

ON THE  
RITUALS CONQUERED FROM THE PAISHWA.

SUBMITTED TO THE SUPREME GOVERNMENT  
OF BENGAL IN INDIA,

HONBLE MOUNTSTUART ELPHINSTONE,  
COMMISSIONER.

SECOND EDITION.

Bombay.

REPRINTED AT THE GOVERNMENT CENTRAL PRESS

1872.



# REPORT

ON THE

LANDS CONQUERED FROM THE PAISHWA

AND  
RETURNED TO THE SUPREME GOVERNMENT  
OF BRITISH INDIA,

BY THE

HONBLE MOUNTSTUART ELPHINSTONE,  
COMMISSIONER

## DESCRIPTION OF THE COUNTRY

The whole extent of the country under the Commissioner, may be very roughly estimated at 50,000 square miles, and the population may be guessed at 4,000,000; but this does not include any of the detached territories, beyond the Nizam's frontier.

The grand geographical feature of this tract is the chain of ghauts, which run along the western boundary, for its whole length. Between this range and the sea lies the Concan, now under Bombay. It extends from 40 to 50 miles in breadth, includes many fertile places producing abundance of rice; but, in general, is very rough, and much crossed by steep and rocky hills. Towards the ghauts, the country is in most places extremely strong, divided by hills intersected by ravines, and covered with thick forest. The range itself is from 2,000 to 4,000 feet high, extremely abrupt, and inaccessible on the west. The passes are numerous, but steep, and very seldom passable for carriages. The table land on the east is nearly as high as many parts of the ridge of the ghauts, but, in general, the hills rise above it to the height of from 1,000 to 1,500 feet. The table land is for a considerable distance, rendered very strong, by numerous spurs issuing from the range, among which are deep winding rugged valleys often filled with thick jungle. Further east the branches from the ghauts become less frequent, and the country becomes more level, till the neighbourhood of the Nizam's frontier, where it is an open plain.

The northern part of the range is inhabited by a people whose base, especially to the west, is the mountainous region who somewhat resemble the Beels. They are a more civilized, inhabit the part of the range to the south of Baughulpoor and the country at its base on the west as far as the hills as Bas. They are also numerous in Guzerat. The Beels inhabit the eastern part of the range, and all the branches that run out from it towards the east, as far south as Poona; they even spread over the plains to the east, especially on the north of the Godavry, and are found as far as the neighbourhood of the Wurda. On the north, they extend beyond the Tapty and Nerbada, and are numerous in the jungles that divide Guzerat, from Malwa, as well as in all the eastern parts of Guzerat. They are a wild and predatory tribe; and though they live quietly in the open country, they resume their character, whenever they are settled in a part that is strong, either from hills or jungles. The Beels differ from the other inhabitants in language, manners, and appearance; they are small and black, wear little clothes, and always carry bows and arrows. In appearance, they much resemble the mountaineers of Baughulpoor. The Beels and Coolies, when in the hills or strong places, live under Naiks or Chiefs of their own, who have some influence over those in the neighbouring plains. These Chiefs have in general been little interfered with by the Marratta Government, more than was necessary to prevent the depredations of their followers. South of Poona, the Beels are succeeded by the Ramoosees, a more civilized and subdued tribe. They do not inhabit the main range of ghauts, but the branches that stretch out to the eastward. They have the same thievish habits as the Beels, but have no language of their own; are more mixed with the people, and in dress and manners are more like Marrattas. They are of more consequence than elsewhere, in the hills joining the ghauts southward of Sattara, where they lately acted so prominent a part in taking forts, and plundering the country, under the false Chittoor Sing. They do not extend further south than Colapore, or further east than the line of Beejapoor.

Hill tribes like those mentioned, have generally proved quiet when the Government was vigorous, and while they were managed through their Native Chiefs. We perhaps lose some hold on them, by the destruction of so many of the hill forts, which were situated in the midst of their mountains, and served to watch their disposition to plunder.

The districts belonging to the Paishwa in North India, under the charge of Sir J. Malcolm, I have no opportunity of describing them. Their importance is small, yielding only

It is not, therefore, necessary for securing the peace of Nemaour, to shouldered the territory there, they might be well disposed in exchanges.

Our most northern district would then be Candeish. This province is bounded on the north by the Sautpoora or Injadree range of mountains; and on the south by the range in which are the fort of [unclear] and the ghaut of Adjuntah: on the south-west it is bounded by the range of Syadree, commonly called the Ghauts, at the termination of which south of the Tapti is the hilly tract of Baug-

The plain of Candeish descends towards the Tapti from the north and south (especially from the south): on the east it is bounded by Scindiah's and the Nizam's territories on the plain of [unclear]; on the west, the plain along the Tapti extends, without interruption, from the hills to the sea; but it is divided from the country about Surat, by a thick and extensive jungle. Though intersected with low ranges of unproductive hills, the bulk of the soil is exceedingly fertile, and it is watered by innumerable rivers, on many of which, expensive embankments have formerly been erected for purposes of irrigation. Some parts of the province were still in a high state of cultivation, and others, more recently abandoned, convey a high notion of their former richness and prosperity; but the greater part of Candeish is covered with thick jungle, and is infested with tigers and other wild beasts, but scattered with the ruins of ancient villages. The districts north of the Tapti in particular, which were formerly very populous, and yielded a large revenue, are now almost an uninhabited forest. The decline of this province, from the declining condition which it had long since attained, under its Arabian masters, is to be dated from the year 1802, when it was conquered by Holcar's army. This blow was followed by the famine of 1803, and its ruin was consummated by the misgovernment of the British officers. The Beels, who had before lived mixed with the other inhabitants, and had, as village watchmen, been the great instruments of police throughout Candeish, withdrew to the surrounding mountains, whence they made incursions, and carried off booty and prisoners from the heart of the province. The Pindaries chiefly ravaged the open country: various insurgents plundered at the head of bodies of horse; and parties of Arabs, established themselves in some of the numerous fortresses and ghuries, with which the country abounds, and laid all the neighbourhood under contribution.

The expulsion of the Arabs, was a natural consequence of the fact that no parties of plundering horse were able to keep the field; and the settlement of the Beels was a work of more time and difficulty. Those in the Sautpoora mountains were the most formidable,

that range, though not perhaps so strong, and so unhealthy, that The plan adopted by Captain Lieutenant-Colonel Jardine, which are all drawn from the attempted to issue to plunder, points in the hills, to which the principal These measures soon reduced the Beels to a terms held out to them; which were to forbid Chiefs receiving pensions, and allowances for and binding themselves to restrain the excess

The same plan was carried through, the Beels of the Chandore range, and with Baugland. The terms have occasionally been but on the whole, they have succeeded beyond expectations, and have effectually delivered species of invasion. The only attacks of the parties of 3 or 4, who rob passengers. They resisted by the police, and are stated by Captain on the decline. I have little doubt that a continuance of the ance, together with the liberal provision authorized by Government for the Beel watchmen, will soon completely extinguish the of these disorders.

The effectual protection of the people, is the first and most important step, towards restoring the prosperity of Candeish from the havoc that has been made among the population. A period must elapse, before it can shew any great signs of improvement. A very light assessment, and the favorable terms on which is granted to speculators, will, it is hoped, accelerate the progress not only draw back the Natives of Candeish who Guzerat and other Countries, but even attract new settlers where the population is over-abundant.

Captain Briggs has applied himself with great zeal to the improvement of the district, and has adopted, and suggested plans for that purpose: among these, a principal one is the the embankments, and the fear of their falling into irretrievable is a strong motive for commencing on this undertaking early. At present, the great want of Candeish is in population, and, where land is abundant, people are more likely to be attracted by the terms on which that is granted, than by the richness of land, or by means of dams; where, from the necessity of repaying Government for the expenses of erecting, and maintaining them, the condition

is observed to be worse, than on land  
of these costly improvements.

describes the people of Candeish as peaceable  
timid, helpless, unenterprising, and sunk under  
and the multiplied calamities to which they have so  
ed; but this of course only applies to the trading and  
ses: the soldiery (of whom part were till lately the  
called Barra Bye, in Holkar's service, and the rest  
joined insurgents, and even Pindarries,) are, doubt-  
less enough.

low and hot. Gungterry, which joins it on the south, Marratta country  
including the district  
of Ahmudnuggur  
Poona, and Sattara.  
2,000 feet above the level of the Tapy, and the rest of  
territory (except the Concan) is on the same table land.

Kisna, or rather the Warna and Kisna, is compre-  
sists of Ahmudnuggur and Poona, and the Raja of  
y. The western half of all this tract is hilly; the  
highly cultivated, and the country diversified and  
er east are plains, but not all in the same condition.  
ngterry, though open and fertile, is almost entirely  
the famine in 1803; the country between that and  
better, and the plains south of Ahmudnuggur are  
es in all directions, one sheet of the richest cultiva-  
know the state of the south-east of that district  
y, but I imagine it is equally prosperous. The coun-  
ceera, is in a very different state, thinly peopled, and  
It is in this tract that most of the horses in the  
are bred, and that most of the Silladars or Military  
ele. The principal towns in the Paishwa's late domi-  
en Candeish and the Kisna, but none of them are  
Poona may be reckoned to contain about 1,10,000 in-  
ving lost from a 10th to a 5th since the removal of Bajee  
his Court and Army. Nassik does not contain more than  
this number. Punderpoor is still smaller than Nassik,  
ost all much smaller than Punderpoor. Ahmudnuggur  
must be excepted, which is reckoned to contain 20,000  
is increasing rapidly.

tract is the oldest possession of the Marratta Government,  
far the most decidedly Marratta, in the composition of  
ants. The chara  
ople is fully depicted in  
s to the queries w  
the Collectors, especially  
Grant's.

omins; who have for  
conducted all the business of the

country, are correctly described by Mr. [redacted] saying, corrupt, licentious, and unprincipled [redacted] Captain Grant adds with equal truth, "that when [redacted] are coolly unfeeling, and systematically oppressive," and [redacted] ally discontented, and only restrained by fear, from [redacted] able and treacherous." They are superstitious, and narrow [redacted] attachment to their caste, to a degree that has no equal [redacted] where; but they are mild, patient, intelligent on many subjects, [redacted] liberal and enlightened; and, though regardless of sufferings which they may indirectly produce, they are naturally very averse to cruelty and bloodshed: there are among them many instances of decent and respectable lives, and although they are generally subtle and insincere, I have met with some, on whom I could depend for sound and candid opinions.

The Marratta Chiefs, while in power, and especially while with armies, are generally coarse, ignorant, rapacious and oppressive.

Those settled in their own country, and unconnected with courts and armies, bear a much better character; being sober, industrious and encouragers of agriculture. It must indeed be remembered, both of this class and the Bramins, that we see the very worst of the whole and that it is among those at a distance from the seat of Government, that we are to look for any virtue that may exist in the nation.

The soldiery so much resemble the Chiefs, that individuals of the two classes might change places without any striking impropriety. The chiefs of course are more vicious, and probably more intelligent. The Marratta soldiery love war, as affording opportunities for rapine in an enemy's country, and marauding in a [redacted] In battle, they seem always to have been the same dastards; but they are active, hardy, vigilant, patient of fatigue, and intrepid in actions; and, though timid in action, they shew great boldness and enterprize in their incursions into distant countries; and on occasions they appear to have the greatest confidence in their own strength, though little or none in their swords. Their plan in a campaign is to avoid general engagements, to ravage their enemy's country, and to cut up convoys and detachments; in an action it is to retreat when attacked, and to return to the charge, when the enemy is broken, to plunder: by these means they are enabled to prevail over better troops than themselves.

The Marratta peasants have some pride in the triumphs of their nation, and some ambition to partake in its military exploits, though circumstances might [redacted] them into soldiers or robbers. Their present habits are [redacted] They are sober [redacted]



illustrated and offensive to every body; and among them  
dishonest nor insincere. The faults of their Govern-  
ment have however created the corresponding vices in them; im-  
pression and extortion have taught them dissimulation, mendacity  
and fraud; and the insecurity of property has rendered them so care-  
less of the future, as to lavish on a marriage or other ceremony, the  
savings of years of parsimony. The first class of these vices, though  
prevalent throughout the whole, in their dealings with Government  
is more conspicuous among the Patails, and others who are most  
brought into contact with their rulers; and the effects of the second  
are felt in the debts and embarrassments, in which the whole of the  
agricultural population is plunged.

It may be observed, in conclusion, that the military Bramin  
combine part of the character of Marratta soldiers, with that of the  
Kshatriya caste; and that the characters of the Marratta soldiery, in like  
manner, runs into that of the cultivators. Taking the whole as a  
nation, they will be found to be inferior to their Mahomedan neigh-  
bours, in knowledge and civilization, in spirit, in generosity, and per-  
haps in courage; but less tainted with pride, insolence, tyranny,  
effeminacy, and debauchery; less violent, less bigotted, and (except  
while in armies on foreign service) more peaceable, mild, and human.

**MARRATTA CARNATIC.**—The country south of the Kisna, or, as  
the Marrattas call it, the Carnatic, has few hills and few places in-  
capable of cultivation. Except in the immediate neighbourhood of  
the ghauts, it consists of extensive plains of black or cotton ground;  
a large portion of it is however uncultivated, especially of the parts  
which have been under the Government of Gokla and Appa Dessye.  
The high cultivation of the Putwurdun's lands has often been men-  
tioned. It is no doubt, owing in a great measure to their good  
management; but in a great measure likewise to the oppression of  
their neighbours, which drove every man who could easily move, into  
their lands. There are no large towns in this part of the country.  
I believe, the largest, and I have heard it estimated at  
10,000. The towns of Belgaum and Shahpore, which though  
situated in the Carnatic, belong, one to Government, and one to Chintamanur,  
amount together to 13,000 or 14,000 inhabitants. I have  
not any other town in this district, that contains more than  
10,000 inhabitants.

This division and Beejapoor, are inhabited by Canarese, who  
speak their own language and manners. The Marrattas are reckoned  
to constitute no more than an 8th, or a 10th of the population:  
what there is of them seems to consist of soldiers and  
with a full share of the vice of those classes. The Canarese

... resembling ... districts, but as being more honest, manly and courageous, less mild, hospitable and humane: both are equally industrious and frugal.

The Carnatic was at no distant period overrun with Dessyes or Polligars, but these have all been gradually subdued by the Marrattas, and the Dessye of Kettoor is the only one who retains his possessions. The people have always been inclined to the Marrattas to be turbulent and disaffected, which they proved in several rebellions, and particularly in readily joining General Clive to expel their rulers.

They seem now to be perfectly quiet, and well affected to the British.

The general use of Shait Sunnedees, or landed Militia, which is so common in Mysore, is only found in this part of the conquered territory.

---

### SKETCH OF THE MARRATTA HISTORY

The whole of the territory above described is now under the British Government; and what does belong to it is under our immediate administration. The other possessors of independent territory are the Raja of Sattara, the Raja of Colapore, and on a smaller scale, the Nizam, Scindia, Holkar, the Raja of Gwalior, and the Quickwar. The lands held by dependent chiefs belong to Angria, the Punt Suchem, the Prittee Nedhee, the Putee, and other Jageerdars. To give an idea of the situation of all these chiefs, and indeed of the general state of the country, it is necessary to take a hasty view of the history of the Marrattas.

The Marratta language and nation, extended from the Sautpoora mountains, nearly to the Kisna; and from the west, to a waving frontier on the east, which may be roughly indicated by a line drawn from Goa, to the Wurda near Chandar, and thence along that river to the Sautpoora mountains. The whole of the territory was probably under a Marratta King, who reigned at Deeghuree, now Dowlatabad; but this empire was subverted at the beginning of the 14th century, by the Mahomedans, and remained under various dynasties of that religion, until the end of the 17th century, when the greater part was delivered by Sewajee to his successors. The eastern part still remains under the Mogals.

The grand-father of Sewajee was of very humble origin; his father had attained a considerable rank under the Kingdom of ... poor; had been entrusted with a Government; and profiting ...

the ... of the ... ed himself nearly independent  
them ... of the ... or dominions. The same weak-  
aged Sewajee to ... plunder the country; and he  
by the increasing ... ons in the Deccan, to found a  
rment, which ... tory operations of Aurungzebe,  
by his numerous and simultaneous foreign wars, allowed  
consolidate. His rebellion began about 1646; he declared  
pendent in 1674; and at his death, about 1682, he wa.  
f great part of the Concan; the rest being in the hands of  
of Surat, and in those of the Portuguese, or held for the  
Government, by the Siddies or Abyssinians of Gingera.  
soto have possessed the greater part of the line of ghauts,  
e shared with the Mahomedans the tract immediately to  
those mountains, as far north as Poona, and as far south

of the ... session ... ed from his son, who was  
the ... a part ... , when Aurungzebe was  
the ... son of ... s of Golconda and Beeja-  
con ... occas ... xtinction of those States  
unsettled the country, and threw a large portion of the  
ch had hitherto maintained tranquillity, into the scale of  
as, to whom the Jemidars throughout the Deccan, also  
ve been inclined. The consequence was, that, although  
ution of Sumbajee, the son of Sewajee in 1689, his son  
oojee fell into the hands of the Moguls, and his younger  
a Ram, who succeeded him, was shut up in the Fort of  
h of Arcot; so that, for several years, the Marrattas had  
head; yet they were able, under different leaders, to with-  
at length to deride the efforts of the Moguls, which were  
y the faction of the Generals, and the declining age of the  
ll the year 1707, when the death of Aurungzebe, and the  
ong his successors, set them free from all danger on the  
moguls. The Chiefs left in charge of the Deccan, first  
osed, and then conciliated the Marrattas: a truce was  
bout 1710, by which they yielded the Choute; and this,  
rmation of the agreement, together with a formal grant  
ritorial possessions by the Emperor in 1719, may be con-  
ae final establishment of the Marratta Government, after  
f at least 60 years.

the period between the death of Aurungzebe, and the  
of the Choute, &c., a great revolution had taken place  
e Marrattas. Sahoo Raja, the son of Sumbajee, was released  
on his ... ed himself opp...

by his son Sewajee, son of Raja Ram. This Prince succeeded on the death of his father, in 1700; but being either or entirely deranged in his intellects, his affairs were conducted by his mother, Tarraw Bye. Sahoo Raja was enabled, chiefly by the good conduct of his minister Ballajee Wiswanaut, to gain the support of Angria, the chief support of his rival's cause, and to become independent on the Marratta musnud. He immediately appointed the office of Paishwa, which had before belonged to the Pinglia, but was forfeited by its possessor's adherence to Tarraw Bye. Sahoo Raja, being incapacitated by his mental weakness, the entire administration devolved on Ballajee Wiswanaut.

At the time of the confirmation of the Choute, the Marrattas had numerous claims over several of the provinces of the Moguls. Their actual territory does not appear to have extended beyond the narrow limits to which it had reached under the Mogul's grant confirming their possessions, enumerated in the Edicts, by which it appears, that they extended in the Concan and Goa territory, to a point considerably to the south of Dera, and above the Ghauts they only reached from the Gutpurba to Kookree, 40 miles north of Poona. The greatest length (from the Coast) is 280 miles, the greatest breadth (from Hurne to the Sea) 140; but this breadth is only found south of Poona; north of that city the breadth does not exceed 100 miles.

It was long before the Marrattas obtained possession of the country, in the immediate neighbourhood of their first capital. Forts of Jacuere and Ahmednuggur, the first within 40 miles of Poona, were not reduced until the last 60 years; long after the Marrattas had made themselves masters of Malwa and Guzerat, and had plundered up to the gates of Candeeish was not subdued until within these 60 years, and remained independent until a still later period. The cause of this inconsistency is the close connection between the Marrattas and Nizam, who was glad to encourage them as the means of weakening the Court of Delly; while they, with their usual policy, were desirous to disunite their enemies, and attack them one by one. In connection also it is to be ascribed, that a third of the Marrattas should have been left to this day, under the dominion of the Moguls.

