence of the system within the Surat jurisdiction.

178.—Mr. Romer has stated, in reply to a call from us on the subject, that if the pergunnah police of Surat had been annexed to the adawlut, independently of any aid from the revenue establishment, as it is at Broach and Surat, he should have required an establishment equal to rupees 2,782 per mensem, or 33,384 per annum; a saving which has been annually effected at Surat, for a period of 13 years, by the police duties having been committed to the revenue establishment.

179.—The materials for the formation of a similar system, are available within every other jurisdiction, and only require to be organized and brought into action; and we can entertain no doubt that in the course of a short time, every subsidiary portion of the police establishments may be safely dispensed with, and that the revenue officers will be fully capable to officiate in police duties, without exposing Government to the necessity of maintaining separate establishments for that department; and that a saving, similar to what has been experienced within the Surat collectorate, will, we entertain no doubt, be effected in every other zillah.

180.—Upon the fullest consideration, therefore, of the arguments contained in your Honourable Court's despatches, to which we are replying, which appear to us completely to meet and repel the objections which have been advanced by your servants under this Presidency, to the proposed measure, we have subscribed to the opinions of the late senior judge of the court of circuit, in favour of the system of constituting the judges of the adawlut, criminal judges, and the registers their assistants, as also of transferring the office of magistrate to the collectors, and making their assistants, assistants to them as magistrates, with the exception of the city of Surat and the town of Randier, and the city and town being the sudder station of every other jurisdiction; the police and magisterial duties to be there exercised, are to continue under the zillah magistrate, as at present; an arrangement that, by taking from the collectors the heavy police and magisterial duties of the populous cities of Surat and Ahmedabad, leaves them entirely at liberty to attend to the revenue, police and magisterial duties of the pergunnahs.

181.—Having communicated to the Honourable the Vice-President in Council, our intention to pass a Regulation for the police, conformably to Regulation XI, and to promulgate further legislative enactments, corresponding with Regulations IX. and X, 1816, of the Madras code, he has furnished us with copies of the documents mentioned in the margin, and has informed us that the subject was still under the consideration of that Government; and that he was not, therefore, prepared to offer an opinion on the expediency of the introduction of those Regulations into the territories subordinate to this Government.

The 191st and 196th paras. of a Letter to your Honourable Court, dated 7th October 1815.

Copy of a Letter to your Honourable Court, dated 7th February 1817.

Copy of a Letter to the Chief Secretary to Government at Fort St. George, dated 18th Nov. 1817.

182.—On receipt of that despatch, we deemed it our duty to apply to the Government at Fort St. George, for the reply made to the letter of Mr. Secretary Bayley, of the 18th November 1817, requiring information how far the various changes in the administration of the police, and of civil and criminal justice, introduced in the year 1816, in the territories dependent on that Government, have been, or are likely to be productive of the benefits which were anticipated from them.

183.—The Madras Government has promised to afford the required information, as soon as it shall have been procured; delay in that respect, having arisen from the employment of Colonel Munro, the first commissioner, on duties of a different nature.

184.—Adverting, on this occasion, to the delay likely to arise in obtaining the information from Madras, and being satisfied that the police branch of the judicial system prescribed by your Honourable Court might be advantageously established within the territories dependent on this Presidency, and that the transfer of the office of magistrate to collectors would materially facilitate the administration of civil and criminal justice, we resolved that the same shall take effect from the 1st of the

N<sup>o</sup> 5.  
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ensuing month of August. We were the more inclined to form this early decision, on adverting to the state of our newly acquired territories, to which the existing code has not as yet been formally extended, and for which it would consequently be necessary that Regulations should shortly be passed; thus rendering it desirable that we should introduce at once into the new districts the modified Regulations, rather than to establish the present system, and, before it could well have operation, to be under the necessity of directing the transfer and changes, in the establishment of the old pergunnahs, which are contemplated by the Regulation under consideration.

\* Passed 10th June 1818, and 185.—We have accordingly passed the two following Regulations \*, numbered 3 and 4 of the year 1818. viz :

Regulation for establishing a general system of police throughout the territories subject to the Presidency of Bombay.

Regulation for transferring the office of zillah magistrate to the collector, constituting the zillah judges criminal judges, and defining their powers.

Letter to, 22d December 1815.