Ballajee Wiswanaut dying in 1720, was succeeded by his son Bajee Ballajee. This Chief, who appears to have possessed great activity and abilities; took full advantage of the weakness of the Moguls, and the mutual jealousy and treachery of the Mogul

atwa, and had entirely reduced it some time about  
while the troops of the Senaputtee, another great  
Raja, had made similar progress in Guzerat. The  
Generals renewed the domestic distractions of the  
Bajee Row finally overcame the Senaputtee; as Nana  
subsequently did his powerful servant, the Guickwar, in 1750,  
compelled the latter to submit implicitly to his authority  
take over half of Guzerat to his officers. Bajee Row died in  
was succeeded by his son Ballajee Bajee Row, commonly  
Nana Saheb.

Prince was the first of the Paishwas, who openly exercised  
ign authority on the Raja's behalf. His two predecessors  
affected to act under the orders of that Prince; but Raja  
ing in 1749, it was alleged by the Paishwa, that he had  
vested him with the sovereignty of his dominions, on con-  
s keeping up the name of the Raja's descendants. I may  
k, that it appears more than doubtful, whether the Raja  
ever pretended to possess absolute sovereignty, or to hold  
ories otherwise than as vassals, either of Beejapoor, or of  
na Saheb was an inactive Prince, and entrusted his in-  
eriment to his cousin Seddashew Row Bhow, and the  
of his armies to his brother Ragonaut Row, the father of  
ishwa. A temporary exchange of these functions occa-  
defeat and fall of the Bhow at Panniput, and the death  
who never recovered the shock.

Government then fell into the hands of Ragonaut Row  
ed Madhoo Row, the son of Nana Saheb, in a state of  
d dependence; but who was not long able to resist the  
energy which that Prince early displayed. Madhoo Row  
he reins into his own hands, imprisoned Ragonaut, and  
11 years. Though at least equal to his predecessors as a  
dhoo Row's chief praise arises from his Civil Government  
rst who introduced order into the internal administration,  
owed a sincere desire to protect his subjects from  
ance, and to establish something like a regular dispen-  
sary.

ath, which happened in 1772, was soon followed by the  
brother Narrain Row; the usurpation of Ragonaut Row;  
struggle, in which the English were unsuccessful sup-  
claims of that usurper. During this disturbed period,  
teen years of comparative tranquillity which followed,  
Row acted as Regent in the name of the infant son of  
Row                      territories                      the Deccan.

quiet, and were governed in a spirit of peace and moderation. They recalled the former measures of Madhoo Row in softening the prohibitions of the Marrattas; but at the same time, the great Hindostan began to appear rather as allies than as servants. Although the connection of the Marrattas, as a confederacy, was probably at its greatest height at this period; yet the seeds of division, which were inherent in the nature of it, began evidently to display themselves. A short view of the members of this confederacy will shew the loose ties by which the whole was held.

The state of Tanjore was scarcely, ever even in alliance with the Marattas; that founded by Molar Row Gorepura, in the north, was nearly the same situation; and that of Colapore was in any war. The confederates must therefore be the Guickwar, Scindia, Holkar, the Powars, and the Chitaval and Sagur. The first of these powers was closely united with Poona, and had no points of disagreement; yet it was at war with the Poona state, and seemed to have been connected with the Nizam, as with it. The Guickwar was subdued and subdued, a vassal rather than a confederate. The second power that appeared against the Marrattas in this age had adhered to his alliance to the last. The other subjects and servants of the Paishwa and were themselves settled in the heart of the Marratta country, as were the national troops; not one of whom to this day, perhaps, had their foreign conquests. Besides the ties of kindred and country, which in most nations keep up a connection, the Marrattas had a strong interest in opposing their common enemies. But there is perhaps no instance, in which they were all on the same side in a war; and it is surprising, that states, so circumstanced, should be unable to keep up a closer alliance, for a period longer than the natural life of man. These facts do not, however, shew that there is not at this moment a confederacy cemented by common interests, common interests, and common enmity, to their common enemies; but there is nothing particularly durable in the connection, and its dissolving at no distant period.

At the death of Madhoo Row Narayen in 1796, the great Maratta Chiefs, the Raja of Berar, Scindia, Holkar, and the Rajeerdars of the Deccan, appeared at Poona, for the election of a successor to the throne of the empire. The power and weight of the Paishwa were insufficient to control this tumultuous assembly, and confusion, violence and intrigue ensued; at the conclusion of the contest, the rightful heir, but the representative of the Paishwa, was proscribed, and the house of Bagonaut Row, was elevated to the throne.

Scindia. He however was for some time, little  
in the hands of that Prince; and it seemed prob-  
ably soon imitate the example of the Paishwa  
his nominal master to the condition of the Raja  
perhaps the dread, or the interference of the British  
his change of dynasty; and at the end of a few  
disorders in Scindia's own possessions obliged  
on the Paishwa, and to withdraw to Hindoo  
left alone, had neither ability nor inclination  
head of his turbulent Chiefs and mutinous  
quiet in Poona, while every Jageerdar assumed  
the country was over-run by banditti, formed  
were no longer employed in the armies to  
of the capital. At length his Highness was  
He returned, supported by a British force; and  
a new order of things, which existed at the

extensive, but loose confederacy, of which the  
such was in a constant state of foreign war, and  
; and which could only be held together by constant  
activity, as well as concession and management; the  
to possess in peace, a small compact territory; and  
erly partaken of the loose government of the general  
the Paishwa's object to consolidate his power, and  
such a footing, as would allow of his governing with a  
our Eastern Princes.

been made, towards this state of things, during  
thoo Row and Nana Furnavees; and Bajee Row  
as much as from policy, had already adopted the  
his situation. The head of an unpopular party  
on, he had little sympathy with the bulk of his  
for any enterprize in which he might require  
only wish was to gratify his love of power, and  
without endangering his safety or disturbing his ease  
before began his administration, by plundering all the  
ected with his enemy. Nana Furnavees had seized on  
his principal opponents. When the treaty of Bassein  
on all apprehension of resistance, he gave a loose to  
pressing the great, and degrading his enemies.

those, who had been connected with the government  
ors, were discarded; the great Sirdars, who held land  
possessed or kept at a distance, and obliged to yield  
to his will. No attempt was made to

...is almost entirely composed of new men, who, as I have  
...ained, were commanded by upstarts, and

A severe famine that followed Bajee Row's death was the  
...natural effect of his reduction of the army, many  
...perished, and more horses, and the vacancies  
...of the owners of land, afforded a provision  
...maintained themselves by the profession  
...to the camp of Scindia, who was then exacting  
...tainers for Marrattas: others found employ  
...Raja of Berar: and many probably joined the  
...which began about this time to be conspicuous.

The discontents of the people were kept unquiet by the  
...of a British force, and the British Government had thus  
...ing the country to the British by Bajee Row's death. An other  
...occurred to induce him to alter his system. The progress  
...been made, has however, been very slow. The number  
...geerdars, though still great, has been diminished; the price  
...nation has been humbled, and its military strength reduced  
...war and previous years. The league and opposition, however,  
...men's minds; the reduction of the armies of Scindia, the  
...the Pindaries have increased the numbers of the soldiery:  
...truction of the smaller Jageerdars in Hindoostan has thrown  
...and their retainers back on their old country, and our having  
...our irregular horse and formed our civil establishments before  
...Row's adherents were sufficiently depressed to come over to  
...left most of them out of employ; so that there are now two  
...armies; the Marratta one and our own; and three civil establish-  
...Nana Furnavee's, Bajee Row's, and ours, within this one term.

## REVENUE.

The principle I adopted for the civil administration, was  
...preserve unimpaired the practice which I found established;  
...of my report ought to consist entirely of an account of the  
...system; and although more changes have been introduced than  
...intended, that will in fact occupy a very considerable portion  
...statement which is to follow.

My information is derived, in a great measure, from the  
...abundant reports of the local officers, on revenue subjects,  
...judicial ones, from the answers of the same gentlemen to a  
...queries, which I circulated about the end of last year. These  
...are forwarded, and I beg to recommend them to attention.



of particular value. Captain Grant's observations, both on the points immediately in question, and on the character of the people; and those of Mr. Thackeray, Ranee Bednore, have likewise considerable merit. In reference to the former practice, I shall point out the changes to be made; and as local opinions are always of use, I shall mention such as occur to me on the course to be pursued. The want of general knowledge, as well as of experience in the departments to which they refer, may often make them inconspicuous.

From this point of view we examine the Native government in the first and most important feature is, the division into villages. These communities contain in miniature, all the elements of a state within themselves, and are almost sufficient to support themselves, if all other governments were withdrawn. They are not compatible with a very good form of government, but an excellent remedy for the imperfections of a bad one, and a barrier against its negligence and weakness; and a barrier against its tyranny and rapacity.

Each village has a portion of ground attached to it, which is the property and management of the inhabitants. The boundaries are well defined and jealously guarded. They are divided into fields, the boundaries of which are exactly known; each field has a name, and is known by that name when the cultivation of it has long been abandoned. The inhabitants are almost entirely cultivators of the ground, with the exception of a few traders and artisans that are required to supply the wants of the village. At the head of each village is the Patail, who has under him a headman called a Chaugulla, and a clerk called a Coolkurnee.

There are 12 village officers, well known by the name of the *Chaugullas*. These are the astrologer, the priest, the carpenter, the blacksmith, the only ones who are concerned in the administration of justice. There are the Sonar, or Potedar, who is silver-smith and goldsmith, and the Mhar, who, in addition to various other duties, acts as watchman to the village. Each of these offices is held by one or more individuals, according as their original duties are defined out. The Mhars are seldom fewer than four in a village, and are besides, where those tribes are numerous, very often accompanied by Beels or Ramoosees, employed also as watchmen, and as performing some of the other duties of the Mhar.

The Patails are the most important functionaries in the villages, and form the most important class in the country. They hold their offices from the government (generally from that of the British) and are entitled in virtue of it to lands and fees, and have various other distinctions, of which they are as tenacious as of

Village Government

For a full account of the constitution of a village, see Captain Robertson's letter of March 9th 1819.

Patail.

ns and  
 Patail  
 in the  
 elation of  
 trans-  
 of the  
 which was for-  
 ed by Captain  
 rtson, in his let-  
 of March 9th  
 , No. 6.

their land. Their office and emoluments are  
 with the consent of the Government, but are  
 cases of extreme necessity, though a partner  
 with a careful reservation of the superiority of  
 Patail is head of the Police, and of the administration  
 village; but he need only be mentioned here as an  
 In that capacity he performs on a small scale what a  
 collector does on a large; he allots the lands to such  
 no landed property of their own, and fixes the rent  
 to pay: he collects the revenue for Government  
 conducts all its arrangements with them, and  
 promote the cultivation and the prosperity of the  
 originally the agent of the Government, he is now  
 the representative of the ryots, and is not less useful  
 orders of the Government, than in asserting the right  
 making known the wrongs, of the people.

Coolcurnee.  
 Vide Captain Grant's  
 Report, August 17th.

The Coolcurnee keeps the numerous records and  
 village. The most important are, 1st, the general  
 description of all the village lands: 2d, the list of fields,  
 name, size, and quality of each, the terms by which it is  
 name of the tenant, the rent for which he has agreed, and the  
 rent ever produced by the field: 3d, the list of all the in-  
 whether cultivators or otherwise, with a statement of the  
 each, to Government; and the receipt and balance in the  
 each: 4th, the general statement of the instalments of revenue  
 have been realized: and, 5th, the detailed account where  
 of revenue is shewn under a separate head, with the  
 balance on each. Besides the public records, he generally  
 accounts of all the cultivators with each other, and with  
 creditors,—acts as a notary public, in drawing up all the  
 ments; and even conducts any private correspondence they  
 to carry on. He has lands; but oftener fees allotted to him by  
 ment, from which he holds his appointment.

Chaugulla. The Chaugulla acts under the orders of the Patail, as  
 him in his duties; he also has the care of the Coolcurnee's

Mharman. The most important revenue duty of the Mhar is to watch  
 boundaries, both of the village lands and of each individual  
 that they are not encroached on; to give evidence  
 they are disputed; he watches over crops, whether  
 as long as they are in the fields. He is also the  
 and guide; and will be mentioned again as a most  
 of the Police.

The Potedar, besides being the village silver-  
 paid, either to Government, or to individuals.

the few exceptions already mentioned, all the villagers are  
land and these, as there are few labourers, are distinguished by  
into two classes, that of Meerassees or landed proprietors,  
Ooprees, or farmers.

As particularly directed to attend to the tenures of land, I  
on the Collectors to furnish the requisite information; answers  
have been received, but the enclosed Extracts, No. 7,  
written on other subjects, sufficiently elucidate this  
They are perhaps the more to be depended on, because all  
cept Captain Grant's and Captain Brigg's 2nd letter,  
before any question had been put, that could influence  
and that they are not produced by any speculations, but  
the Collectors, by the course of their ordinary business.  
of sale enclosed in Captain Robertson's letter of March  
a clear light on the manner in which the Meerassie tenure  
ted by the people and by the Government. The result of  
ets, and of my own enquiries is, that a large portion of the  
the proprietors of their estates, subject to the payment of a  
tax to Government; that their property is hereditary and  
and they are never dispossessed, while they pay their tax,  
then, they have for a long period (at least 30 years) the  
claiming their estate, on paying the dues of Government.  
a tax is fixed; but the late Marratta Government loaded it  
impositions, which reduced that advantage to a mere name;  
never was this from destroying the value of their estates,  
ough the Government took advantage of their attachment  
them pay considerably more than an Oopree; and though  
Meerassdars were, in ordinary cases, obliged to make up for  
the payment of each of their body, yet their lands were  
and generally at 10 years' purchase. This fact might lead  
pose, that even with all the exactions of the late Marratta  
at, the share of the ryot must have amounted to more than  
produce of the land; but experience shews that men will  
estates, even after becoming a losing concern, until they  
to part with them from absolute want, or until oppression  
so long, that the advantages of proprietorship, in better  
been forgotten. The Meerassdars are perhaps more  
than the Ooprees all over the Marratta country. In the  
I am informed by Mr. Chaplin, that they do not exist at  
the Meerassdar, they are called Thulkuree about Poona.

Meerassees, or land-  
ed proprietors, No. 7 A.  
Captain Robertson  
dated March 9, 1818,  
B. Captain Briggs, dat-  
ed Decr. 2nd 1818 C.  
Captain Pottinger,  
dated Jan. 15, 1819,  
D. Captain Briggs,  
dated June 22, 1819  
and Captain Grant,  
dated August 1817,  
1819, E.

I also enclose report  
on the same subject  
drawn up by Captain  
Macleod, from the  
most intelligent infor-  
mants he could procure  
in the Duffurs,  
or in Poona. No. 9.

Opinion prevails throughout the Marratta country, that  
under the Pindloo government, all the land was held by Meerassees  
Ooprees were introduced, as the old proprietors sunk  
of the home lands. This opinion is supported

by the fact that the greater part of the villages, now called Ooprees, are recorded in the village registers, as belonging to private proprietors; and affords, when compared with circumstances in other parts of the Peninsula, and especially the light land of the Mysore by Menu; a strong presumption that the Revenue system of the Hindoos (if they had an uniform system) was founded on the property in the soil.

All the land which does not belong to the Meera Government, or those to whom Government has assigned, as the property of the Zemindars in the soil has not been in any way heard of, in the Marratta country.

Ooprees or Farms.

The cultivated land belonging to Government, except that which it keeps in its own hands, to be managed by the Meerasdars, was always let out to Ooprees, who had a lease; with the expiration of which their claim and duties expired.

These are all the tenures on which land was held, and in regards the property of the soil. The assignments by Government of its own revenue, or share of the produce, will be mentioned hereafter. It need only be observed, that in making these grants, Government transferred the share of a Meerassdar. Even Bajee Row, on every occasion for Meerassee land, paid the price of it.

Such are the component parts of a village: its transactions with Government will be explained hereafter; but there are several internal affairs still to be mentioned. The maintenance of the Village Temple; its fixed and authorized pensions, and allowances; its ceremonies and religious festivals; its alms to the poor; entertainments to guests, especially to Bramins and Fakeers; professional amusements, tumblers, dancers, &c., its nuzzurs to superior offerings to the Patail and other village officers on occasions of condolence or congratulation; the expenses of the Patail on his private affairs, and the fees of peons stationed in the village, entail a great deal of expenses on the community, which, unless allowed for by Government revenue (which is very rare), are defrayed by the village. This tax falls on the cultivators, especially on the Meerassdar, and is a great source of profit to the Patail and Coolcurnees. In general these expenses were in the proportion of 1-10th, or from that to 1-5th, to the public revenue. The permanent charges were called Solabad, or permanent, and were provided for by permanent assessments; and the rest Saudir Warrid, or temporary, which were paid by extra assessments called Saudir Warrid. These last were always liable to a scrutiny by the Mamlut, and probably perceived, that all expensive charges against the revenue in time fall on the Government. In addition to these, were

Village Expenses.

such as repairs of the village walls, the necessity of en-  
 gaging soldiers for defence, or of paying an enemy, or an  
 huge fine for forbearance, which it was beyond the means of a village  
 defray. In this case, the village contracted a public debt  
 which was usually paid by an annual assessment included in the  
 Audir Warrad Puttee, and some times provided for by mortgages, or  
 grants of land on the part of the villagers. These grants were called  
 Nam Nishut Edooms; if they were so small as to be admitted, or be-  
 lievably to be admitted by the Government, no rent was charged on  
 them; but if they were too large to be agreed to, or to escape obser-  
 vation, the revenue was paid by all the other ryots, the creditor still  
 enjoying them rent free: small grants were also made for Temples  
 to Bramins which were always acquiesced in by the Government,  
 but the Bramins have never pretended to any property in the soil  
 beyond the limits of the Meerassdars.

Village Debts

Village grants of  
Land

The Parganna Division, is a Turruf, composed of an indefinite number  
 of villages (perhaps an addition of uninhabited mountain and  
 forest land, there being no other land not included in some village).  
 A Turruf has under no particular officers; several of them make a  
 Parganna which is under a Daishmook or Zemindar, who performs  
 the same functions towards the Pergunna as a Patail towards the  
 village. He is assisted by a Daispandee, who answers to the Cool-  
 urnee, and a Daischaugulla. The Daishmook and Daischaugulla, like  
 the Patail and Chaugulla, are Marrattas. The Daispandee and Cool-  
 urnee are Bramins: above these officers there appear to have formerly  
 been Sirdaishmooks and Sirdaispandees; but this order of things is  
 not remembered; though there is still one family of the ancient  
 Sir Daishmooks extant, beside the Raja of Sattara, who extorted  
 the office of Sir Daishmook from the Mogul, as a pretext for some  
 extraction from the country. The only Sir Daispandees I have heard  
 of, are in the Concan. There is also an Officer called Sir Canoongoe  
 Candeish, whose office probably corresponds with that of Sir  
 Daispandee. There are other Officers still in existence in some  
 places, such as the Sir Patail, the Nargoond, &c., whose present  
 functions are too unimportant to promise any advantage from an  
 investigation of their ancient condition. It is universally believed in  
 the Marratta Country, that the Daishmooks, Daispandees, &c., were all  
 Officers appointed by some former Government; and it seems probable,  
 that they were the Revenue Officers of the Hindoo Government; that  
 these Offices being hereditary, like most others under the Hindoos;  
 they were in possession of too much knowledge and influence to be  
 dispossessed by the Mahomedans; who, though they appointed Dis-  
 tinct Officers, valued themselves of the experience of the Zemindars,  
 and allowed them to settle with the Patails, explaining their proceed-

Daishmook Daispan-  
dees, and other Ze-  
mindars, or Distric  
Officers.

ings to the more immediate Officer of Government. They even often farmed out the whole Pergunna to the Daishmooks, who by this means acquired so much authority in some parts of the country, as to be able, on the decline of the Mahomedan kingdoms in the Deccan, to maintain themselves, for a time, in independence. The Marratta, or rather the Bramin Government, was led by this conduct, and by their embezzlements of the Public Revenue, almost to set aside the employment of the Zemindars; transacting all business directly with the Patails, by means of its own Officers. This change, though probably produced by the policy and avarice of the Bramins, is considered to have been attended with beneficial effects, as delivering the people from the oppressions and exactions of the Zemindars.

Long after the Zemindars ceased to be the principal Agents, they were still made use of as a check on the Mamlutdar; and no accounts were passed, unless corroborated by corresponding accounts from them; but even this practice has been disused since the farming system, except in the distant provinces of Guzerat and the Carnatic.

These Officers still hold the lands and fees that were originally assigned them as wages, and are still considered as servants of the Government; but the only duty they perform is to produce their old Records, when required; to settle disputes about land, by a reference to those Records, and to keep a Register of all new grants and transfers of property, either by the Government, or by individuals. This Register must however be very incomplete, as no man is obliged to record his deed unless he chooses. The Daishmook's profits are very great; generally, I am told, above five per cent, not only on the Revenue, but on the land; five acres in each hundred, for example, will belong to the Daishmook, and a twentieth of the collections besides; he has also various claims in kind, as a pair of shoes every year from each shoe-maker; a portion of ghee from those who make that preparation, &c., &c.

The Daishmook of Futton has even 25 per cent, but having been for centuries Jageerdar of his own Pergunna, he has probably transferred a great deal from the Government account to his own. The allowances of the Daispandee are about half those of the Daishmook. The allowances of the Patail and Coolcurnee are exactly of the same nature, but much smaller. All these fees are levied by the owners, distinct from the Government Revenue. Daishmooks and Daispandees, as well as Patails and Coolcurnees, sell their own land and fees (or Wuttun, as both are called); but neither pretends to any property in the rest of the lands. It seems to be thought, that they cannot even sell their Offices. (though Patails and Coolcurnees can)

and it is even doubtful, if they can sell their fees, though they may pawn them. Their land they can certainly sell.

A number of Pergunnahs formerly composed a Sircar; but this division is now completely disused; and that into Pergunnahs and Purrufs, though still kept up in records, is not always the real Revenue division. To explain this completely, would lead me into the complicated system of the Marrattas, which is the less necessary, as that system is now, as far as possible, laid aside. An idea of the divisions to which it leads, and which vary in different places, may be derived from the following account of one of the simplest cases.

The first pretension of Sewajee was to levy from the Ryots, as Sir Daishmook, 10 Rupees for every hundred levied by the Government. This was afterwards followed by a demand of a fourth of the Government collections, which at length was yielded by the Moguls. The fourth thus acquired, is called by the Marrattas the Choute; it was immediately divided by the Prince with his Ministers and Sirdars. A fourth of it was at first reserved for the Raja, and collected by the Brittee Nidhee, the Paishwa, and the Punt Suchem, under the name of Baubtee. 6 per cent on the whole Choute, before the deduction of the Baubtee, was given under the name of Sahotra to the Punt Suchem. The remainder of the Choute, under the name of Mokassa, was partitioned among the Sirdars, on condition of maintaining troops, and bearing certain expenses, and of paying a certain portion of money to the treasury. The Sir Daishmokee shared the same fate, and from these funds some Enams were also granted, and some charities defrayed.

Subsequently to the acquisition of the Choute, the remaining three fourths of the country, (which is called Jageer, in contradistinction to the Choute) fell also into the hands of the Marrattas. The division then stood as follows:

Supposing the Government share	
Sir Daishmokee	40
Government Revenue	400
<hr/>	
Viz. Choute, or fourth	100
Jageer	300
 Total with Sirdaishmokee	 440

*Subdivisions of Choute.*

Baubtee	25
Mokassa	75
<hr/>	
Total Choute	100

Sabotra, 6 per cent on the whole C  
 Ein Mokassa ... ..

Total Mokassa ... 75

This gives but an imperfect idea of the numerous subdivisions which have been made in most parts of the country. Some were assigned to Jageerdars, and their separation from the bulk of the Revenue was thus necessarily perpetuated; but even where they all fell into the hands of the Government; it still kept them up in name, and sometimes even in practice. Thus one man would sometimes collect the Sirdaishmookee; another the Jageer dues; a third the Mokassa; a fourth the Baubtee, and a fifth the Sabotra, on the same village. In this case the holder of the Jageer would settle the sum to be paid by the village; the Mokassadar would send and collect his share from the ryots; but the other claimants would allow the holder of the Jageer to collect the rest, and pay to each his share, the amount of which each would ascertain from the village accounts. But when there was a defalcation, each endeavoured to collect his own, and throw the loss on his neighbour, and a general struggle ensued, in which the ryots were sure to suffer from the violence of the combatants. In addition to this distribution of the Revenue, various causes broke up the Pergunnas, and made the Marratta Revenue divisions exceedingly scattered and intermixed.

Marratta Officers  
 Revenue.

Their gradations of authority departed as far from the uniformity of the Mahomedans, as their divisions of the Territory. In general, each Revenue division was under an Officer, who in a large district was called Mamlutdar, and in a small one Camavisdar; under these Turrufdars or Carkoons, who had charge of a considerable number of villages; and under them Shaikdars, who had four or five. The nomination of the Mamlutdars rested with Government; that of the inferior agents with the Mamlutdar. There were however in every division permanent Officers called Durrukdars, appointed by Government, and generally hereditary, whose signature was necessary to all papers; and who were bound to give information of all malpractices of the Mamlutdars. These Officers were the Dewan, who was the deputy to the Mamlutdar, the Furnavees, or keeper of registers, the Potenavees, or cash accountant, &c.

In some provinces, especially in remote ones, such as Candeish, Guzerat and the Carnatic, there was an Officer between the Mamlutdars and the Government, who was called Sir Soobehdar; his powers and duties varied. In the Carnatic he was answerable for the Revenue, and appointed his own Mamlutdars; but in Candeish he



had only a general superintendence ; every Mamlutdar giving in his own accounts, and making his payments direct to Government. The allowances of these Officers were not very clearly fixed ; before the introduction of the farming system, a considerable Mamlutdar had 5,000 or 6,000 Rupees a year, generally about one per cent. on the Revenue, besides an undefined allowance for his expenses. He also made large unauthorized profits, often with the connivance of Government. He was reckoned reasonable, if his whole profits did not exceed 5 per cent on the net revenue.

Marratta manner  
collecting the Revenue

Every Mamlutdar, on his appointment, or at the commencement of the year, received from Government an estimate of the revenue of his district ; with a list of all the authorized charges, including Sebundees, pensions, religious expenses, salaries, &c., &c. It was his duty to send in the balance to Government ; and a proportion of it, generally half, was paid immediately ; the rest was paid by instalments, but always in advance. The Mamlutdar then proceeded to his district, and moved about to superintend his offices, and to redress grievances ; he kept a Vakeel at Poona to receive all orders, and answer all complaints. Complaints are said to have been readily heard ; but as all was done by the Prince, or his Prime Minister, that must have depended on their leisure and patience. At the end of the year, the Mamlutdar presented his accounts of the collections, confirmed by the accounts signed by the Zemindars, and the receipts and expenditure in his own office, drawn up by the Furnavees, and signed by the other Durruckdars. These were carefully revised ; and, as from the mode of payment in advance there was generally a balance in favor of the Mamlutdar ; all unauthorized charges were struck out of it ; and often reductions were made on account of supposed embezzlements, without much proof or investigation. The admitted balance was carried on in account from year to year ; was sometimes compromised by partial payments, by grants of annuities, &c., but was seldom fully paid. On the other hand, all balances due to the Government were exacted ; though the Mamlutdar was not bound to pay the sum inserted in his estimate, if the receipts fell short of it. If the defalcation was owing to corruption on his part, he was obliged to refund ; and if to his negligence, he was removed from his office. Though, in this adjustment of accounts, all advantages appear to be on the side of the Government ; yet the Mamlutdars do not appear to have complained, or to have suffered much in reality. They had probably many ways of making money, which eluded the utmost researches of the Government, especially as they could generally find means to engage the Zemindars and Durruckdars on their side. The sources of their profit were concealment of receipts (especially fees, fines, and other undefined collec-

Note—Captain M  
Leod's paper, and  
Captain Grant's lett  
of August 17th.

(s.) false charges for commissions, false assessments, non-payments of commissions, and other frauds in expenditure.

The grand source of their profit was an extra assessment on the revenue, which was called Sauder Warrid Puttee. It was levied to pay expenses of the district not provided for by Government, and naturally afforded a great field for speculation; one of the chief of these expenses was called Durbar Khurch, or Untust. This was originally applied secretly to bribe the Ministers and auditors. By degrees, their bribes became established fees, and the account was audited like the rest; but as bribes were still required, another increase of collection took place for this purpose; and as the auditors and accountants did not search minutely into these delicate transactions, the Mamlutdar generally collected much more for himself, than he did for his patrons. It was said, that it was chiefly the Government that suffered by these frauds, and that the imposts did not fall heavy on the Ryots. If this were so, it was probably owing to the interest the Mamlutdars had in the prosperity of their districts, from the long periods for which they were allowed to hold them. Many men held the same district for as long as 50 years.

Land Revenue.

The following was the manner in which the Mamlutdar raised the Revenue from his district. At the beginning of the year he sent for the Patail; gave him a general assurance, that he should take no more than was usual; the Patails giving a written engagement, specifying the quantity of cultivated land, the quantity of waste, and that granted at a just rent to new settlers, and promising to realize the Revenue. He then went to his village, encouraged the Ryots to cultivate, procured them loans, or forbearance from former creditors, promised to get them Takauvee (or advances from the Mamlutdar), and prevailed on them to undertake the ploughing of new lands. Takauvee was given by the Mamlutdar, not by the Government; it was payable in 2 or 3 years, with interest, and security was given by the Patail, or several of the Ryots.

About the end of one year, when the principal harvest was nearly ready to be cut, the Mamlutdar moved out into his district and was attended by the Patails of villages, with their Coolcurnees, who laid before him the papers already enumerated. The whole country has been surveyed, and each field classed and assessed according to its circumstances and quality. The Northern districts were surveyed by Mullick UMBER, and the Southern by the Adil Shauhee, Kings, besides partial and imperfect attempts at surveys by the Marrattas. The assessment fixed by those Monarchs is called the Tankha. The whole amount thus assessed was never actually realized in some villages, while in others a greater revenue may have been collected.

This gave rise to another rate, being the highest ever paid, which is called the Kamil or Hemaui, and which is considered more applicable to practical purposes than the Tunkha: that of the last year, or of any recent year, is called the Wussool, or Akar. All these rates are contained in the Coolcurnee's papers, with the other particulars mentioned before, which ought to give a full view of the state of the inhabitants and cultivation. The Mamlutdar was enabled, by the intimate knowledge of the village possessed by his Shaikdars, to judge of the accuracy of these statements, and he proceeded to settle the Revenue of the ensuing season, on a consideration of the amount paid in former years, combined with a regard to the actual state of things. The Patail represented any ground there was for relaxation, in the terms in which he expected the support of the Daishmook and Daispandee; all hereditary officers being considered as connected with the Ryots. The Patail was likewise accompanied by some of the principal Ryots, especially of the Meerassdars, who were witnesses to his proceedings, and who also assisted him with their opinions. These discussions generally ended in a second more particular agreement, on which the Patail interchanged with the Mamlutdar an engagement, fixing the Revenue: that of the Mamlutdar was called the Jum-mabundee Puttec, and that of the Patail, Kabool Keetba. The Patails had generally settled with the Ryots the share which each was to bear, before he came to make the settlements; and if any thing unexpected was proposed, so as to derange the distribution agreed on, he returned to his village, to consult the Ryots anew. When the Patail continued obstinately to reject the terms offered by the Mamlutdar, a special officer was sent to the spot to examine the fields, and if no other means succeeded in effecting an adjustment, the Mamlutdar would offer what seems to have been the original principle in all settlements, namely, for Government to take half, and leave half to the cultivator. This plan was termed Bhuttye. It is generally adopted in the Concan, but seldom resorted to above the Ghants, until the final settlement was made; the crops in many parts of the country were kept in charge of Havildars on behalf of Government, who allowed them to be carried off as soon as the settlement was completed. In the country immediately round Poona, however, and in that now under Sattara, this custom was not observed.

When the time for paying arrived, a Sebundy was sent by the Shaikdar to assist the Patail. The Mbar summoned the Ryots, who paid their rent to the Patail, in the presence of the Potedar, who assayed and stamped the money; and of the Coolcurnee, who granted a receipt. When all was collected, the Patail sent it by the Mbar with a letter to the Daishmook, and another to the Kamavisdar, under charge of the Chaugulla, and received a receipt from the Mamlutdar.



purchase articles at a certain rate; this was generally commuted to money payment: Luggun Tukka, a tax on marriages: Paut Dama, a particular tax on the marriage of widows: Mhys Puttee, a tax on marriages: Bukra Puttee, a tax on sheep. There were also occasional contributions in kind, called Fug Furmanesh, such as bullocks' hide, hemp, rope, ghee, &c., which were often commuted for fixed money payments; many other sums were paid in commutation of service. All these collections were made by the Patail in small villages, though in towns there was a separate officer to levy the most connected with the land. Government had other sources of revenue included in the Sawae Jumma in each village, besides those enumerated. The principal were as follows: Khamawis, Goonalgaree, or Kund Furshee, as fines and forfeitures, Beitool Maul (Echeam amount (profit from deposits and temporary sequestrations): Wanchi, paid by cattle grazing on government land: Ghas Kuttan, a tax cut on government lands: Devustant Dubhec, derived from taxes to idols: Khurboozwarree, on melon gardens on the beds of rivers besides all this, and besides the Gaum Khurch, or village cesses, there were taxes to defray the Mehel Saudir Warrid, distributed in villages not already provided for by Government, in which were included many personal expenses of the Mamludars, and a large fund for the embezzlement and corruption for himself and the courtiers who befriended him.

In addition to all these exactions, there were occasional impositions on extraordinary emergencies, which were called Jastee Puttee, and Yesksallee Puttee. If these happened to be continued for several years they ceased to be considered as occasional impositions, and fell into the regular Sawae Jumma; but until the introduction of the farming system, they are said to have been as rare, and on occasions which afforded the pretext for them.

Extraordinary  
occasional  
impositions.

The changes introduced by that system, may be described without any difficulty. They were in fact rather a continuation of the evils of the ancient system, than any complete innovations. The office of Mamlutdar, instead of being conferred as a favor on a person of experience and probity, who could be punished by removal, if his conduct did not give satisfaction, was put up to auction among the Paishwa's attendants, who were encouraged to bid high, and sometimes disgraced, if they showed a reluctance to enter on this sort of speculation. Next year the same operation was renewed, and the district was generally transferred to a higher bidder. [The Mamlutdar thus constituted, had no time for enquiry, and no motive for forbearance; he let his district out at an enhanced rate to under-farmers, who renewed the operation until it reached the Patails. If any

The Farming System.

se officers farmed his own land, he became the absolute master of every one in it. No complaints were listened to, and the Mamlutdar, who was formerly a check on the Patail, as the Government was on the Mamlutdar, now afforded him an excuse for tyranny of bearing the blame of his exactions. If the Patail refused to farm the village at the rate proposed, the case was perhaps worse, as the Mamlutdar's own officers undertook to levy the sum determined on, with less knowledge and less mercy than the Patail; in either case, the actual state of the cultivation was in essentials entirely disregarded. A man's means of payment, not the land he occupied, were the scale on which he was assessed. No moderation was shewn in levying the sum fixed, and every pretext for fine and forfeiture; every means of rigor and confiscation, were employed to squeeze the utmost out of the people, before the arrival of the day, when the Mamlutdar was to give up his charge: amidst all this violence, a regular account was prepared, as if the settlement had been made in the most deliberate manner. This account was of course fictitious, and the collections were always underrated, as it enabled the Patail to impose on the next Mamlutdar, and the Mamlutdar to deceive the Government and his fellows. The next Mamlutdar pretended to be deceived; he agreed to the most moderate terms, and gave every encouragement except Takkavee (advances) to increase the cultivation; but when the crops were on the ground, or when the end of his period drew near, he threw off the mask, and plundered like his predecessor. In consequence of this plan, the assessment of the land, being proposed early in the season, would be made with some reference to former practice, and Saudir Waurid and other Puttees would accumulate, until the time when the Mamlutdar came to make up his accounts; it was then that his exactions were most severely felt; for he had a fixed sum to complete, and if the collections fell short of it, he portioned out the balance among the exhausted villages, imposed a Jaste (Zed) Puttee, or extra assessment, to pay it, and left the Patails to exact on whatever pretence, and by whatever means they thought proper. We are now suffering from this system, for as we have no true accounts, and are afraid to over-assess; we are obliged to be content with whatever the people agree to. Captain Brigg's collections in Candeish, though willingly acceded to by the ryots, are yet much heavier than any that appear in the accounts during the ten years of oppression that have depopulated Candeish. Some places, no doubt, escaped the oppressions of the farming system. Where a village belonged to a man of influence, or a favourite of such a man, the oppression did not fall light on him, and he gained by the emigration of the ryots occasioned by the misfortunes of his neighbours.

The above sources of revenue were collected by the village

establishment; the following were in the hands of distinct officers directly under the Government.

**Zakaut, or customs.**—This was a transit duty levied by the bullock load; but the rate varied in proportion to the value of the article; the highest was 8 rupees. It was levied separately in every district, so that property was frequently liable to be stopped and searched. To remedy this inconvenience, there was a class called **Hoondekurrees** in towns, who undertook for a single payment to pass articles through the whole country. These men arranged with the farmers of the customs, and were answerable to them for the sums due. In addition to the transit duty, there was a tax of 12 per cent on the sale of animals included in the **Zakaut**. Customs.

2. The Government lands were another source of revenue not included in the villages; they were divided into **Shairee** (cultivated fields); **Coorums** (grass lands); **Baugh** (gardens); and **Ambrace** (orchards). Government Lands.

3. The sheep pastures.—This was a tax paid by the **Killarries**, or wandering shepherds, for the right to feed their flocks on all waste lands, from the **Taptee** to the **Toombuddra**. Sheep Pastures.

4. **Ramwa**.—A fee paid for leave to cut wood, in the forests belonging to Government. Forests.

5. **Kotwallee**.—This may be called town duties; it comprised, besides the taxes included in **Sewaec Jummed**, a variety of other imposts, among which the most considerable was a tax of 17 per cent. on the sale of houses. Town Duties.

6. **Tunksaul**.—The mint. Mint.

7. **Wuttun Zubtee**.—Produce of lands belonging to Government, sequestered by Government. WUTS, Sequestration.

8. **Nuzzur**.—Fines, or fees paid on succession. If a son succeeded his father, he was not liable to this payment, unless he were a **Jageerdar**, or other servant of Government. But in cases of adoption, (that is, in almost all cases, except where a son succeeded,) it was exacted from all persons. Fines and Fees.

The first six articles were always, or almost always, farmed; the rest were not. The **Zakaut**, before the cession of **Poona**, produced about 5 lacs of rupees: the sheep pastures about 25,000 rupees: the mint at **Poona** yielded 10,000 rupees; the others were confounded with the general receipts of the districts where they were situated. The **Wuttun Zubtee** yielded 50,000 rupees. The amount of the **Nuzzurs** was too fluctuating to be guessed at.