(19.) On the administration of criminal justice under this Presidency being different from the course pursued under the other two Presidencies. Information required on the subject, and on what has been the practical effect and operation of the principle.

186.—Referring to the 78th to 106th paragraphs of our despatch dated the 2d April 1817, we have the honour to communicate to your Honourable Court, the result of our inquiries in respect to the practical effect and operation of the principle by which the natives, in criminal cases, are tried by the law of their respective religious persuasions.

187.—Mr. Romer has stated the grounds on which he considers the principle to have originated in local considerations; and that the views of both the Governments of Bengal and Bombay, when engaged in legislating upon that point, were virtually the same, namely, the maintenance generally of existing and known institutions. That the Supreme Government, on the acquisition of the sovereign power of the state, did not abrogate the Mahomedan criminal law, because it had been long in force, and was therefore known to the people. That the late Mr. Duncan had given that as a reason for constituting the British members of a criminal court, judges of the fact; and that, even in the Mahomedan city of Surat, no criminal law, according to one particular religion only, was in force, to the exclusion of any other system of criminal jurisprudence.

That in regard to punishment, the two grand divisions of our native subjects, Hindoos and Musſulmen, have as nearly an equal law dispensed to them, as can be applied; and that this has been one of the practical effects and operations of administering to them the criminal law of their several religious persuasions.

That he is not aware of any reason, derived from the conclusion that depravity is increasing, or the increase of it is to be apprehended among the Brahmins, that would induce Mr. Romer to recommend a departure from the present practice of exempting that class of our subjects, generally, from capital punishment; and that, in respect to inflicting on them the full measure of minor degrees of punishment, if the existing exemption has not produced abuse, it pleads for continuing to them the law, as it at present stands. That of late years, the commission of offences by Brahmins, requiring capital punishment, has diminished rather than increased; that these classes of offenders produce no undue proportion of offenders; and that we have, therefore, fair grounds for concluding, that punishment by transportation, which is held in great dread, not only by Brahmins, but the generality of Hindoos, has operated as a check against the commission of crimes among them, as effectually as capital punishment would have done.

S. O.

That a careful examination of his warrants since 1800, enables Mr. Romer confidently to state, that no difference of punishment for crimes of the same description, whether the party has been of the Hindoo or the Mahomedan faith, has occurred; that in practice, the criminal law of both persuasions, as administered and applied by our courts, operates upon parties of either religion equally and impartially, with the exception of Brahmins; and that he does not recollect ever having heard a complaint of the unequal operation of the law, as above described. That he has, more than once, listened to observations from Hindoos and Mahomedans, expressive of the satisfaction they derived from the institutions which secured to the members of each religion, trial by the laws of his own faith, without their ever appearing to desire that their own law might become or be made the measure by which justice should be administered

administered to all; and that he does not hesitate to pronounce the results to have been beneficial and salutary.

N<sup>o</sup> 5.  
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188.—The opinions of Mr. Jones, the assistant magistrate in charge of Broach, entirely coincide with those of Mr. Romer; and it appears, that neither at Broach, where Mahomedan government existed for many years, did the Mahomedan law prevail, to the total exclusion of all others, in the administration of criminal justice.

189.—Mr. Dunlop has observed, that the Hindoo and Mahomedan law is so incorporated with their religion, that it is quite impossible for a disciple of either faith, to regard them for a moment, as separate institutions; and that there does not appear to be any risk of either objecting to whatever punishment his religion may condemn him to suffer.

That the opinions of the native Mahomedans of this country, are generally more loose, and their observance of ceremonies much less rigid than those of the Hindoos, and that any infringement of their laws can be expiated at any easy rate; whilst the latter is degraded from his caste or rank in society, and rendered an outcast for very venial offences, and that the severity of this punishment has necessarily created a much greater degree of strictness in their observances and conduct: hence, he observes, that the latter classes of our subjects require to be treated with more regard and tenderness for their prejudices, than the former, who could not be subject to the dreadful miseries of expulsion from society, or heavy penalties on re-admission, to which a Hindoo might become liable, as the consequence of a punishment inflicted at variance with the practices enjoined to his caste. That the distinction of caste is a fundamental part of the Hindoo law, with all the privileges and exemptions belonging to each; and that these, could not be neglected or infringed, without exciting feelings of alarm from the highest to the lowest; nor can they be preserved entire, without allowing the Hindoo law to guide decisions on persons of that persuasion.