The **Kotwallset**, in **Nana Furnavees's** time yielded 50,000 rupees of which a great part was produced by money extorted from

persons guilty of avarice, and of an  
honor, abolished this pretext for extortion  
from being approved by the better part of  
articles were trifling. Abkarry, which is said  
not yield above 10,000 rupees. The use of spirit  
forbidden at Poona, and discouraged every where  
this system on the sobriety of the people very  
The outline of the Revenue system adopted  
the country, is contained in my letters to the  
instructions to the Collectors; and in the  
instructions for Mamlutdars. The  
farming, but otherwise to maintain  
Revenue according to the actual culti-  
light; to impose no new taxes; and  
and unjust; and above all, to make no  
were, however, the result of the im-  
foreign maxims of government; but  
of them were better than the  
Mamlutdars, with  
placed under his  
superior weight and r  
in the district, and de  
subordinate agents were  
gling Revenue division  
districts; each yielding  
under a Mamlutdar. The nu-  
Baubtee, &c.) being thrown into  
abolished. The assessments  
much more uniform and clear  
dars were limited, and the sys-  
decidedly introduced in prin-  
secretly departed from, in p  
administration of the Revenue  
rulers. Faith is kept with the  
him in advance; he is not harass-  
extort money; and his complaints find a readier hearing and redress.  
Some of our alterations are less agreeable to all, or to particular  
classes. We have more forms and more strictness than our pre-  
decessors; the power of the Patail is weakened by the greater inter-  
ference of our Mamlutdars. His emoluments are injured by our re-  
ductions of the Saudir Waurid; and even the Royts, who were taxed  
for his profit, are made to feel the want of some of their charities and  
amusements; while they confound the consequent reductions of their  
payments with the general diminution in the assessment. The



Character of our Mamlutdars is not entirely what we could wish, as the country was occupied before the Paishwa's cause was desperate; few of his adherents would venture to join us, and we were obliged to employ such persons as we could procure, without much regard to their merit. In Poona and Sattara, the Mamlutdars are, nevertheless respectable servants of the old Government; I have more doubts regarding those in Candeish, being chiefly either from the Nizam's country (which is notorious for bad Government,) or from Hindoostan. I have strongly recommended to all the Collectors to take every opportunity to introduce servants of the former Government, but much time must elapse before this can be entirely accomplished. An important change is made by the introduction of some men from the Madras provinces: though very anxious to employ the Revenue Officers of the Marratta Government in general; I thought it desirable to have a very few of our oldest subjects, as well from general policy, in a new conquest, as to introduce some models of system and regularity. As each Collector was to have two principal Officers, to check each other, I thought it would contribute to that object, and answer other ends, to have one of them from the Madras Provinces. General Munro was also obliged to bring a very great proportion of persons of this description into the country under his charge. They are more active, more obedient to orders, more exact and methodical than the Marrattas; but they introduce forms of respect for their immediate superiors quite unknown here, while they show much less consideration for the great men of the country; and are more rough, harsh, and insolent in their general demeanour. It might be worth while to consider, how much of these characteristics they owe to us, and how much to the Mussulmans.

The duties of the Mamlutdars are, to superintend the collection of the Revenue, to manage the Police, to receive Civil and Criminal complaints, referring the former to Panchayets and sending up the latter to the Collector. They have a Serishtadar, who keeps their records, an accountant, and some other assistants. The pay of a Mamlutdar is from 70 to 150 rupees a month, and that of a Serishtadar from 35 to 50. The systems adopted by all the Collectors, were founded on the Marratta practice, though varying from it, and from each other, in some particulars. The foundation for the assessment in all was the amount paid by each village in times when the people considered themselves to have been well governed. Deductions were made from this in proportion to the diminution of the cultivation, and afterwards further allowances were made on any specific grounds alleged by the Ryots. The amount to be paid was partitioned among the Ryots, by the village officers; and if all were satisfied, Puttahs were given, and the settlement was ended.

A detailed explanation of the operations of the Collectors will be found in Mr. Chaplin's Instructions to his Sub-Collectors, enclosed in his letter of —

Captain Brigg's letter dated June 23rd, 1819. Captain Grant's letter dated August 17th, 1819. Captain Robertson's letter of August 28th, and Captain Pottinger's Instructions to Mr. Wilkins in his letter of August 30th.

## All the Collectors abolished J.

having no reference to the land or trade. The Saudir Waurid, doing away all exactions on that head, except those necessary for the village expenses. Captain Grant abolished the Saudir Waurid Puttee altogether, and defrayed the village expenses from the Government revenue, limiting the amount to 4 per cent on the gross Jumma. The expediency of this arrangement is however doubtful, both as to the close restriction of the expense, and the laying it on Government: all paid great attention to the circumstances of the Ryots, and made their assessment studiously light. There were however some points of difference in their proceedings. Mr. Chaplin and Captain Grant contented themselves with ascertaining the extent of the land under cultivation, by the information of the neighbours, and of rival village officers, aided by the observation of their own servants. Captain Pottinger and Captain Robertson had the lands of some villages measured, but only in cases where they suspected frauds; and Captain Briggs began by a measurement of the whole cultivation, either of Gungterry alone, or of both that, and Sandeish. All the Collectors kept up the principle of the Ryotwar settlement, and some carried it to a greater extent than had been usual with the Marrattas. Mr. Chaplin and Captain Pottinger, after settling with the Patail for the whole village, settled with each Ryot and gave him a Puttah for his field. Captain Grant and Captain Robertson settled with the Patail and gave him a Puttah, but first ascertained the amount assessed on each Ryot, and enquired if he was satisfied with it; and Captain Briggs, though he settled for each field, did it all with the Patail, taking an engagement from him to explain at the end of the year, how much he had levied on each Ryot.

This refers to the settlement with the villages: the customs have been farmed on account of the difficulty of preparing a Tariff, and of superintending the introduction of a new system, while the Collectors were so fully occupied in other matters. No complaints are made from which it may be inferred, that the present system, if not profitable to Government, is not oppressive to the people. The exemption of our camp dealers have been done away; the original motive for them (to prevent disputes between our people and the Paishwah) being now no longer in force. The exemption made no difference in the sale of articles to the troops, though it afforded a pretence for some frauds in the customs. The only good effect it had, was to draw the dealers to the camp bazars; but the exemption from taxes on the cantonments, and from the customs also when on service, was expected to be sufficient to retain them.

The sheep pastures are still a distinct farm, but the arrangement is so inconvenient, from the want of authority in the hands

collectors over the herds entering their districts, that I propose to alter it.

None of the taxes called Kotwallee are now levied, they having either been done away or suspended by Bajee Row. If they should prove only to be suspended, the unexceptionable ones ought, if possible, to be restored.

The Abkaree, I would recommend keeping in its present state, by prohibitions, or by very heavy taxes.

The mint is still farmed, but this should be changed, as soon as a system regarding the coinage has been resolved on.

The other taxes require no particular remark. The tax on adoptions ought to be kept up, as one that is little felt, and attended with advantages in recording successions.

---

## POLICE AND CRIMINAL JUSTICE.

THE Marratta system of Police is that common in the Deccan, which has already been too fully described to require a minute account.

Marratta system  
Police.

The Patail is responsible for the Police of his village. He is aided by his Cookurnee and Chaugulla, and when the occasion requires it, by all the inhabitants. His great and responsible assistant in matters of Police is the village watchman, who is called the Talarree in the Carnatic, the Mhar in the Marratta country, and the Jagla in the Mandeish; in the first-named district he is by caste a Beder, in the second a Dher, and in the third a Beel. Though there is only an allowance for one watchman in a village, the family has generally branched out into several numbers, who relieve and aid each other in the duties. The duties are to keep watch at night, to find out arrivals and departures, observe all strangers, and report all suspicious persons to the Patail. The watchman is likewise bound to know the character of each man in the village, and in the event of a theft committed within the village bounds, it is his business to detect the thief. He is enabled to do this by his early habits of inquisitiveness and observation, as well as by the nature of his allowance, which being partly a small share of the grain and similar property belonging to each house; he is kept always on the watch to ascertain his fees, and always in motion to collect them. When a theft or robbery happens, the watchman commences his inquiries and researches; it is very common for him to track a thief by his footsteps; and if he does this to another village, so as to satisfy the watchman there; or if he otherwise traces the property to an adjoining village, his responsibility ends, and it is the duty of the watchman of the new village to take up the pursuit. The last village to which the thief has been clearly

Village Police.

was levied on the village where the robbery was committed. The watchman is obliged to make up this amount as far as his means go, and the remainder is levied on the whole village. The exaction of this indemnity is evidently unjust, since the village might neither be able to prevent the theft, nor to make up the loss; and it was only in particular cases, that it was insisted on to its full extent; but sometimes was generally levied; and neglect, or connivance was punished by transferring the Enam of the Patail, or watchman, to his nearest relation, by fine, by imprisonment in irons, or by severe corporeal punishment. This responsibility was necessary; as, besides the usual temptation to neglect, the watchman is often himself a thief, and the Patail disposed to harbour thieves, with a view to share their profits. This peculiar temptation in case of theft has made that offence to be most noticed; in other crimes, the village has less interest in connivance, and probably is sufficiently active; but gross negligence in these cases also would have been punished by the government. As we have mentioned, that besides the regular Patails, other persons were often entertained from the plundered villages, to assist in the good. Their business was to assist in the apprehension of offenders, but not to prevent robberies by their own tribes, and not to prevent robberies when and occur.

The Patail was under the authority of the Mamlutdar, and was as a revenue one,—the Mamlutdar was the same as the Mamlutdar in this department. The Mamlutdar said that all villagers acted in concert, and with their own activity; and when there was a Sirsoobehdar, he had the same superintendence over the Mamlutdars. These officers had also considerable establishments to maintain the tranquillity of the districts. These were the Sebuhs, or irregular infantry, and the small parties of horse which were kept in every district: they were, however, employed to oppose violence, and to support the village police, not to discipline offenders. With the Mamlutdar also rested all general arrangements with the chiefs of Beels, or other predatory tribes, either for buying freedom under themselves, or for assisting to check the progress of the Mamlutdar had great discretionary power, and he would not hesitate to secure a suspected person, if he thought it necessary to maintain the tranquillity of the district, which he was answerable for.

The Mamlutdar was the chief of the police in the district of Madheo B. The Mamlutdar was a Furnaveer, and was distinguished by his gravity and order.

The confusions in the commencement of Bajee Row's reign, the weakness of his own government, the want of employment for adventurers of all kinds, and the effects of the famine, greatly deranged the system of police; and to remedy the disorders into which it fell, an office was instituted, under the name of Tapposnavees; the special duty of which was to discover and seize offenders. The Tapposnaveesses had districts of different extent, not corresponding with the usual revenue divisions, and only comprehending those portions of the country, where the services of such officers were thought to be most required. They had a jurisdiction entirely independent of the Mamludars, and had a body of horse and foot, which was the principal instrument of their administration. They had also Ramoosses and spies, whom they employed to give information; and on receiving it, they went with a body of horse to the village where the theft happened, and proceeded to seize the Patail and the watchmen, and to demand the thief, or the amount of the property stolen, or the fine which they thought proper to impose, if the offence were any other than theft. The detection of the offender, they seem to have left in general to the ordinary village police. It may be supposed, that such a violent proceeding, and one so foreign to the ordinary system, could not fail to clash with the former institutions, and accordingly there were constant and loud complaints by the Mamludars and villagers, that the Tapposnaveesses were only active in extorting money under false accusations, and that robbers rather flourished under their protection. The Tapposnaveesses, on the other hand, complained of indifference, connivance, and counteraction, on the part of the villagers and revenue officers.

Alterations under Bajee Row

Tapposnavees.

Great abuses, it must be mentioned, are stated to have at all times existed, even under the regular system. Criminals found refuge in one district, when chased out of another; some Jagcerdars and Zemindars made a trade of harbouring robbers; and any offender, it is said, could purchase his release, if he had money enough to pay for it. False accusations were likewise made a cloak to exaction from the innocent; and villagers were obliged to pay the amount of plundered property, in the loss of which they had no share, and for which the losers received no compensation. There cannot be a stronger proof of the enormous abuses to which the former police was liable, than is furnished by an occurrence in the city of Poona, under the eye of Government, in the days of Nana Furnavees. There was at that time a Cutwall, called Ghasee Ram, a Native of Hindoostan, who was much trusted, and rose to great eminence. This man was convicted of having for many years employed the powers of the police in murders and oppressions, which the Natives illustrate by stories far beyond belief; his guilt was at length detected, and excited such

Abuses.

indignation, that though a Bramin was decided to punish him capitally; he was therefore led through the city, on a camel, and then abandoned to the fury of the populace, whom this exposure had assembled, and by them stoned to death.

Police of Poona.

In Bajee Row's time 9,000 rupees a month was allowed to the officer who had charge of the police at Poona: from this he had to maintain a very large establishment of peons, some horse patrolers and a considerable number of Ramoosees; besides being answerable for the amount of property plundered, whenever the Paishwa thought proper to call on him. Still his appointment was reckoned lucrative, as the pay of his establishment was very low, and both he and they derived much profit from unavowed exactions. The police however was good; on the whole, murders or robberies, attended with violence and alarm, were very rare; and I have never heard any complaints of the insecurity of property.

Criminal Justice under the Marrattas.

Next to the prevention of crimes and the apprehension of criminals, comes the manner in which offences, &c., are tried and punished: in this are involved the authorities competent to try, the forms of trial, and the law by which guilt is defined, and punishment awarded.

By whom administered.

The power of administering criminal justice, under the Marratta Government, was vested in the revenue officers, and varied with their rank, from the Patail, who could only put a man for a few days in the village Chokie, to the Sirsobedar, who in latter days had the power of life and death. Formerly this power was confined to persons invested with the full powers of Government, by being intrusted with the Mootallikie Seal, and to great Military Chiefs, in their own armies, or their own Jageers.

The right of inflicting punishment, was however extremely undefined, and was exercised by each man, more according to his power and influence, than to his office. One Patail would flog and fine, and put in the stocks for many weeks; and another would not even venture to imprison. Most Mamludars would hang a Ramoosee, Beel, or Maug robber, without a reference; and those at distance would exercise their power without scruple, while the highest civil officers, if at Poona, would pay the Paishwa the attention of applying for his sanction in a capital case. A Chief was thought to have authority over his own troops and servants, wherever he was in India, while he affected to act under the Paishwa, put many of his chiefs and ministers, (even Bramins) who had been accused of plots to death. At Poona Appa Dessye, in 1813, while completely in the Paishwa's power, blew away one of his Sirdars from a gun, for conspiracy against him, and was never questioned, though the execution took place within a mile of Poona.

There was no prescribed form of trial. A principal rebel, or a head of banditti, would be executed at once, on the ground of notoriety; any Beel, caught in a part of the country, where the Beels were plundering the road, would be hanged immediately. In doubtful cases, the chief authority would order some of the people about him, to enquire into the affair. The prisoner was examined, and if suspicions were strong, he was flogged to make him confess. Witnesses were examined, and a summary of their evidence, and of the statement of the accused, were always taken down in writing. They were sometimes confronted with the accused, in the hope of shaming or perplexing the party whose statement was false; but this was by no means necessary to the regularity of the proceedings. The chief authority would generally consult his officers, and perhaps employ a committee of them to conduct an enquiry; but I should doubt whether Panchayets were ever generally employed in criminal trials, though mentioned by Captain Grant to have been so in the Sattara country.

Trial

In crimes against the state, the Prince made such enquiries, or directed his Ministers to make such as seemed requisite for his own safety, and gave such orders regarding the accused, as their case seemed to require. Torture was employed to compel confession, and disclosure of accomplices.

Trials of this sort were naturally considered in a despotic Government as above all law, but even in common criminal trials, no law seems ever to be referred to, except in cases connected with religion, where Shastrees were sometimes consulted. The only rule seems to have been the custom of the country, and the magistrate's notice of expediency. The Hindoo law was quite disused, probably owing to its absurdity; and although every man is tolerably acquainted with its rules in civil cases, I do not believe any one but the very learned has the least notion of its criminal enactments.

Criminal Law.

The following were the customary punishments. Murder, unless attended with peculiar atrocity, appears never to have been capital, and was usually punished by fine. Highway robbery was generally punished with death, because it was generally committed by low people; for a greater distinction was made in the punishment, on account of the caste of the criminal, than the nature of the crime. A man of tolerable caste was seldom put to death, except for offences against the State. In such cases birth seems to have been no protection. Wittojee, the full brother to Jeswunt Row Holkar, was trampled to death by an elephant for rebellion, or rather for heading a gang of predatory horse. Syajec Atolee, a dispossessed Jageerdar, was blown away from a gun, for the same offence; yet it is well observed by Mr Cleavelin, that treason and rebellion were thought less of than

Punishments

with us. This originated in a want of steadiness, not of severity, on the Government. When it suited a temporary convenience, an accommodation was made with a rebel, who was immediately restored not only to safety, but to favor. Balkishen Gungadhur received Jageer for the same insurrection, for which Wittojee Holkar was put to death. Wisswas Row Ghatky, who headed a large body of plundering horse, and was cut up by the Duke of Wellington at Mankaisur, was treated with much favour by the Paishwa:—but Abdulla Khan, relative of the Nabob of Savanore, who committed the same offence at a subsequent period, was blown away from a gun. The other punishments were hanging, beheading, cutting to pieces with swords, crushing the head with a mallet. Punishments, though public, were always executed with little ceremony or form. Bramin prisoners who could not be executed, were poisoned, or made away with, by deleterious food; bread made of equal parts of flour and salt was one of those. Women were never put to death: long confinement, and the cutting off the nose, ears, and breast, were the severest punishments inflicted on them. Mutilation was very common, and the person who had his hand, foot, ears or nose cut off, was turned loose as soon as the sentence was executed, and left to his fate. Imprisonment in hill forts, and in dungeons, was common; and the prisoners unless they were people of consideration, were always neglected, and sometimes allowed to starve. Prisoners for theft were often whipped at intervals, to make them discover where the stolen property was hidden. Hard labour, in building fortifications especially, was not unknown, but like most ignominious punishments was confined to the lower orders. Branding with a hot iron is directed by the Hindu law, but I do not know that it was practised. Flogging with martingale was very common in trifling offences, such as petty thefts &c. But the commonest of all punishments was fine and confiscation of goods, to which the Mamlutdar was so much prompted by his avarice, that it is often difficult to say, whether it was inflicted as the regular punishment, or merely made use of as a pretence for gaining wealth. On the one hand it seems to have been the Marratta practice to punish murder, especially if committed by a man of good cast, by fine; but on the other the Mamlutdars would frequently release Beel robbers, contrary to the established custom, and even allow them to renew their depredations, on the payment of a sum of money. No other punishment, it may be averred, was ever inflicted on a man who could afford to pay a fine; and, on the whole, the criminal system of the Marrattas was in the last state of disorder and corruption.

Judging from the impunity with which crimes might be committed under a system of criminal justice and police, such as has been described, we should be led to fancy the Marratta country a complete



scene of anarchy and violence. No picture, however, could be further from the truth. The reports of the Collectors do not represent crimes as particularly numerous. Mr. Chaplin, who has the best opportunity of drawing a comparison with our old provinces, thinks them rather rarer here than there. Murder for revenge, generally arising either from jealousy, or disputes about landed property, and as frequently about village rank, is mentioned as the commonest crime among the Marrattas. Arson and cattle stealing, as a means of revenging wrongs, or extorting justice, is common in the Carnatic. Long robberies and highway robbery are common, but are almost always committed by Beels and other predatory tribes, who scarcely form part of the society; and they have never, since I have been in the country, reached to such a pitch, as to bear a moment's comparison with the state of Bengal described in the papers laid before Parliament.

It is of vast importance to ascertain the causes that counteracted the corruption and relaxation of the Police, and which kept this country in a state superior to our oldest possessions, amidst all the abuses and oppressions of a Native Government. The principal causes to which the disorders in Bengal have been attributed, are the over population, and the consequent degradation and pusillanimity of the people; the general revolutions of property, in consequence of our revenue arrangements, which drove the upper classes to disaffection, and the lower to desperation; the want of employment to the numerous classes, whether military or otherwise, who were maintained by the Native Government; the abolition of the ancient system of Police, in which, besides the usual bad effects of a general change were included the removal of responsibility from the Zemindars; the loss of their natural influence as an instrument of Police, the loss of the services of the village watchmen, the loss of a hold over that class which is naturally disposed to plunder, and, in some cases, the necessity to which individuals of it were driven to turn robbers, from the resumption of their allowances; the separation of the revenue, magisterial, judicial and military powers, by which all were weakened; the further weakness of each from the checks imposed on it, the delays of trials, the difficulties of conviction, the inadequacy of punishment, the trouble and expense of prosecuting and giving evidence; the restraints imposed by our maxims on the assumption of power by individuals, which, combined by the dread of the Adawlut, discouraged all from exertion in support of the Police; the want of an upper class among the Natives, which could take the lead on such occasions; and, to conclude, the small number of European magistrates, who supply the place of the class last mentioned, their wants of connection and communication with the natives, and of knowledge of their language and character.

Attempt to account for their rarity.

contrast to the above picture. The people are few, compared to the quantity of arable land; they are hardy, warlike, and always armed till of late years; the situation of the lower orders was very comfortable, and that of the upper, prosperous. There was abundance of employment in the domestic establishments and foreign conquests of the nation. The ancient system of Police was maintained; all the powers of the state were united in the same hands, and their vigour was not checked by any suspicions on the part of the Government, or any scruples of their own. In cases that threatened the peace of society, apprehension was sudden and arbitrary, trial summary, and punishment prompt and severe. The innocent might sometimes suffer, but the guilty could scarcely ever escape. As the magistrates were natives, they readily understood the real state of a case submitted to them, and were little retarded by scruples of conscience, so that prosecutors and witnesses had not long to wait. In their legal system, men knew that if they were right in substance, they would not be questioned about the form; and perhaps they likewise knew that if they did not protect themselves, they could not always expect protection from the magistrate; whose business was rather to keep his own great disorder, than to afford assistance in cases that might be settled without his aid. The Mamlutdars were themselves considerable persons, and there were men of property and consideration in every neighbourhood; Enamdars, Jageerdars, or old Zemindars, and these men associated with the ranks above and below them, and kept up the chain of society to the Prince; by this means the higher orders were kept informed of the situation of the lower, and as there was scarcely any man without a patron, men might be exposed to oppression, but could scarcely suffer from neglect.

Many of the evils from which this country has hitherto been exempt, are inseparable from the introduction of a foreign Government, but perhaps the greater may be avoided by proper precautions. Many of the upper classes must sink into comparative poverty, and many of those who were employed in the court and army, must also lose their bread; both of these misfortunes happened to a great extent in the commencement of Bajee Row's reign, but as the Government was entire, the bad effects of these partial evils were not so much mounted. Whether we can equally maintain the frame of the present Government, is a question that is yet to be examined. The present Police, as far as relates to the villages, may be easily kept up, without doubt whether it is enough that the village establishments be retained, and the whole put under a Mamlutdar. The Patail's respectability and influence in his village must be kept up by allowing him some latitude both in the expenditure of the village expence

Means for  
ing an efficient

and in restraining petty disorders within his village. So far from wishing, that it were possible for the European Officers to hear all complaints on such subjects, I think it fortunate, that they have not time to investigate them, and think it desirable, that the Mamlutdars also should leave them to the Patails, and thus preserve a power, on the aid of which we must, in all branches of the Government, greatly depend. Zealous co-operation of the Patails, is as essential to the collector of the revenue, and to the administration of civil justice, as to the Police ; and it ought therefore, by all means, to be secured. Too much care cannot be taken to prevent their duty becoming irksome, and their influence impaired by bringing their conduct too often under the correction of their superiors. I would lend a ready ear to all complaints against them for oppression ; but I would not disturb them for inattention to forms, and I would leave them at liberty to settle petty complaints their own way, provided no serious punishment were inflicted on either party. We may weaken the Patails afterwards, if we find it necessary, and retrench their emoluments : but our steps should be cautious, for if we once destroyed our influence over the Patails, or theirs over the people, we can never recover either ; care ought also to be taken of the condition of the village watchman, whose allowance, if not sufficient to support him, and to keep him out of temptation to thieve, ought to be increased ; but it ought not to be so high as to make him independent of the community, and it ought always to be in part derived from contributions, which may compel him to go his rounds among the villagers, as at present.

If the village police be preserved, the next step is to preserve the efficiency of the Mamlutdar ; at present all powers are invested in that officer, and as long as the auxiliary horse and Sebundies are kept up, he has ample means of preserving order. The only thing requisite at present is, that the Mamlutdar should have higher pay, to render him more respectable, and more above temptation, and to induce the better sort of Natives to accept the office. When the Sebundies are reduced in numbers, and the horse discharged, our means of preserving the Police will be greatly weakened, at the same time that the number of enemies to the public tranquillity will be increased : the number of Sebundies now in our pay, by giving employment to the idle and needy, contributes, I have no doubt, more than anything else, to the remarkable good order which this part of our new conquests has hitherto enjoyed. The Mamlutdar will also feel the want of many of the Jageerdars, and others of the upper class, who used to aid his predecessors with their influence, and even with their troops. The want of that class will be still more felt as a channel through which Government could receive the accounts of the

state of the districts, and of the conduct of the Mamlutdars themselves. The cessation of all prospect of rise will of itself, in a great measure, destroy the connection between them and their rulers, and the natural distance, which I am afraid must always remain between Natives and English gentlemen, will tend to complete the separation. Something may be done by keeping up the simplicity and equality of Marratta manners, and by imitating the facility of access which was conspicuous among their chiefs. On this also, the continuance of the spirit of the people, and of our own popularity, will probably in a great measure depend. Sir Henry Strachey, in his report laid before Parliament, attributes many of the defects in our administration in Bengal, to the unmeasurable distance between us and the Natives, and afterwards adds, that there is scarcely a Native in his district who would think of sitting down in the presence of an English gentleman. Here, every man above the rank of a Hircarrah, sits down before us, and did before the Paishwa; even a common Ryot, if he had to stay any time, would sit down on the ground. This contributes, as far as the mechanical parts of the society can, to keep up the intercourse that ought to subsist between the governors and the governed: there is, however, a great chance, that it will be allowed to die away. The greater means of keeping it up, is for gentlemen to receive the Natives often, when not on business. It must be owned, there is a great difficulty in this. The society of the Natives can never be in itself agreeable; no man can long converse with the generality of them, without being provoked with their constant selfishness and design, wearied with their importunities, and disgusted with their flattery. Their own prejudices also exclude them from our society; in the hours given up to recreation; and at other times want of leisure is enough to prevent gentlemen receiving them; but it ought to be remembered, that this intercourse with the Natives is as much a point of duty, and contributes as much towards good government, as the details in which we are generally occupied.

Much might likewise be done by raising our Mamlutdars to a rank which might render it creditable for Native gentlemen to associate with them. It must be owned, our Government labors under natural disadvantages in this respect, both as to the means of rendering our instruments conspicuous, and of attaching them to our cause. All places of trust and honour must be filled by Europeans. We have no irregular army to afford honorable employment to persons incapable of being admitted to a share of the Government, and no Court to make up by honors an empty favor for the absence of the other ~~solid~~ solid objects of ambition. As there are no great men in our service, we cannot bestow the higher honors; and the lower, on which

so the Natives set a high value, as the privilege of using a particular kind of umbrella, or of riding in a Palankeen, cease to be honours under us, from their being thrown open to all the world. When honours we do confer, are lost, from our own want of respect for them, and from our want of sufficient discrimination to enable us to suit them exactly to the person, and the occasion, on which circumstances the value of these fanciful distinctions entirely depends.

To supply the place of these advantages, we have nothing left but good pay, personal attentions, and occasional commendations and rewards. The first object may be attained without much additional expense, by enlarging the districts, diminishing the number of Officers, and increasing their pay. The pay might also be augmented for length of service, or in reward of particular activity. It might be from 200 to 250 rupees at first, and increase one sixth for every five years service; Khilluts might also be given as occasional rewards for service, and above all, lands for life, or even on rare occasions for two or three lives, or in perpetuity, ought to be given to old or to meritorious servants. Besides the immediate effect of improving the conduct of the Mamlutdars by these liberalities, the political advantage would be considerable, by spreading over the country a number of respectable persons attached to the Government, and capable of explaining its proceedings. If these grants could often be made hereditary, we should also have a source from which hereafter to draw well-educated and respectable men, to fill our public offices, and should found an order of families exactly of the rank in life, which would render them useful to a Government circumstanced like ours. The Jageer lands as they fall in, might be applied to this purpose, and I think it would be good policy to make the rules regarding the resumption at the death of the present incumbents, much stricter, if they were to be applied to this purpose: since we should gain more of useful popularity by grants of this kind, than we should lose by dispossessing the heirs of many of the present Jageerdars. It would be a further stimulus to the Mamlutdars, at the same time, that it contributed to the efficiency of the system to put the office of Dufturdar with the Collector on such a footing, as to render it a sufficient object of emulation. For this purpose I would allow it 1,000 rupees a month, which considered as the very highest salary to which a Native could attain, is surely not too much. I have fixed these allowances below what I at first thought it expedient, and in judging of their amount, the great difference in expense between this territory and the old provinces, must be borne in mind. The pay of the common servants here is more than double what it is in Bengal. But if the proposed allowances should still seem more than the finances can bear, it ought

to be recollected, that economy, no less than policy, requires liberal pay, where there is considerable trust; a maxim long since confirmed in its application to the Natives, by the experience and sagacity of General Munro.

Having thus formed a chain, from the Patail to the Collector, and having provided them with such rewards, as circumstances will admit, it is of at least equal importance to take care, that they should be punished for neglect. The proposed improvement in the situation of a Mamlutdar provides some means for punishing him by affording him allowances, which it would be a serious misfortune to lose, and which would admit of his paying fines, by giving him a character that should make reproof a punishment and prospects which he would be unwilling to forfeit. Imprisonment, or other punishment may be added, if his offence were more than neglect. A still stronger responsibility must be imposed on the Patail, village watchmen, and in villages where the Coolurnee manages, on him also. The practice of levying the value of the property lost on the village ought not, I think, to be entirely abandoned. I am aware, that it has been objected to, by the highest authorities; and that it is in reality harsh and often unjust; but I think it better to regulate, than abandon it. It is a coarse, but effectual remedy against the indifference of the neighbourhood, to the sufferings of individuals, and if the great secret of Police be to engage many people in the prevention and punishment of crimes; it will not perhaps be easy to find a measure more advisable. It was adopted by our own early lawgivers; and is not less suited to the state of society in India than it was in England under Alfred. When it is plain, that a village could not prevent a robbery, the exaction of the money could of course be omitted: but where there is either negligence or connivance it ought to be levied either whole, or in part. A fine would at all events be expedient in such a case, and this is a popular and established method of levying it: it keeps a heavy punishment hanging over every village where a robbery is committed, and throws the burden of proving its innocence upon it, whereas a fine would require proof of actual connivance, and would after all be complained of as a hardship; while a levy of the same sum in lieu of the property lost, would, if less than the value of the property, be felt as an indulgence.

It appears an objection to this plan, that it affords the Mamlutdar an opportunity of collecting more than he brings to account; but in such a case the villagers will of course complain, as they always did when the money was taken from them unreasonably; and this abuse, like many others, must depend for a remedy on the vigilance of the Collector.

On this indeed, it will have been long since observed, the whole system must depend, its object being to provide sufficient powers, and leave it to the principal Officer to guard against the abuse of them. That he will always succeed, is more than I would promise; but perfection is not to be looked for, and we have only the choice of taking away from our agents, the power to do good, or leaving them in some degree, the power to do harm. Against this, even a system of check and limitation will not always guard; for a man may be careful not openly to commit irregularities, while he is secretly guilty of every sort of oppression. As long as the chief power in the district is in able hands, the good done by the inferiors, on this system, will far preponderate over the evil; and if the Collector be deficient, I am afraid that no distribution of powers would make up for his want of capacity, or do more than palliate or conceal the evils to which such a want would give rise.

The highest rank in the chain under Government, should be a Court, or an individual vested with a general control of all departments, who should be frequently in motion, and whose business should rather be to superintend the whole system, than to administer any part of it, and to see that essentials were attended to rather than rules were not violated. I would vest the fullest power over the Officers under them in the Collector, and in like manner, it would be proper for Government to pay the utmost attention to the principal Officer's recommendations, originating in the good, or ill conduct of the Collectors. So general a charge, of course, requires industry and abilities; it is to be hoped, such may be obtained if they are not. I despair of supplying their place by any machine that can possibly be invented.

I have introduced those remarks under the police where they first occurred to me; but it is evident, they apply equally to any other branch of the Government. I now return to the Police.

The spirit of the people has been mentioned, as of the first importance; and although that may be expected to flag under a foreign rule, and still more under a strong Government, which protects all its subjects, and leaves no call for the exertion of their courage and energy in their own defence; yet there are instances in some parts of our old territories, of our subjects retaining their military spirit, after they have lost their habits of turbulence, and we may hope to accomplish the same object here. The first step towards its attainment is, to remove all obstructions to the use of arms. On our first conquest some restriction was necessary, on persons travelling with arms; but that has since been relaxed, and ought to be done away. Besides the advantage of arming the people for purposes of Police, it would be

useful, even in cases of war and insurrection, as the bulk of the people, even if disaffected, would be led, for the sake of their property, to employ their arms against our predatory enemies, rather than against us. On the same principles, villages should be encouraged to keep up their walls, and perhaps allowed some remission, to enable them to repair them.

It is important to the Police, that sudden discharges of Sebund should for a long time be avoided, and the greatest encouragement given to the plan which I have mentioned elsewhere, of settling this class on waste or other lands, as a sort of local militia. It is to be considered, that the Marrattas besides losing what service they had under Bajee Row, are now in a great measure shut up from the colonies in Hindoostan, that afforded such a vent for the superfluous military population; Holkar's and the Bousla's armies are now nearly annihilated, and it is much to be feared that Scindia's will diminish.

Some rules are required regarding the receipts and sale of stolen or plundered property, regarding which the Native practice was weak and irregular.

Management of the Beels and other predatory tribes.

I insert in this place, some remarks on the management of the hill tribes, which though at present it belongs to Police, might easily be raised by a wrong system, to importance, in a political view. The plan which has been found most effectual in the old province, especially in the Bhaugulpore hills, and in the Jungle Mehaults of Midnapore, is to govern this people through their Native chiefs, whose assistance is rewarded by the support of Government, and in some cases by pecuniary allowances. This plan has been kept up here, as it had been by the Paishwa, after an unavailing attempt to manage the Beels by force alone. It is the only one practicable until the gradual effects of civilization shall have undermined the power of the chiefs; at the same time that it removes the necessity for their control over the people. The principal chiefs are at present allowed pensions, and a certain number of Beels, of their selection, are also paid by the Government. These measures, at once fix them in the interest of Government, and secure their influence in their tribe. It is however necessary to guard against the abuses of this system, which are, the chiefs harbouring thieves, or conniving at robbers, and their acquiring such an influence, as may tempt them to oppose the measures of Government. The first evil will be provided against, by exacting strict responsibility from the chief; and fining, or otherwise punishing him if frequent offences take place within his jurisdiction; whether the punishment should be imprisonment or removal of the same family, must depend on the notions of the Beels, which ought to be investigated, not only for this purpose, but to prepare us for questions



of disputed succession to chief ships, that we may not destroy the power of this engine of Government, by running counter to the opinion of the people whom it is to sway; for the other object, it is necessary to grant no increase, either in extent of land, or in authority to any chief, without its being clearly necessary for repressing disorder, which necessity is not likely to be felt. The Beels may also be gradually encouraged to settle in the plains, either as cultivators, or as watchmen to villages, a change which would weaken the power of the chiefs, by lessening the number of their retainers. In the mean time it will be requisite to ascertain, with as much precision, as the case admits, of the powers which the Beel chiefs are in the habit of exercising under the old Government. This enquiry is indeed necessary, to prevent an inexperienced Magistrate from interfering unintentionally with the privileges of those chiefs.

The only innovations yet introduced by us, into the form of the Marratta Police, are our closer superintendence, and the prohibition of the indefinite confinement of suspected persons by the Patails and Mamlutdars; but there must be a great difference in the spirit of our administration; and perhaps bad effects may be felt from it when the great awe with which we are now regarded, is worn off, and when our principles come to be better understood. Though the Natives put up with petty disorders, they checked great ones with a rough hand, and gave themselves no concern about the attendant evils; if robberies were committed, they seized all the suspicious characters in the neighbourhood; and if they succeeded in restoring quiet, they did not care, though a hundred Ramoossees suffered imprisonment, and torture, without a fault. Such a course would not be thought of, under our Government; but we must consider how much our abstaining from such tyranny, must weaken us, and must provide a remedy in some more tolerable shape.

I am afraid that remedy is not to be found in our administration of Criminal Justice, which is next to be examined. This differs greatly from the Marratta practice; the power of punishing is taken from the Patail; and that which is left to the Mamlutdar, is limited to a fine of 2 rupees, and confinement for 24 hours. The powers of the Collector are not less than those of a Sirsobehdar, except in the article of inflicting capital punishment; but his manner of exercising his power, is altogether different; according to our practice, a prisoner is formally and publicly brought to trial; he is asked, whether he is guilty; if he admits it, pains are taken to ascertain that his confession is voluntary; if he denies it, witnesses are called on without further enquiry. They are examined in the presence of the prisoner, who is allowed to cross-examine them, and to call witnesses in his own

defence. If there is any doubt, when the trial is concluded, he is acquitted; if he is clearly guilty, the Shastree is called on, to declare the Hindoo law. It often happens, that this law is unreasonable; and when the error is on the side of severity, it is modified; when on the side of lenity, it is acquiesced in. The law officers are always present at those trials. In Candeish a regular jury is generally assembled, who question the witnesses, and pronounce on the guilt of the accused. In Sattara, the Political Agent calls in several respectable persons, besides the law officers, and benefits by their opinion, both in the conduct of the trial, and in determining the verdict. When the trial is concluded and the sentence passed, in cases of magnitude, it is reported for confirmation by the Commissioner, where the same leaning to the side of lenity is shown, as in the Court itself.

The punishments awarded by the Shastrees, are as follows. Death, which is executed in cases of murder, and sometimes robbery accompanied with attempts to murder; mutilation, which is common in cases of murder, and is carried into imprisonment with hard labor, and simple imprisonment, which is carried into effect. Women are never put to death, nor Bramins, except in cases of treason, where, from the nature of our conquest, it was thought necessary to hold out the severest punishment, even to Bramins.

When the guilt of the accused is not proved, very great caution has been enjoyed in imprisoning him on suspicion; it has indeed been recommended, that no person should be so imprisoned, unless notorious leaders of banditti, and when any person does happen to be imprisoned for want of security, the period at which he is to be released, is directed to be fixed. These rules are suggested by the injustice of subjecting a man to a greater punishment, when his guilt is not proved, than would be inflicted, if it were; and by the apprehension, that the Magistrate would be apt to order perpetual imprisonment in this form, without much reflection, because it appears to be only temporary and conditional restraint.