Mr. Dunlop is therefore of opinion, that a strict attention to the prejudices of Hindoos, by administering criminal as well as civil justice, according to their own laws, is of the utmost consequence to the preservation of their confidence; and is apprehensive that the infliction of capital punishment on the privileged order of Brahmins, in particular, would be viewed with great uneasiness by all classes of our Hindoo subjects.

That it was, moreover, necessary to recollect the general well-known objection against Mahomedan law, acknowledged to be so faulty as to require revision, even when applied to persons of that persuasion under British superintendence; and that it might therefore fairly be asked, what object could be gained by introducing a foreign and faulty code, where a native one is already established, congenial to the immemorial usages of a people like the Hindoos, whom ages seem not to change, and who certainly compose three-fourths of the population of the Kaira collectorship.

That the prejudices of the Hindoos were not only tolerated, but persons of that persuasion were advanced to offices of the highest trust and emolument, under the Mahomedan government; that we find hereditary offices confirmed by its grants to Hindoos, in almost every purgunnah; and perhaps the most respectable landed tenures in Guzerat; are those conferred by the same authority.

That during the various revolutions which subsequently happened, the two religions could only have existed by mutual concession and forbearance; the effect produced by the operation of those feelings, during a succession of ages, has been, what might naturally be expected; and that a general deference and respect have grown up for each other, which seems to have quite superseded all violence or ill-will between them. Mr. Dunlop has, as he states, often seen a Hindoo bowing at the shrine of a Mahomedan saint, and sometimes a Mahomedan perform Hindoo ceremonies.

That with such mutual feelings engrafted on the minds of our Hindoo and Mahomedan subjects, concessions to each others prejudices are regarded, as necessary, or at least as matters of course; and that any encroachment on the customs of either, would be talked of by the other, as a hardship, and, from a third party, might perhaps give rise to insinuations that their own, would be next attacked; so that the wisest plan would appear to be, that of standing perfectly neuter between them.



N<sup>o</sup> 5.  
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190.—Mr. Ironside, after submitting observations to the same effect, offers his decided opinion in favour of the present system, and recommends its continuance, for the following reasons.

1st.—The experienced efficiency of the Hindoo code, as practically administered, under the correction of the legislative provisions of Government, by the superior intelligence and acquaintance with general principles of English judges.

2dly.—Because the deviations from the laws of the Shaster, at present, under the discretion left by the same, are not observed by the people, who, did they remark them, would give credit to the motive, more especially where such alteration goes in favour of the prisoner; they consider themselves governed by their own laws, with which as little liberty is taken as by former Hindoo governments, and regard this, as a Durm Raj. That the impression is valuable, and would be much injured by the substitution of a foreign, for the native code, in this great branch of judicature.

3dly.—Because the introduction of the Mahomedan penal law is contrary to a first great principle of legislation, whereby people are rendered amenable for transgressions forbidden by a code they acknowledge and know, or ought and are presumed to know, and have the means by education of knowing something of, and, in the case in question, the sacred origin of which they acknowledge.

4thly.—Because the supercession of the Hindoo, and introduction of the Mahomedan law, would be palpable, generally understood, and notoriously striking to the whole Hindoo population, whether they regarded it with indifference or not; and would be one of the very few innovations which are so understood, if not almost the sole.

Finally.—Because the present system is, of course, that to which the Brahmins and all intelligent Hindoos, and the whole of this class, the great mass of our subjects, through their influence, respect, approve and regard; and while a small degree of advantage may sanction a departure from their code, which they either do not observe, or do not care for, no matter why, it requires very strong grounds of necessity, which Mr. Ironside does not allow to exist, to touch and shake what are essentials to the valuable belief and impression of our disposition, to govern them by their own laws, and to respect their faith and prejudices.

191.—The collector of Surat has no hesitation in declaring, that the system established on this side of India, is received and acknowledged by the natives, whom he has heard speak on the subject, with the deepest gratitude; and that, though the punishment awarded by the Hindoo or Mahomedan law for the same offence, may in some cases be widely different, yet Mr. Morrison is convinced that any attempt to subject either to the laws of the other, would produce discontent, and lead the natives to fancy we had in view much greater innovations, eventually affecting their purse, which to the people of Guzerat was the most tender of all subjects, and viewed by them with the greatest jealousy.

192.—The judge and magistrate for the Northern Concan, observes that in Salsette there exist ample grounds, not only to justify, but to require that the natives should be tried by the laws of the religion they profess. That the island has not been in the possession of the Mahomedans since the year of Christ 1534. That it was held by the Portuguese, from that period up to the year 1733, when it was conquered by the Mahrattas, and since the year 1774 it has been in the hands of the British Government; and with regard to the territory lately annexed to that zillah, it has been held by the Mahrattas almost uninterruptedly for a period of about eighty years.

That the introduction of the criminal law of the Mahomedans, to the exclusion of that of the Hindoos, would be a complete innovation of a most important nature, and one which would be far from acceptable to the greater part of the inhabitants of the zillah; whilst the present system of trying every Mahomedan or Hindoo culprit by the laws of his own religion, cannot give any just dissatisfaction to either.

That there is probably no zillah under this Presidency, containing a more mixed population than that of the Northern Concan. A considerable proportion of the inhabitants of Salsette and Bassein is composed of Roman Catholics, though the Mahomedans are numerous at Callian, Bheondee, Bassein, and elsewhere; but that the Hindoos, of course, constitute every where, the great bulk of the inhabitants; and that any change which would render them amenable to the laws of a different religion, must be expected to be unfavourably received.

On

On the subject of offences of a capital nature, which may be committed by Brahmins, Mr. Babington is rather disposed to think, that in this particular instance, the Hindoo law might frequently with great propriety be overlooked, and the punishment of death be inflicted, without regard to the sanctity of the offender's character. He doubts whether the punishment of transportation would operate so effectually as a check against the commission of crimes, amongst all classes of Brahmins, as the infliction of capital punishment; for though the loss of caste would be the necessary consequence of a distant sea voyage, there must be many amongst the Brahmins who are in a great degree insensible to the loss of reputation, and over whose actions the opinions of their associates have but little influence.

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On the propriety of requiring the Hindoo and Mahomedan law-officer to decide on the fact, or on the guilt or innocence of a prisoner, Mr. Babington has not been able to satisfy himself that there are any local considerations which call for a deviation, in this respect, from the rule laid down in the Regulations of Bengal and Madras. On the contrary, so long as the necessary precautions are observed in the selection of those officers, it would be highly advantageous to allow them to become judges of the fact, as well as expositors of the law. That they can hardly in any instance, deliver their legal opinion, without bearing in consideration the facts of the case, as they have appeared in evidence; and Mr. Babington can therefore see no objection to their opinions, as to the guilt or innocence of the party, forming a part of the record of the trial, and having so far an influence on the final judgment to be passed on the prisoner, as to render a reference to the nizamat adawlut indispensable, whenever the futwah may be disapproved by the British members of the court.

193.—In the opinion of the court of circuit, there appears to be no doubt that the securing to the natives of all descriptions the privilege of being tried by the laws of their own religion, in criminal as well as civil matters, has, more than any, or all other circumstances united, tended to impress them in favour of the uniform and equitable rules of the British criminal jurisdiction. That the system in force, under this Presidency, is not so much a departure from the Bengal code, as a modification consistent with its fundamental principles. It seems to be admitted, that in the latter, the Mussulman law was established by Regulation, because the natives of the Bengal provinces had for generations been subject to Mahomedan rule, and the law of the Koran had consequently long been the law of the country, on which it was contrary to the views of the British Government to innovate.

194.—In like manner, all the Madras provinces had been ceded by Mahomedan princes, who, with the exception of the Polygar districts, were supposed to have administered justice according to the rules and form of the Mahomedan law.

195.—On this side of India, every thing was reversed. Beyond the walls of Surat and Randier, the great majority of the population, and certainly the governments, were all Hindoo. Even in the town of Broach, the authority of the Nuwaub had long been superseded by that of the Mahrattas. Although the Mahomedan law and customs in many instances prevailed in Surat, yet we find no reason to suspect that amongst the Hindoo population their peculiar religious customs, and the laws founded upon, or rather making part of their religion, were not allowed their unrestrained operation.