*Its defects.*

The whole of this system is evidently better calculated for protecting the innocent from punishment, and the guilty from undue severity, than for securing the community by deterring from crimes. In the certainty and efficacy of punishment, it has the same inferiority to the Native system that the Police has in detecting and seizing offenders. The Natives seized men on slight suspicions, gave way to presumptions of guilt, forced confessions by torture, and inflicted punishments, which although they were inhuman (or rather because they were inhuman), were effectual in striking terror. Our Government demurs about proofs; discourages, and almost rejects confessions, and never punishes while there is a possibility of the innocence of the

accused. When it does punish, in its anxiety to prevent its inflictions from being revolting to humanity, it prevents their being terrible to offenders. Even death is divested as much as possible of its horrors. No torments, no lengthened exposure, no effusion of blood, or laceration of members, even after life is extinguished; some of these are properly rejected, as detestable in themselves; others that would strike the imagination of the people, are set aside, because they also strike the imagination of the legislator. Imprisonment with hard labor is our great resource next to death, and this is by no means one calculated to over-awe offenders. Our imprisonment is so carefully divested of all circumstances of terror, that there is nothing except the fetters that is likely to make the least impression on a Native. To an European, confinement is irksome, solitary confinement intolerable. Bread and water, or bad fare, bad lodging, public exposure, all are real evils to him; but a Native neither loses in point of food or lodging; and shame, I should think, had less effect on him. In fact, by several of the reports from the districts (specially by Mr. Chaplin's answers to my queries,) it appears, that the imprisonment ordered by our officers, is far from being looked on with dread; and that they think, that with the regular subsistence and comfortable blanket they get in Jail, they are better off than they would be in their own villages. There are even instances (one at Sattara and one in Poona,) of people committing petty offences to procure the maintenance allowed to prisoners; imprisonment especially, when accompanied with labor, must however be a state of suffering to any man; separation from family and friends must also be an aggravation; and, on the whole, it would be absurd to contend, that imprisonment is no real hardship to a Native. The worst of it is, that it is a hardship to the sufferer without seeming one to the spectators; and if, as I fancy is the case, on the present footing it is at least as ineffectual for reformation; as for example, it unites all the bad qualities that can be combined in a punishment. If to make up for our defects in convicting offenders, and in punishing them when convicted, we have recourse to imprisonment also; explaining that in this case it is not meant as a punishment, we complete the destruction of its use for example. In short, it may be questioned, whether our system does not occasion as much suffering as the Native one; but it is spread over a greater surface, and therefore makes less show, and neither shocks the legislator, nor alarms the criminal.

These evils have often been remarked before; it is easier to point them out, than to suggest a remedy; and greater experience might perhaps only show more clearly the difficulties to be overcome. It is possible, that every civilized Government may not be suited to a society on a less advanced stage, and that coarse expedients at which our minds revolt, may be the only ones likely to check those evils,

Improvements suggested.

which originate in the barbarism of the people. I shall however notice a few points, from the consideration of which some profit may be gained.

Too much care cannot be taken to prevent forced confessions ; that is, confessions extorted by fear or torture ; but there ought to be no scruple in getting at the truth, by cross-examinations of the accused : an innocent man cannot criminate himself ; and it is well that a guilty man should do so.

The Magistrate ought to have the assistance of some intelligent Natives of his own choosing at the trial. Their knowledge of the people would often lead to discoveries of the truth, that might escape an European ; but it is better, that the conduct of the trial and the decision should rest with the Magistrate. The Panchayets in Candeish have answered better than might have been expected, but Captain Briggs has pointed out many inconveniences in that mode of trial ; and it is obvious, that where a Bramin on one hand, or a Beel on the other, was to be tried, it would be too much to expect unprejudiced decision. The Shastree ought still to attend, and to be consulted : but we ought not to be guided by the Hindoo law, which is a new introduction of our own. The customary punishments for the most usual offences might easily be ascertained and modified ; thus highway robbery and gang robbery (which the Natives always punished with death,) might be changed into perpetual imprisonment, unless attended with wounding, or attempt to murder. The Hindoo punishments might also be exchanged for such as we can execute ; and thus when we did succeed in convicting an offender, there would be no longer a chance of his escaping by the absurdity of the sentence. Some of the Hindoo punishments are too dreadful to be inflicted ; others are too trifling to be of any use in deterring. The Hindoo law officer at Ahmednuggur sentenced one man to be thrown from a height upon a spike, and another to be fined 6 fanams for the same offence : because in one case the stolen property had been accidentally recovered, and in the other it had not. Caste also had great weight in determining the punishment, and this ought, to a certain extent, to be attended to still, because an opposite conduct shocks the prejudices of the people, which unless we conciliate, all our justest sentences will be looked on as tyranny. Our punishments, I should think, might be made more intense, but shorter ; severe flogging, solitary confinement in dungeons for short periods, bad fare, severe labor, and similar punishments always so guarded, as to prevent their endangering life or health. Transportation seems a good punishment, provided it be for life ; but the return of a convict destroys the mysterious horror which would otherwise be excited by the

sentence. Hanging in chains will probably make a great impression, if not too shocking to the prejudices of the Natives, which I apprehend it is not. As much form as possible should be thrown into all punishments, especially capital ones; and great care should be taken to suit the forms to the Native ideas. They have themselves an excellent practice of exposing persons about to suffer death on a camel, stripped of some of their clothes, with their hair loose, and covered with red powder, and with flowers, as is usual with a corpse, when carried to the funeral pyre. Some of the most terrible modes of capital punishment might be retained, when they do not add to the sufferings of the criminal; beheading and blowing away from a gun, are of this nature: but they ought to be reserved for great crimes. The opinions of Natives ought however to be taken, and may be reckoned conclusive on subjects depending on feeling and on associations. In cases where the judge, though not satisfied of the guilt of the prisoner, is still less satisfied of his innocence, it seems imprudent to turn him loose to prey on Society, and yet it is difficult to say, on what grounds to detain him: are we to award a less severe and more remediable punishment? or are we to declare the prisoner innocent? but imprison him if he cannot give security. The former seems to strike at the foundations of justice, and the latter destroys the force of example; means might perhaps be found to manage the imprisonment of suspected persons, in such a manner, as to preserve the distinction between their treatment and that of convicts. Their place of confinement might be more like a work-house, than a prison. They might be taught trades, and allowed the fruit of their own industry, either in clothes and food at the time, or in a sum of money to be given at their release. Mr. Bruce, the judge of Bellary, has long since introduced the manufacture of blankets, and some other articles, into his jail, and all the paper used in the neighbouring Cutcheries, is the work of his convicts. A place might be constructed for their residence, which might combine the plan so much recommended by Mr. Bentham, with the economical arrangement suggested in Bengal. A circular or octagon wall, with an open arcade, or tiled veranda to run all round inside, deep enough to afford shelter, and deep enough for concealment; this veranda to be partitioned off into cells, with walls, and to be shut in with an iron grating, or a deep ditch in front, to prevent the prisoners meeting in the open space in the middle. Each cell might contain from 2 to 8 prisoners, who would thus be cut off from the corruption that is always found in crowded prisons, and a wall across the middle of the court might make a still more complete division, so as to admit the convicts, if necessary, into the same enclosure. In the centre should be a circular building for the jailor, from which he might see into every cell in both courts

while he himself was concealed by blinds. Frequent visits from the European authorities would be sufficient to complete the supervision. Persons less suspected, might be consigned to the care and responsibility of the Patails of their villages, on the plan practised by Mr. Bayley, at Burdwan ; and there are cases where wandering and thievish tribes might be seized and compelled, on pain of imprisonment, to reside in particular villages, according to the plan recommended by General Munro, in his letter on the Police of the ceded districts.

It is to be observed, in respect to the confinement of suspected persons, that the practice is much less objectionable towards particular castes than others. Some avow that they were born and bred robbers, and that it was the intention of Providence that they should remain so. Surely society is entitled to take measures against men who set out with so open a declaration.

These are all the suggestions that occur to me, except that the powers of the Mamlutdar should be augmented, to allow his punishing petty affrays, which ought never to go beyond the Pergunnah, and that the Patail should be permitted to exercise a similar authority to the very limited extent that is requisite to keep up his influence in his village.

Moral character of  
the people.

I may here say something of the moral character of the people. Falsehood in all shapes pervades all ranks, and adultery and prostitution are common in the upper classes ; but in them alone. Drunkenness, the peculiar vice of the lower orders, is almost unknown in the Marratta country, which has thence a decided superiority in morals over the old provinces. It arises from the discouragement to the sale of spirituous liquors ; and as the revenue from that source is insignificant, we should probably do well to prohibit it altogether. Public opinion, and above all the opinion of the caste, and the dread of expulsion, are the restraint on vices. These powers are, in the Marratta country, in the hands of the whole caste. In the Carnatic there are regular censors to each caste, called Gunnacharies, besides religious Gooroos invested with great power. But these institutions are converted into the means of gain, and the morals of the people are then decidedly worse than in the Marratta country. The other vices are not more rare, and drunkenness is common in addition.

Improvements re-  
commended in Edu-  
cation.

I do not perceive any thing, that we can do, to improve the morals of the people, except by improving their education. There are already schools in all towns, and in many villages, but reading is confined to Bramins, Banyans, and such of the agricultural classes, as have to do with accounts. I am not sure, that our establishing free schools would alter this state of things, and it might create a suspicion of some concealed design on our part. It would be more practic-

ble, and more useful, to give a direction to the reading of those who are to learn, of which the press affords so easily the means.

Books are scarce, and the common ones probably ill chosen ; but there exist in the Hindoo languages many tales and fables that would be generally read, and that would circulate sound morals. There must be religious books tending more directly to the same end. If many of these were printed and distributed cheaply or gratuitously, the effect would, without doubt, be great and beneficial. It would however be indispensable, that they should be purely Hindoo. We might silently omit all precepts of questionable morality, but the slightest infusion of religious controversy would secure the failure of the design.

It would be better to call the prejudices of the Hindoos to our aid in reforming them, and to control their vices by the ties of religion which are stronger than those of law. By maintaining and purifying their present tenets, at the same time that we enlighten their understandings, we shall bring them nearer to that standard of perfection to which all concur in desiring that they should arrive ; while an attack on their faith, if successful, might be expected in theory, as it is found in practice, to shake their reverence for all religion, and to set them free from those useful restraints which even a superstitious doctrine imposes on the passions.

In my letter No. 78, I proposed that 2,00,000 of Rupees should be set aside for religious expenses, including two colleges. The large religious expenses that fall on the net revenue, in the districts, induced me to alter this suggestion, and to propose modifying an expenditure which is already directed to an object of this nature, in such a manner as to render it more useful. There was in the Paishwa's time, an annual distribution of charity, called the Dhukna, which used to cost 50 lacks of Rupees. The plan was originally, to give prizes to learned Bramins ; but as a handsome sum was given to every claimant, however ignorant, to pay his expenses, the institution degenerated into a mere giving of alms. The abolition of this practice was extremely unpopular, but the sum was too enormous to waste, I therefore did it away all but the original distribution of prizes, which cost last year 70,000 Rupees. This expenditure must still be kept up, but most of the prizes, instead of being conferred on proficient in Hindoo divinity, might be allotted to those most skilled in more useful branches of learning, law, mathematics, &c., and a certain number of professors might be appointed to teach those sciences. These means, with the circulation of a few well-chosen books, such as I believe are now printed at Calcutta, would have a better and more extensive effect, than a regular college, and would cost much less to the Government.

I shall therefore avail myself of the permission formerly given to me, and put such an establishment in train.

---

## CIVIL JUSTICE.

Marratta system of  
Civil Justice.

It is necessary to examine the Native system of Civil Justice with attention, and ascertain its success, in affording protection to men's rights. If this should prove even moderate, it will scarcely be thought advisable to attempt any alterations; but, if the plan be found inadequate to the end required, it will be necessary to see, whether any alterations can be introduced to render it more efficient, without changing its fundamental principles or whether it is necessary to set it aside altogether, and to introduce a new system in its room.

By whom adminis-  
tered.

The authorities by whom Civil Justice was administered, were the following: in the country, the Patail, over him the Mamlutdar, and Sirsoobedars; and above all, the Paishwa, or his Minister. Jageerdars administered justice in their own lands; the great ones with little, or no interference on the part of the Government. In some towns there was a judicial Officer, called the Nyaae Daish, who tried causes under the Paishwa's authority, and any person whom the Paishwa pleased to authorize, might conduct an investigation, subject to His Highness's confirmation.

If a complaint was made to a Patail, he would send for the person complained of, and if he admitted the debt, would interfere partly as a friend to settle the mode and time of payment. If the debt were disputed, and he and his Coolcurnee could not, by their own influence, or sagacity, effect a settlement to the satisfaction of both parties, the Patail assembled a Puchayet of inhabitants of the village, who enquired into the matter, with very little form, and decided as they thought best; but this decision could not take place, without the previous consent of the parties.

If the complainant were refused a Puchayet, or disapproved of the decision, or if he thought proper not to apply to the Patail, he went to the Mamlutdar, who proceeded nearly in the same manner as the Patail, with this addition, that he could compel the party complained of, to submit to a Puchayet, or else make satisfaction to the complainant. When there was a Sirsoobedar, the same process might be repeated with him or at Court, but in all this, there was no regular appeal: the superior authority would not revise the decision of the inferior, unless there had been some gross injustice, or reason to suspect corruption: in cases of less purity, that is, in almost all cases, the superior was influenced in receiving the appeal by the consideration of the profit promised as a compensation for the trouble.



Though the Government Officer endeavoured himself to settle the dispute, and though it rested with him to decide whether or not the case required a Panchayet, yet it was reckoned gross injustice to refuse one on a question at all doubtful, and it was always reckoned sufficient ground for ordering a new investigation, when there had been no Panchayet.

The Panchayet may therefore be considered as the great instrument in the administration of Justice, and it is of consequence to determine how the assembly was constituted, what were its powers, and what its method of proceeding and enforcing, or procuring the enforcement of its decrees.

The members of a Panchayet were generally selected by the Officers of Government, by whom it was granted with the approbation of the parties, and often at their suggestion; sometimes the parties chose an equal number each, and the Officer named an umpire. A person on the part of Government not unfrequently presided at Panchayets, especially at Poona, and directed their operations; this Officer must, however, be objectionable to the parties. In affairs where Government was concerned, it ordered some of its own Officers to investigate the matter, but they were expected to be people not objected to by the other party. The members were people of the same situation in life as the parties, or people likely to understand the subject in discussion; as bankers in a matter of account; Daismooks and Daispandies, when the suit was about land. Their number was never less than five, but it has been known to be as great as fifty. The number was required to be odd. It generally met at the house of the Officer who summoned it.

In villages the Patail got some of the most intelligent and impartial Ryots to sit under a tree, or in the Temple, or in the country; nobody attended on the part of the Government, and as the submission of the parties was voluntary, their wishes were of course more attended to than elsewhere. The consent of the members, however, was every where reckoned essential to a Panchayet, and the first act of the meeting was to take a Razeenamah, or acknowledgment of such a consent. Security was also not unfrequently taken for the parties complying with the award of the Panchayet. In petty disputes in villages, the parties gave two straws in token of submission, instead of a written Razeenamah.

It might be expected, that so burdensome a duty would not be willingly undertaken, especially as there was no authorized fee to be gained by it; but besides the compliment of being selected by the parties, there was the hope of presents from one or both, which it was not disgraceful to take, unless to promote injustice. The parties like-

wise entreated the persons they wished to accept the office, and the Officer to Government added his authority. It was moreover reckoned disgracefully selfish to refuse to serve on a Panchayet, and as a man who was asked to be a member to-day, might be a suitor tomorrow, he was obliged to afford the assistance which he was likely to require. It was rare, therefore, for people to refuse to serve, unless they had a good excuse.

It was more difficult to procure their regular attendance when appointed, and this was generally effected by the exertions of the party interested. The magistrate also sent peons and relations to compel the presence of a person who had once agreed to become a member; and although he would receive a reasonable excuse, yet if they were really anxious for the speedy decision of the cause, he seldom failed in procuring attendance; besides there was no precision about the number of members required to attend, so long as the parties were satisfied, all was thought to be regular enough; when an absent member returned, the past proceedings could be explained to him, and any further enquiry he desired, carried on.

When the Panchayet was assembled, if the defendant failed to attend, the Panchayet applied to the Officer under whose authority he sat, to summon him, unless a Carcoon or a peon had already been attached to it, to perform such duties on the part of the Government or the plaintiff, by constant demands and other modes of importunity wearied him into a submission. When the Officer of Government had to compel his attendance, he sent a summons, or if that failed, placed a peon over him, whom he was obliged to maintain, and imposed a fine of a certain sum a day, till he appeared. The plaintiff's complaint was then read, and the defendant's answer received; a replication and a rejoinder were sometimes added, and the parties were cross-questioned by the Panchayet, as long as they thought it necessary; at that time the parties were kept at a distance from their friends; but afterwards they might assist them as much as they chose. A man might, if it were inconvenient for him to attend, send a Carcoon in his service, or a relation; but, the trade of a Vakeel is not known: accounts and other written evidence were called for, after the examination of the parties, and likewise oral evidence, when written failed; but a great preference was given to the evidence of written documents. The witnesses seem to have been examined and cross-examined with great care, but the substance only of their evidence was taken down briefly without the questions, and generally in their own hand if they could write. The natives have not the same deference for testimony that we have; they allow a witness no more credit than his situation and character and connection with the case entitle him to; they also lay

great stress on his manner and appearance, while giving his testimony. Oaths were seldom imposed, unless there were reason to suspect the veracity of the witness, and then great pains were taken to make them solemn.

When this examination was concluded, the Panchayet, after deliberating on the case, drew up an award (which was termed Saroush or summary) in which they gave the substance of the complaint, and the answer; an abstract of each of the documents presented on either side; a summary of the oral evidence on either side, with their own decision on the whole. A copy of the award was given to the successful party; and to the loser, if he required it; another copy was deposited with the Officer of Government. In villages where there was much less form, the Panchayet was often conducted in the way of conversation, and nothing was written but the decision, and sometimes not even that. In important cases, however, all the usual writing was performed by the Cooleurnee.

Throughout the whole proceedings, the Panchayets appear to have been guided by their own notions of Justice, founded no doubt on the Hindoo law, and modified by the custom of the country. They consulted no books, and it was only on particular points immediately connected with the Hindoo law, such as marriage, or succession, that they referred to a Shastree, for his opinion.

On the report of the Panchayet, the Officer of Government proceeded to confirm and enforce its decree: the Panchayet having no coercive powers of its own. From this cause frequent references to the magistrate were required, and he was given a considerable influence on the progress of the trial.

If either party objected at this stage, and showed good reasons why the award should be set aside, the Officer under whose authority the award was made, might require it to revise its sentence, or even grant a new Panchayet; but this was not reckoned proper, unless corruption were strongly suspected.

No other notice was taken of corruption, unless in such cases the decision of a Panchayet was always respected, as the proverbial expression of Punch Purmaishur (a Panchayet is God Almighty) fully justifies.

Even after an award was confirmed, an appeal lay to a higher authority, and a new Panchayet might be granted; even a new Amildar might revise the proceedings under his predecessor; this is probably a stretch of power; but every thing under the Marrattas is so irregular and arbitrary, that the limits of just authority can, with difficulty, be traced.

In enforcing the decision, the Patail had no power of his own, but he could refer the case to the Government. If a Patail found a party who could not recover his due by the means of private authority, hereafter described, he applied to the Magistrate for authority, and in cases where that was insufficient, he applied to the Government.

It was in this manner, that the majority of disputes were settled. Those about boundaries, which are extremely common (see the Candeish) were settled by a Panchayet, composed of the Daispandies, Patails, and Coolcurnees, assisted by the heads of the disputing villages, who are the established guardians of land marks and boundaries. They are also very frequently adjusted by ordeal, the mode of which is for the Patail to walk along the disputed boundary, bearing on his head a clod composed of the soil of both villages, kneaded up with various strange ingredients, and consecrated by many superstitious ceremonies; if it hold together, the justice of his claims is established, and if it break, he loses his cause. Many other sorts of ordeal are also performed with boiling oil, or by taking an oath and imprecating certain curses if it should be false. If no evil occur within a fixed time, the gods are conceived to have decided in the swearer's favour.

These ordeals were not uncommon in all cases, as well as in boundary disputes, but chiefly when other means of ascertaining the truth had failed.

Disputes about caste were settled by the caste, unless when a complaint of unjust expulsion took place, when the Government ordered a Panchayet of respectable persons of the caste, from an unprejudiced part of the country.

As it has been shown that Panchayets had no powers of their own, and were moreover somewhat inert, it is necessary to examine the machinery by which they were kept in motion, and their resolutions carried into effect. It has been observed, that in the counties the Mamutdars and the Patails under their authority, performed their duty. In some few towns there also were officers of Justice called Nyaeedaish. The proceedings of all these officers were of course very irregular, but the model may be learned by observing the proceedings of the Nyaeedaish at Poona, during the long period when Ram Shastree was at the head of that court, and when Nana Furnavees was minister and regent. This was confessedly the period when the Murratta Government was in the highest perfection, and Ram Shastree is to this day celebrated for his talents and integrity. A full account of that Court is given by Mr. Lumsden in his report of January 24th, from which much of what follows is extracted. Ram Shastree

Panchayets. How assembled and their decisions how enforced.