That the feelings which a different order of things would almost necessarily have excited, namely, in the case of the great majority being denied their own laws, and being subjected to those of the minority, the latter having exercised no sort of dominion for centuries over the former, nor being in any great proportion in situations even of delegated authority, are very sensibly represented by Mr. Dunlop.

196.—The court of circuit farther observe, that they were altogether uninformed of the existence of any distinction in the punishment of Hindoos and Mahomedans for crimes of the same description, and are quite certain, as indeed every circuit calendar will verify, that the former enjoy no exemption from the usual sentences of hard labour, excepting generally the cast of Brahmins; and that all classes of the natives feeling so much respect for the peculiar tenets of each others faith, even this partial exception has never excited a murmur, nor even an emotion of jealousy or uneasiness.

That they consider it to be an undoubted fact, that there never was an instance of a Hindoo and a Mahomedan being convicted of the same crime, and receiving unequal

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unequal sentences of punishment, arising from any considerations of their respective religious sects, independently of the merits of their case; and that the court hold this to be a conclusive argument for the equality of punishment arising out of the established system, of constituting the British judge the sole judge of the fact. If the law-officers were to be judges of the fact, and of the applicability of evidence to establish the guilt or innocence of the prisoners, it is nearly demonstrable that the supposed inequality of punishments in favour of the Hindoo, would become an absolute inequality to his disadvantage, as the casuistry of the Mahomedan lawyers throws so many obstacles in the way of conviction unknown to the Hindoo law. That even admitting the punishments, under the Mahomedan law, are in some particulars more severe, the greater certainty of conviction under the Hindoo compensates for the variation; and under an impartial judge of the facts, it is hardly conceivable that criminal law can be more equally administered; that this, all classes of the natives, not merely the native subjects, but all foreigners, who know any thing of our practice, are most free to acknowledge. Their only objections are to the indiscriminate severity of our punishments.

197.—With respect to the origin of this diversity of the Bombay from the Bengal code, (if it were not a necessary consequence of the principle of reserving to each of the great religious divisions of the natives, their several laws and privileges, to ensure equality of punishments,) the following additional suggestions present themselves to the court of circuit. In the first Regulations framed by the late Governor Duncan, the courts were enjoined to give a preference to the raajool moolk, or common law of the country, in all cases where such custom exists, over the written law, whether of the Koran or the Shaster. This is, indeed, expressed in terms only in the Regulation of the year 1800, for the guidance of the civil courts; but as reference is there made to the "Observations" subjoined to the Report of the Malabar commissioners, which distinctly give to the custom of the country the same preference in criminal cases, the court infer, by an obvious analogy, that the same author of the Regulation of the same date, for the trial of persons charged with the commission of crimes, could not intend to exclude them from the benefit of those "Observations," which had now acquired the force of law.

198.—Upon the question of the advantages or disadvantages of the system of making the British judge pronounce upon the fact, the court imagine little further argument can be necessary, after the result of the trial of a Pindareh prisoner at Madras, and the orders of the Right honourable the Governor General upon that occasion.

That they do not remember an instance of the law-officers demurring to the finding of the judge. If it should ever happen, the case is amply provided for in that clause of the Regulation which directs a judge to report to superior authority whenever he may disapprove of the futwah of the law-officers, as may be seen in Section 7, Regulation III, A. D. 1802.

199.—With regard to the punishment of transportation, the court believe that with the inferior, as well as the higher orders of Brahmins, and even with the lowest classes in general, its influence, as a restraint upon the perpetration of crimes, is quite equal to that of capital execution, and it is much less revolting to the feelings of the well-disposed. It operates, in some degree, as the punishment of expulsion from casta.

200.—On a full consideration of these important discussions, it appears to us that the principles which would seem to have led the Bengal and the Madras Governments to subject the native population within their territories to the Mahomedan criminal code exclusively, are not at all at variance with the views which influenced this Government, in securing to the natives the privilege of being tried in criminal matters by the laws of their own religious persuasions: if Hindoos, by the laws of the Shaster; if Mahomedan, by that of the Koran; or if Christian or Parsee, by the law of England, as the latter have no code of their own. Each being actuated by a desire to adhere, as far as practicable to existing institutions and previous usage.

201.—The territories under Bombay have not for centuries, at least, been subject to the Mahomedan law; and this Government would not, it is conceived, have been justified in adopting it exclusively. Throughout the Bengal provinces, the Mahomedan law alone, had been in force for centuries before they came into our possession; and therefore the supreme government was warranted in continuing a code that would not otherwise probably have been selected, and which, indeed, under any other circumstances,

cumstances, it could scarcely have adopted, consistently with the rules and principles of the British Government, which profess to govern their native subjects according to their own laws, with such modifications thereof as superior civilization, and the improved state of the civil institutions of the ruling power, might from time to time dictate.

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202.—Securing to the natives of all descriptions the valuable privilege, which they consider it to be, of being tried by the laws of their own religion, in criminal as well as in civil matters, has, more than any or all the other circumstances united, tended, in our opinion, to impress them most favourably towards the objects and principles of the British Government.

203.—A just degree of attention to the prejudices of the Hindoos (the great mass of our population) is obviously of the utmost importance in preserving their confidence and attachment. The distinction of castes, with all the privileges and exemptions belonging to each, could not be neglected or infringed, without exciting a feeling of alarm; and these, cannot be better secured than by allowing the Hindoo law to guide the decisions on persons of that religion.

204.—Expedient, however, as it is, that the Hindoos shall be judged by their own laws, as being so peculiarly applicable to that order of society, an attempt to render our Mahomedan subjects amenable to the Hindoo code, would be pregnant with danger so extensive and alarming, that such a measure has, we believe, never for a moment been contemplated by any of our Indian Governments. The Mahomedans are a people peculiarly liable to be inflamed by the bigotry of their numerous priesthood; and although they bear but a small proportion to the Hindoos, they are, on every principle of good policy, equally entitled to the consideration of a liberal government.

205.—The wisdom of making the most of the materials found existing in a country, by upholding systems long in force, and well known to the people both in theory and practice, is a policy more peculiarly applicable to India, than to any other country, perhaps, upon the face of the earth. The system, which has been preserved in the interior administration of this Presidency, was not suggested or imposed by the policy of any one of the Governments which has preceded our sovereignty; it arose irresistibly out of all, from the necessities and condition of the society for whose use and protection it was intended, and to which it was probably therefore the best suited.

206.—It appears to be conclusively established, from the several Reports from the revenue and judicial authorities which we have brought under your notice, that permitting each class of the natives to be tried by the laws of his own religion, has decidedly had the most beneficial effect, by impressing them with a conviction of our regard for their own institutions, and of the disinterested and just views of the British Government.

That excepting in regard to Brahmins, the degrees of punishment for the same crime have not varied, whether the convict be Hindoo, Mahomedan, Parsee or Christian.

That no evils have been experienced from the exemption of Brahmins from capital punishment, and from hard labour; that depravity amongst this class of our subjects, has not been found to increase, and that they in particular, and the Hindoo community generally, hold transportation in equal dread with death.

That no complaints or remarks, unfavourable to our rule, have ever been made by any description of our native subjects, of the unequal operation of our laws in regard to Brahmins.

207.—Although under this Presidency, contrary to the system which obtains at Madras and Bengal, our European judges decide upon the guilt or innocence of the prisoners, still our native law-officers are not precluded from offering their opinion upon this point; when they give in their written exposition of the law as applicable to the crime, which is always preceded, on the same paper, by a written question propounded by the courts. This course of proceeding still affords the native law-officers the opportunity, of which they are always expected to avail themselves, of stating in their answers, as in all serious cases they invariably do, their opinion of the legal insufficiency or otherwise of the evidence, and then proceed, without

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further demur, to declare the penalty attached by the law to the crime. All cases of this description, and more especially serious cases, would come directly within Section 42, of Regulation III. of 1800, which enacts, that "whenever the judges shall disapprove of the exposition of the law, they are not to pass sentence on such cases, but shall complete the trial, and transmit to the Governor in Council a copy of all the proceedings, and the legal exposition of the law-officers, &c.;"— a mode which appears to us more conducive to the ends of substantial justice, than if the native law-officers were to be constituted, as at Bengal, the absolute judges of the fact as well as of the law, and which, there is every reason to believe, would not be so satisfactory to the natives generally, as the system which prevails under this Presidency.