Exemplified in the Nyaeedaish at Poona.

had several deputies, who were almost as famous as himself, and it was by their assistance, chiefly, that his business was conducted.

On receiving a complaint in person for a Carcoon, from Rana Shastree, or from Nana Furnavees, according to the consequence of the person, was sent to summon, or to invite him to attend at Rana Shastree's. If this were refused, positive orders were repeated by Nana Furnavees, and in the event of obstinate non-attendance, the house or lands of the defendant would be sequestrated till he appeared.

In case of non-appearance from absence, trial, after many indulgent delays, went on, and the absence of the party was recorded, that he might have a new trial on his return, if he accounted for his absence. In cases of land, no decision was final in a man's absence. Evidence is summoned in the same form as the defendant, and if the witness were poor, the person who summoned him, paid his expenses. If the witness lived at a distance; or if attendance were inconvenient, a reputation from the court with some person from the parties, would take his evidence, and the Mamlutdar gave his aid to the plaintiff. If the witness lived very far off, a letter was written, requesting him to state the facts required. When the witness was a man of rank, a reputation would be sent to him from the Government, accompanied by the parties who went as supplicants for his aid, rather than as checks on his mis-statement, and he was solicited to relate what he knew, which was repeated in the court. Even if the witness were not of such rank, to prevent his coming to the court, still, if he were a man of any consequence, he was received as a visitor, and the questions were put to him in the way of conversation, and with all the usual forms of civility.

When persons of this character were the defendants, instead of summoning them to the Nyaeedaish, a letter was written by Nana Furnavees, desiring them to settle the complaint. If this did not succeed, the Vakeel was spoken to; and ultimately they experienced the displeasure of Government, or part of their land was made over to the creditor. Generally, however, great favor was shown to men of rank. If the plaintiff was also a man of rank, a Puchayet of men of the same condition would be appointed, if all other means failed. One of the enclosed translations (No. 19) is an award in a case, where the ancestors of Juan Row Nimbalkur, a Jageerdar of the highest rank, were the parties.

The proceedings were much the same as those I have already mentioned to have been practised in the districts, but more was done in writing than elsewhere. To give a clear idea of the manner in which Puchayets proceeded, I have the honor to enclose the award

only a few cases under the  
1833; and a decision in a simple

The Panchayets were not  
of Judge, but Ram Shastri, his de-  
ave presided at the trial, the Panchayet,  
actions as a Jury in England. A good deal  
ems to have been entrusted to Ram Shas-  
ported to him and the Panchayet, and in the decision names  
members of the Panchayet are not mentioned, even when it is  
only a repetition of their award. The decision was always in the  
deshwa's name, and in all cases of magnitude, required his signature.  
leases relating to land were of this description, and the same hold  
d over the country, where claims to land are considered more  
mediately under the superintendence of Government. It was no  
usual, in the country, as well as in Poona, for a Government officer  
receive the complaint and answer with the documents, and the  
written evidence of witnesses, and lay the whole in this shape before  
the Panchayet, who could call for more evidence, if they required it.  
Each time must have been saved by this arrangement, but it gave  
the officers of Government considerable opportunity of imposing on  
the Panchayet. The members of the Panchayet received no fee, but  
when they had much trouble, the winner would give them a gratuity  
openly acknowledged for their pains.

A sum of money was likewise levied from the loser, called  
the winner, under the name of Kerkee, which I believe  
a voluntary offering, and from the loser, under the name  
of Garry, or fine. These Gonaghs varied with the magnitude  
of the case in revenue accounts. I have seen that one fourth of  
the amount was paid down, as the balance was for justice.

use,  
iff lost was ob-  
of the l or,  
ment. The other

dele-  
on from

ed one  
d from

...them himself, and this was effected by means of the system of Tukkaza, which, though it strictly means only dunning, is here employed for every thing, from a simple importunity, up to placing a hand over a man, preventing his eating, tying him neck and heels, making him stand on one leg, with a heavy stone on his head, for a vertical sun.

It is remarkable that in all claims (except for land) when the plaintiff has the right, this Tukkaza is the first step in the suit, and it is not until the defendant who suffers by it, complains of excessive or unjust Tukkaza, that the Government takes any concern in the cause. This in some measure accounts for the ready acquiescence to defendants in the non-payment of Panchayets, &c., and it is indeed employed intentionally as a means of accomplishing that end. When Government enforced the law, it used nearly the same severities as individuals; it also seized and sold the property of the delinquent, and his house was taken care not to reduce him to poverty. He was likewise often imprisoned in instalments, by which his debt was liquidated.

Debtors were never put in any public prison, but were sometimes confined or tormented by the creditors in their house, or in some other place of his property, and in rare cases when agreed to give bond, were kept there till the amount of their nominal debt was paid or cancelled.

Fair bankrupts seem to have been let off pretty nearly as with fraudulent ones were made to pay when discovered, notwithstanding previous release.

The great objects of litigation are stated in the replies of the judicial officers to be: Boundary disputes; division of property on the dissolution of families; inheritance to land, which comprises the great source of litigation throughout the whole country. In Candeish the waste land is so abundant. Debts to Government are also frequent subjects for suits.

The judicial system, which has just been described, is evidently liable to great objections, and accordingly in the best of times its success seems to have been very imperfect. There was no regular administration of justice: no certain means of filing a suit; and no fixed rules of proceeding after it had been filed. It rested with the officer of Government applied to, to receive a complaint, or to neglect it altogether. The reception of an appeal from his injustice, equally depended on the arbitrary will of his superior. The other occupations of these officers rendered it difficult for them to attend to judicial affairs, even if well disposed, and these occupations increasing with the rank of the officer, the Paishwa (or the minister) who was the

Defects and abuses of the system.

main spring of the whole machine. The power of the Panchayet must also have had a tendency to increase appeals, and the demand for Panchayets, in cases where he was debarred in person; and this desire would chiefly be felt in cases where there was an inclination to be the friend of one party, or where it was possible to make something by selling his favor to both. In short, there was no little doubt of the difficulty of getting justice, unless by the aid of bribery, or of powerful friends.

The Panchayets themselves were open to corruption, and partiality, and when free from those stains, they were still slow and feeble in their motions, and uncertain in their resolutions. When the Panchayet was assembled, which from its interference with the pursuits and interests of the members must have been a matter of difficult and rare occurrence, it had not sufficient powers to seize the defendant, to summon the witnesses, or to compel the production of documents; in the event of any opposition, it must apply to the officer of Government, and thus, besides incurring delay, it was exposed to constant obstruction from his indolence, and want of leisure, and even from his corruption. If a deputy of the Government sat with it to execute those duties, it was still liable to be influenced from corruption, and was besides exposed to the influence of the Carcoon, who presided. When it had got possession of the facts, the members were not calculated to decide on the merits of the cause, and if they were perplexed, they met without effect, and the matter allowed the matter to lie over, until some circumstance or the necessity of meeting any more. Very great delay took place in these causes, and trials were often left entirely unfinished. The members were chosen by the parties and interested in their decisions, and were rather advocates than judges, and their disputes produced much delay as the neglect of the others. When they were impartial they were indifferent and irresolute, unless some member, and a likely one who was stimulated into activity by a bribe, took the trouble of deciding off the hands of his colleagues, and procured the consent to a decision of his own. When their award was signed, the Panchayet dissolved, and their decree remained with the local officer to enforce or neglect, as he chose. Where so much was left arbitrary there was of course much corruption, and it is very frequent now to have a complaint from a man who has a decision of old date (even from the Nyaeedaish at Poona) which he has not been able to get enforced. Even when the decree of a Panchayet was properly executed, one would think it must, from the way in which the assembly was constituted, have had little good effect beyond what it had produced for as there was no written law, and as I



composed of men of different habits and conditions, their awards must be supposed to have varied, so as to afford no great certainty on one-hand, as to the decision to which any Panchayet would come, and this uncertainty must have led, unceasingly, to new litigation. All accounts, it must be owned, agree in representing the knowledge of the common people, in the customary law of their country, and consequently the uniformity of their decisions, when formed into Panchayets, is far beyond what could be expected, but the inconvenience alluded to, must still, to a certain extent, have existed. The want of principle in the rulers, was another cause of uncertainty and litigation. No decision was final; a new Mamlutdar, or a new minister might take up a cause his predecessor had decided; the same man might revise his own decisions from corrupt motives, and there was as much difficulty in being exempt from an unjust revision, as it has already been shown there was in obtaining a just one.

If this were the state of things under Nana Furnavees, it was doubtless worse under Bajee Row. The farming system made over each district to the highest bidder, who was generally the most unprincipled man about the court, and as full support was requisite to enable him to pay his revenue, it consigned the people to his oppression without a remedy. The farmer's whole time and thoughts were occupied in realizing his revenue. Justice was openly sold, and except as a marketable commodity, it was never thought of. The party in the wrong could always, by a bribe, prevent his cause going to a Panchayet, or overturn the decision of one. An appeal lay from the under-farmer to the upper, whose income depended on the exactions of the authorities below him, and from him to the minister, who never received a complaint without a present, or to the Paishwa who never received one at all. In consequence the Government afforded little justice to the rich, and none to the poor.

But with all these defects, the Marratta country flourished, and the people seem to have been exempt from some of the evils which exist under our more perfect Government. There must therefore have been some advantages in the system to counterbalance its obvious defects, and most of them appear to me to have originated in one fact, that the Government, although it did little to obtain justice for the people, left them the means of procuring it for themselves. The advantage of this was particularly felt among the lower orders, who are most out of reach of their rulers, and most apt to be neglected under all Governments. By means of the Panchayet, they were enabled to effect a tolerable dispensation of justice among themselves, and it happens, that most of the objections above stated to the institution, do not apply in their case.

Correctives of these defects and abuses.

A Panchayet was restrained from exercising op-  
pression by the fear of the Mamlutdar, and by the inconvenience of the  
society in which he lived, and when both parties were present at the  
Punchayet, he had no interest in refusing his assistance to either  
one. A Punchayet can scarcely be perplexed in the decision of cases  
that arise under its own eyes nor can it easily give a corrupt decision  
when all the neighbours know the merits of the case. Its witnesses,  
and members, are all within the narrow compass of the village,  
and where all are kept from earning their daily bread during  
the discussion, there is not likely to be much needless complaint or  
affected delay.

This branch of the native system, therefore, is excellent for the  
settlement of the disputes of the Ryots among themselves, ~~but~~ it is  
no use in protecting them from the oppression of their superiors, and  
it is evident, that the plan of leaving the people to themselves, could  
never have been sufficient for that purpose. But here another principle  
comes into operation. The whole of the Government revenue  
being derived from the Ryot, it was the obvious interest of Govern-  
ment and its agents to protect him, and prevent his being exposed  
to any exactions but their own. The exactions of Government were  
limited in good times by the conviction, that the best way to enrich  
itself, was to spare the Ryots; and those of its agents, by the common  
interest of Government, and the Ryots in restraining their depreda-  
tions. By these principles, while the native Government was good,  
its Ryots were tolerably protected both from the injustice of their  
neighbours and tyranny of their superiors, and that class is the most  
numerous, most important, and most deserving portion of the  
community.

It was in the class above this, that the defects of the judicial  
system were most felt, and even there they had some advantages.  
As the great fault of Government was its inertness, people were at  
least secure from its over-activity. A Government Officer might be  
induced by a bribe to harass an individual, under color of justice, but  
he could not be compelled by the mere filing a petition, to involve  
those under his jurisdiction in all the vexations of a law suit. Even  
when bribed, he could not do much more than harass the individual,  
for the right to demand a Punchayet was a bar to arbitrary decrees,  
and although he might reject, or evade the demand, yet the frequent  
occurrence of a course so contrary to public opinion, could not easily  
bring his superiors, if at all inclined to do justice.

The inertness of Government was counteracted by various re-  
medies which, though objectionable in themselves, supplied the place of bet-  
ter principles. The first was private redress, patronage, and

resents. The first occupies the same place in civil justice that private revenge does in criminal among still ruder nations. It is this which is called **Tukkaza** by the Marrattas, and which has already been mentioned as so important in bringing on a trial. If a man have a demand from his inferior, or his equal, he places him under restraint, prevents his leaving his house, or eating, and even compels him to sit in the sun until he comes to some accommodation. If the debtor were a superior, the creditors had first recourse to supplications and appeals to the honor and sense of shame of the other party: he laid himself on his threshold, threw himself on his road, clamored before his door, or he employed others to do all this for him: he would even sit down and fast before the debtor's door, during which time the other was compelled to fast also, or he would appeal to the gods and invoke their curses upon the person by whom he was injured. It was a point of honor with the natives not to disturb the authors of these importunities, so long as they were just, and some satisfaction was generally procured by means of them. If they were unjust, the party thus harassed naturally concurred with the plaintiff in the wish for a Puchayet, and thus an object was obtained which might not have been gained from the indolence of the Magistrate. Similar means were employed to extort justice from the ruling power. Standing before the residence of the great man, assailing him with clamor, holding up a torch before him by day-light, pouring water, without ceasing, on the statues of the gods. These extreme measures, when resorted to, seldom failed to obtain a hearing, even under Bajee Row, and there was the still more powerful expedient, both for recovering a debt, or for obtaining justice, to get the whole caste, village, or trade, to join in performing the above ceremonies until the demand of one of its members were satisfied.

The next means of obtaining justice was by patronage. If a poor man had a master, a landlord, a great neighbour, or any great connection, or if he had a relation who had a similar claim on a great man, he could interest him in his favor, and procure his friendly intercession with the debtor; his application to the friends of the latter, or finally his interest with the public authority, to obtain justice for his client. This principle was not so oppressive as it seems at first sight, or as it must have been if it had been partial: for it was so extended that scarcely any man was without some guardian of his interests. Both sides in a cause were thus brought nearly equal, and the effect of the interference of their patrons was to stimulate the system, which might otherwise have stood still.

If this resource failed, a present, or the promise of a present to the public authority, or those who had weight with him, would be

efficacious. The fact, however, that the office of the Panchayet was, in fact, a standing bribe to invite the influence of

The number of persons who could give such a valuable interest in the business. Besides the Nyaeedaish and the numerous Amildars and Jageerdars, many people of consequence could hold offices under the express or implied authority of the Paishwa, and the chief settled the disputes of his own retainers, whether among themselves, or with others of the lower and middle classes. A great number of disputes were also settled by private arbitration; and their proceedings, in the event of an appeal, were treated by the Government with the same considerations as those of Panchayet held under its own authority.

Thus some sort of justice was obtained, and it was less impure than might be expected, from the sources by which it was supplied because public opinion and the authority of the Magistrate set bounds to Tukka, and the institution of Panchayets was a restraint on patronage and bribery.

The Panchayet itself, although in all but village causes it had the defects before ascribed to it, possessed many advantages. Though each might be slow, the number that could sit at a time, even under the superintendence of one person, must have enabled them to decide many causes. The intimate acquaintance of the members with the subject in dispute, and in many cases with the characters of the parties, must have made their decisions frequently correct; and it was an advantage of incalculable value, in that mode of trial, that the judges, being drawn from the body of the people, could act on principles that were not generally understood; a circumstance which, by preventing uncertainty and obscurity in the law, struck at the very root of litigation. The liability of Panchayets to corruption was checked by the circumstance that it did not so frequently happen to one man to be a member, as to make venality very profitable, while the parties and the members being of his own class, he was much exposed to detection and loss of character: accordingly the Panchayets appear, even after the corrupt reign of Bajee Row, to have retained to a great degree the confidence of the people, and they do not appear to have been unworthy of their good opinion. All the answers to inquiries (except those of the Collector of Ahmednuggur) give them a very favorable character; and Mr. Chaplin, in particular, is of opinion that in most instances their statement of the evidence is succinct and clear, their reasoning on it solid and perspicuous, and their decisions on a plurality of cases, just and impartial.

Their grand defect was procrastination, and to counteract it the litigators had recourse to the same remedies as with people in power—

intercession of patrons, and sometimes, no doubt, of money and bribes.

It is impossible to form very clear notions on the general result of this administration, either as to its dispatch of causes, the degree of justice actually administered by it, or its effect on the character of the people; but I should conjecture that simple causes were speedily decided, and complicated ones very slowly. The Nyacedaish principle of the latter description, and in 20 years it filed less than 1,400 suits, which it is believed that one-half were never decided. The judges appear generally to have given just decisions, but men in power would obstruct a reference to those assemblies, and could prevent the execution of their decrees. That justice was often denied, and injustice committed, appears from the frequency of Thullee, which includes robbery, arson, and even murder, committed to oblige a government officer to satisfy the claims of the perpetrator. The most commonest to the southward of the Kisna, but murders and disputes about landed property are every where frequent. With regard to its effect on the character of the people, the Ryots are in general simple and honest, but there is no regard for an oath, throughout the whole community; and perjury, and deceit, are carried to the highest pitch among the Patails and Scournees, and all who have much opportunity of practising those vices. There is no punishment for perjury or forgery. In the award of a PUNCHAYET, No. 2, it appears that 33 per cent. of the people are so an engagement to swear to any thing that one of their superiors may dictate, and for this complicated offence they were punished by the Nyacedaish. Litigiousness does not seem to be at all prevalent, unless the obstinacy with which people defend their claims to landed property can be brought under

the advantages and disadvantages of the native administration of justice which are to be weighed against those of the plan adopted in our provinces. If we were obliged to take them as they stood under the native Government, the scale would probably be turned, but as it is possible to invigorate the system and to remove its worst abuses the question is not so easily decided. The most striking advantages in our plan appear to be,—that the laws are fixed, and that as means are taken to promulgate them they may be known to all; that the decisions of the Adawlut, being always on fixed principles, may always be foreseen; that there is a regular and certain mode of obtaining redress; that the decision on each separate cause is more speedy than in any native court, and that it is secured by being enforced, that justice may be obtained by

Comparison of the advantages of the Native plan with those of the Adawlut.

means of the Adawlut, even from officers of Government, or from Government itself; that the Judges are pure, and their purity and correctness are guarded by appeals; and that the whole system is steady and uniform, and is not liable to be biassed in its motions by fear or affection, policy or respect.

On the other hand, it appears that although the regulations are promulgated, yet, as they are entirely new to the people of India, a long time must pass before they can be generally known, and as both they and the decisions of the court are founded on European notions a still longer period must elapse before their principles can be at all understood; that this obscurity, of itself, throws all questions relating to property into doubt, and produces litigation, which is further promoted by the existence of a class of men rendered necessary by the numerous technical difficulties of our law, whose subsistence depends on the abundance of law suits; that by these means an accumulation of suits takes place, which renders the speedy decision of the Adawlut of no avail; that the facility given to appeals takes away from the advantage of its vigor, in enforcing decrees, and renders it on the whole in many cases, more feeble and dilatory than even the Panchayet while in others it acts with a sternness and indifference to rank and circumstances very grating to the feelings of the natives; that its control over the public officers lessens their power, without removing the principle of despotism in the Government, or the habits engendered by that principle in the people, and that by weakening one part of the machine without altering the rest, it produced derangement and confusion throughout the whole; that the remoteness of the Adawlut prevents the access of the common people, and that if Moonsiff, with fees, Vakeels, &c., be adopted to remedy this evil they are not exempt from the corruption of the native system, while they occasion to a remarkable degree the litigious spirit peculiar to ours.

This view of the Adawlut is taken from the reports drawn up in Bengal, and it is possible that many of the defects described may originate in the revenue system, in the voluminousness of the regulations, or in other extrinsic circumstances; a supposition which appears to be supported by the state of the courts under Bombay, where most of the evils alluded to are said to be still unfelt. But enough will remain to satisfy us that the chance of attaining or approaching to perfection is as small under our own plan as under that of the natives; that on either plan we must submit to many inconveniences and many abuses; and that no very sudden improvement is to be looked for in the actual state of things. If this be the case it becomes of the first consequence to cherish whatever there is in the existing system, and to attempt no innovation that can

principles now in force, since it is so uncertain whether we can produce better in their room.

I propose, therefore, that the native system should still be preserved, and means taken to remove its abuses and revive its energy. Such a course will be more welcome to the natives than any change, and, if it should fail entirely, it is never too late to produce the Adawlut.

It is now, however, practicable for us to keep up the native plan entirely unchanged. In removing abuses we destroy the moving powers of Tukkaza, patronage and presents, and we must look out for others to supply their place. For this purpose we may hope to have more purity, more steadiness, and more energy, than the native Government; and I think we can scarcely fail to place the people in a better situation, with respect to justice, than that in which we found them. Such a change in the mere administration of the law will probably in time improve the character of our subjects, and admit of a gradual improvement in their radical principles; but it seems desirable that such improvement should be so slow as to allow the amelioration of the society to keep pace with that of the laws, and thus escape the evil of having a code unsuitable to the circumstances of the people, and beyond the reach of their understanding.

Improvement suggested in the Mahratta system.

Our principal instrument must continue to be the Punchayet, and that must continue to be exempt from all new forms, interference, and regulation, on our part. Such forms would throw over this well-known institution that mystery which enables litigious people to employ courts of justice as engines of intimidation against their neighbours, and which renders necessary a class of lawyers, who among the natives are the great fomenters of disputes.

Another objection to forms is, that they would deter the most respectable people from serving on Punchayets. The indolence of the natives, their aversion to form and restraint, their hatred of novelties, and their dread of getting into difficulties in an unknown course of proceeding, and thus exposing themselves to our supposed strictness, would be sufficient to prevent any honest Patail from calling a Punchayet, or any disinterested inhabitant from serving as a member; but it is only the honest who would be thus deterred: those who looked to profit through fraud would run a little risk in pursuit of their selfish designs, and would study our new laws so as to qualify themselves to evade them.

The Patail should be encouraged, as at present, to settle disputes amicably, if he can, and otherwise to refer them to Punchayets, on the old model.

namely (or consent) by the parties to the arrangement of the members, and a Saronush (or decision) as concise as they choose to make it. When these two papers can be produced, the decision should be final, unless in case of corruption or gross injustice. When those papers are wanting, the cause must be considered as still liable to investigation, but no censure is to be passed on the Panchayet for failing to produce them. When a Patail refuses to grant a Panchayet, the Mamlutdar may, on complaint, direct him to afford one; and if either party object to a Panchayet in his own village, the Mamlutdar shall be at liberty to order one at his own residence, or at any other village, as I believe was practised by the Marratta Government. But unless both parties give their free consent to the arrangement proposed by the Mamlutdar, that officer must report the case to the Collector, and await his orders.

Appeals from village Panchayets should be made to the Collector, if he thinks the Panchayet has not been freely chosen, or that it has not fully decided; or if on a summary enquiry he discovers any gross error or injustice, or sees good ground to suspect corruption, may order a new Panchayet, either at the original village, or elsewhere. In this enquiry the Collector can of course direct the Mamlutdar to make any local investigation that may be necessary, and he can employ his assistant, or an Amcen, either in conducting the summary enquiry, or in superintending the second Panchayet: but he ought on no account to go into an enquiry in any ordinary case merely because the Panchayet appear to him to have decided erroneously; the object of this appeal being rather to watch over the purity of the courts, than to amend their decisions. The appeal ought to be made to the Collector, rather than to the Mamlutdar, to prevent that officer either quashing complaints, or needlessly drawing up causes from the village tribunals to his own.

These rules will provide for the adjustment of disputes among villagers, but there are many mercantile and other persons who reside in towns, and are not subject to the authority of any Patail. For these persons another plan must be adopted. When they belong to trades, the Shaittee, or head of the trade, may perform the functions performed by the Patail, in summoning a Panchayet, with the consent of the Mamlutdar, and when these means are insufficient a complaint may be made to the Mamlutdar, who, if he cannot accommodate the matter, may resort to his own interposition or a Panchayet agreed to by both parties. The Mamlutdar must report it to the Controller, who will authorize a Panchayet of persons of the same order. When the parties belong to other professions, the application of these Panchayets to the Mamlutdar, or to the Controller, will be necessary.



officer of Government, he cannot be too careful to select the members, so as to make attendance as little onerous as possible. Persons unemployed ought to be preferred to men in business, and the whole to be managed as much on the principle of rotation as the disposition of the parties may admit. The objection of the parties to any member ought, however, to be always attended to, and if they shew a disinclination to the persons proposed by the Government agent, they ought to be allowed to name four respectable people themselves, who ought to chose a fifth as an umpire. If the members cannot agree, the umpire must be named by the Government officer.

In very large towns the superintendence of these Panchayets may be too much for the Mamlutdar to undertake ; and it will therefore be found necessary to nominate officers (to be called Ameens, or whatever name has hitherto been in use among the Marrattas,) expressly for the administration of justice. There might be one to every Mamlutdar's district, or one to every two ; but it ought first to be tried whether the Mamlutdars are sufficient to keep down the business, as the institution of so many dispensers of justice, besides the revenue officers, will certainly be new, and its effects on the Panchayets and on the people cannot be clearly foreseen, some means must however be found out to make up, in Poona especially, for the numerous chiefs and ministers who formerly used to assemble Panchayets. For this purpose, I think, there ought to be three Native Judges at Poona, with salaries amounting to 200 Rupees each, and three of inferior rank, with inferior salaries, who should receive complaints referred to them by the Collector, and submit them to Panchayets, or decide them themselves, when both parties consented to that mode of adjustment.

In such cases as the Collector should expressly prescribe, causes to be tried by Panchayets might be shaped by the Ameen in such a manner that the pleadings, documents, and evidence might all be brought at once before the Panchayet, and the cause decided at one sitting, unless the Panchayet should call for more information.

In causes decided by the Ameen alone, an appeal should lie to the Collector, who might always, or on all reasonable grounds, order a Panchayet to try the case anew. The higher class of Ameens might try causes to any amount, but the second class should be limited to 200 Rupees. The Collector might in all cases call up such causes as he thought of great importance to be tried before him or his assistants. The Shastree to each Collector might be an Ameen, and might receive an addition to his salary on that account.

In each of the large towns, perhaps two in each district, besides Poona, there might be an Ameen, with powers only to grant Pancha-

yets, when agreed to by both parties to settle such causes as the parties might agree in writing to refer to his decision; but wherever there was a dispute about the mode of trial, he ought to take the orders of the Collector.

The Ameens in the towns might have 150 Rupees a month, and all the Ameens might have a certain addition to their salary for every 20 causes decided by them, or by Panchayets under their direction. The expenses might be defrayed from fines, hereafter to be mentioned, but the connection between their allowances and the fund from which they are drawn ought not to be apparent to the Ameen.

To complete the administration of justice references might be made on all doubtful questions of Hindoo law to the principal Shasrees, who receive pensions or Wurshashuns. The selection in each reference might be left to the Commissioner, as was the practice with the natives, or a small addition might be made to the salary of a certain number, who might be constituted regular authorities, to decide on points of law.

Appeals ought to be received from the Ameens on the principles above mentioned, and in the same manner the Commissioner should receive special appeals from the Collectors, not with a view to revise their decisions on each case, but to give him an opportunity of ascertaining that his instructions are acted up to, and that the custom of the country is not departed from.

It is chiefly by this superintendence that we can hope to purify and invigorate the native system, so as to convert it from a mere engine of oppression into an instrument for a more extensive dispensation of justice than exists even in our own old provinces.

It is indispensable on this principle that the Collector should give audience, for at least two hours every day, to all ranks, receive complaints *visd voce*, and grant decisions and orders on Mamlutdar cases as the cases require. If he confine himself to receiving petitions in writing, it is impossible that he should have time to become acquainted with the state of things in his district. This practice, combined with the Collector's tours round his district, ought to be a great check on the Mamlutdars, and those officers ought likewise to be obliged to answer speedily and fully every complaint made against them, or reference sent to them. The great indulgence and forbearance recommended towards Panchayets and Patails should have no place towards Mamlutdars, on whose purity and efficiency so much depends, and with whom those qualities can only be preserved by strict discipline.

The salary ought to be decided on by a Panchayet, under a Patail, and fixed to 150 Rupees, and by a Mamlutdar or Ameen.

to 1,000 Rupees: when the amount exceeds this, Mamlutdars ought not to call a Panchayet, even with the consent of the parties, but to have taken the Collector's orders. Any sum exceeding 1,000 Rupees may be referred to the Collector, but great causes, where delay and expense would be best done under his own direction.

Cases, in which government officers are parties, should be reported to the Commissioner, who should take measures himself, or send special instructions in each case. No claim for a debt incurred during the Mamlut Government ought to be enforced against this class with more leniency than that Government would have evinced, and all business relating to causes of those persons should be conducted according to the practice of the former Government, as above described.

Rules ought to be made limiting the period at which a suit can be entertained. Twelve years from the commencement of the dispute would be sufficient in cases of personal property, but a very long period must be allowed in disputes about land, provided always that a prior decision by a competent authority has taken place.

These rules must be observed by the Mamlutdars and Ameens, but they must not extend to Patails, who must be guided by custom.

A period ought also to be fixed, after which appeals on complicity, gross error, bribery, &c., will not be received: these ought to be allowed only when the cause was tried by a Panchayet, and long when tried by the Judge.

Mamlutdars and Ameens should send registers of the causes they refer to the Collectors, and the Collectors to the Commissioner, but nothing of the sort should be required from the Petail.

So far, indeed, am I from wishing to clog the proceedings of the lower orders with forms, that I think a decision ought to be received and enforced by the public authorities, by whomsoever it has been passed, in every case where there is a written consent to the arbitration on the behalf of the parties, and a written award on that of the arbitrators.

Too much pains cannot be taken to encourage private arbitrations, and this is the more necessary from an opinion, which appears to be industriously propagated, that our Government resents and punishes any interference of individuals in affairs which are within its jurisdiction.

The employment of professional Vakeels ought to be strictly forbidden, both in the Mamlutdars, Ameens, and Collectors' Courts. As with the Patails, they are not likely to exist

complaints must be made with regard against persons of the description of persons who were not unknown to the Government, and who appear, from Mr. Lumley's report, to be becoming common under ours. This class, to all the bad qualities of hired Vakeels, adds that of corruption in the decision of the cause. Perhaps some rule should be fixed to compel the Mam-ludars and Ameens to attend to this caution, but this is the only regulation I would venture to propose regarding Panchayets.

The difficulty of assembling the members, and of getting them to come to a decision, suggest, at first view, some rules to promote those ends: but none can, I think, be ventured on without the risk of making attendance first entirely compulsory, and then very odious. The Magistrate may exercise his influence, and even an indefinite authority as hitherto, to procure attendance and decision, but he ought to use no absolute force, and, above all, to impose no fines, nor other punishments. The utmost would be, to call the Panchayet to his court, and seat them with an Ameen, from morning to night, until they should decide.

The Collector might be empowered to bestow on members of Panchayets, on whom attendance should appear to fall particularly hard, a sum of money at his discretion, to defray their expenses, and he ought to withhold all assistance of the kind, where the attendance of the members has been particularly remiss.

Panchayets ought to be furnished with a peon, to summon witnesses and parties, and in the event of the non-attendance of one of the parties, after due notice, the cause might be decided against him, though liable to revision, on good ground being shewn for his absence.

Some check is required to prevent frivolous and litigious complaints, especially in appeals from the decision of Panchayets. Fees have been suggested for this purpose, but it is very doubtful whether they are a check on litigation any further than they are a check upon justice.

It appears a better remedy to allow the Panchayets, or the person who tries the cause, to fine a party, whose complaint or whose defence is palpably frivolous, and if this is thought to be too great a latitude to trust to a Panchayet, the fine might be limited to the extent of the duty, formerly taken by the Murratta Government, or even to the duty which would, on our own system, be levied (even where there is a duty) in the shape of cost, and fees, stamped paper, &c. A portion of the money so levied might be given to the injured party, and the rest would go to pay the commission allotted to the members and the expense of members of Panchayets. If the fund is not adequate to this purpose a further sum might be raised by

sale of stamped paper for all deeds and contracts, which is a security against forgery, as well as the means of raising a revenue.

In cases of appeals, I would oblige the appellant to enter into a bond to pay a particular fine if the complaint proved vexatious, and this, as well as the fine, imposed on the loser, would only be a mitigation of the Marratta practice in both cases. Decrees should be enforced in the mildest forms in use with the Marrattas: a Hirearra, or, in a case of a respectable man, a Carcoon, should be sent to insist on the payment of the sum decreed, and to prevent the debtor eating from sunrise to sunset, unless it were paid. The property of the debtor ought also to be sold, but not his house, nor the implements of his profession. If all this should be insufficient, he should be imprisoned for a period, to be fixed, on the report of the Punchayet, according to the amount of his debt, and the fraudulent or litigious spirit he had displayed.

A question arises, regarding the native practice of Tukkaza. If left, as it was among the natives, it leads to every sort of oppression, and the more, as the sufferer is often prevented coming to complain. If done away entirely, the great principle which drives men to Punchayets, private arbitrations, and voluntary compositions, is put an end to, and every creditor is compelled to come to court. It is absolutely necessary to prohibit the use of force, but perhaps all restraints and inconveniencies that depend on the point of honor ought to be allowed to remain.

The plan I have proposed has many obvious and palpable defects, and many more will no doubt appear when its operations are fully observed. It has this advantage, that it leaves unimpaired the institutions, the opinions, and the feelings, that have hitherto kept the community together; and that, as its fault is meddling too little, it may be gradually remedied by interfering when urgently required. An opposite plan, if it fail, fails entirely; it has destroyed every thing that could supply its place, and when it sinks the whole frame of the society sinks with it. This plan has another advantage likewise, that if it does not provide complete instruments for the decision of suits, it keeps clear of the causes that produce litigation. It makes no great changes, either real or apparent, in the laws; and it leads to no revolution in the state of property. The established practice also, though it be worse than another proposed in its room, will be less grievous to the people, who have accommodated themselves to the present state of things, and are scarcely aware of their existence; while every fault in the proposed plan, and perhaps many things that are not faults, will be felt as a want of this adaptation. I do not, however, think that our interference with the native plan is odious.

Advantages and disadvantages of the proposed plan.

present. On the contrary, several of the courts  
get a summary decision by an European Judge  
more natives than any other mode of trial. This  
is not the first; but if the decisions of Europeans should ever  
to occasion the disuse of the native modes of settling  
it would soon be a run on the courts, and justice, however  
obtained, would never be got without years of delay.

There must, however, in the system now proposed, be  
a sacrifice of form, and even some sacrifice of substance  
to be expected that the abuses which  
will give particular disgust to most of our  
are repugnant to our ways of thinking, and  
there are equal blemishes in every other  
the least offensive in our eyes are offensive  
to natives. This unsuitableness of the native  
is, however, a very serious objection to it,  
doubtful if we shall be able to maintain it  
if it is to be entrusted shall have ceased  
their fitness.

If our own system be unintelligible to the natives, at least  
intelligible to us, and as its characteristic is strictness, and checks  
to departure from them, it is not easy to go wrong, as it  
possesses no very nice adaptation to the native way of thinking, a  
little derangement is of no great consequence. But the native plan  
can seldom be thoroughly understood by any of us; we may act  
against its plainest rules from mere ignorance, and we must all be  
liable to strike at its vital principles when we think we are only  
removing its defects. Nor is it necessary that the legislator should fall  
into this error to produce the most fatal effects. The error of an  
inferior executive officer is sufficient to overthrow the system.  
The Commissioner perceives the numerous irregularities, abuses, and  
corruptions in village Panchayets, which may be avoided by a few  
simple rules, and the complete insight and effectual superintendence  
that would be gained by a mere report of the Patail's proceedings; he  
makes his regulations, directs a register to be drawn up, punishes the  
neglect of his orders regarding it, and from that moment there is an  
end of village Panchayets, until Patails shall be found who will  
undertake those troublesome and unknown forms, from mere public  
fear, with the chance of punishment and censure for unintentional  
errors. Not less effectual would be the decisions of an inexperienced  
magistrate acting with that confidence which inexperience alone  
gives. He fines some Panchayets for exceeding their powers, and  
punishes some Patails for confounding their judicial with their fiscal

function, and the effect of his decision is as complete within his district as if a law had been enacted prohibiting all interference in settling disputes, except by the officers of Government.

To avert these dangers, the best plan is to keep this territory, for a considerable time, under a separate Commissioner, on whose vigilance we must depend for correcting mistakes such as have been described.

Wishing to give a complete picture of the shape in which I recommended the native system to be preserved, I have not distinguished between the arrangements already adopted, and those only proposed. In general, the Marratta system has been kept unchanged. There are, however, some slight differences in the modes of proceeding of the different Collectors. Mr. Chaplin receives all complaints that cannot be settled with the consent of the parties, and directs the Mamlutdar to enquire into them, and, when necessary, to grant Panchayets. Captain Grant adopts the same course, but also has many causes decided by himself and his Assistants at Sattara. Captain Pottinger's proceedings are similar to Captain Grant's, and in the present state of Candeish there appears to be scarcely any judicial business. At Poona, it has long since been found necessary to appoint three native Ameens to assist in the administration of justice. These persons regulate Panchayets, and try causes, which both parties agree to submit to them, and latterly causes also, where the parties neglect to name the members of the Panchayet. There have been 3,428 causes filed at Poona, of which there have been settled without a trial 1,323.

Alterations already introduced.

By Panchayets ... .. .	376
By injunction from the Collector ... .. .	539
Dismissed on the non-attendance of the plaintiff ...	408
And there have been decided ... .. .	1,015
By the Collector and his Assistants... .. .	234
By Panchayets, chosen by the parties ... .. .	44
By Ameens ... .. .	248

1,052 causes were undecided in the end of March; on the whole, I should think that the means we have hitherto possessed have not been sufficient to meet the demand in Poona, and perhaps, owing to the constant occupation of the Mamlutdars in revenue business, the same may be true in the country. I hope the plan now proposed will be more effectual. Should it fail, it will be necessary to have numerous Ameens for holding Panchayets, and to adopt, by degrees, stricter rules to compel the attendance and hasten the decisions of those bodies. If that should be insufficient, Moonsifs must be empowered to try causes by themselves, in which case there must

Ultimate improvements if those now suggested should fail

European Judge to hear appeals, and  
ments must not be introduced until  
careful not to induce the natives  
settling disputes, by holding out  
justice, which we may not ultimately be able to realize.

Summary of our  
Civil Arrangements.

To sum up the effects of our  
we have, in revenue, lighter, more  
less speculation, and consequently  
ment. In police, more attention  
and, so far, less efficiency. In civil  
Government has taken on itself the whole respo  
people's rights, but there is more form, more  
some cases, and less in others. In criminal  
scruples, more trials, more acquittals, more  
crimes, except robbery, and for that, but

to be  
violence  
is the  
protect  
delay



# APPENDIX.

TRANSLATIONS of a deed of purchase executed in the year Shue  
1726 Rucklakshee, on Pouch Vad Pritty Pudda, between  
Tannojee Bin Dutojee, Patail, Cuddum of the village of Gaivee,  
in the Purgunnah of Phultan; and Beemajee Bin Assajee, Patail  
Madoay, the Muccadum (or Chief Patail) of the village of  
Jecreagaum, in the Patas Turuf of the Praunt of Poona, sui 1214  
6ej.

The reason of this deed of purchase being executed is, that the  
Muccadum (or chiefship) of the above-mentioned village, Jecreagaum,  
being exclusively mine, and that as there has been a severe famine in  
the land the whole of this year, and many have died for want of food,  
and as I also find myself reduced to the last extremity, from an  
absolute want of every kind of sustenance, or means of procuring it,  
excepting by disposing of my Wuttun (hereditary office and lands  
perhaps) and Suice; if I were not to dispose of some of it, I should  
die, and the whole world would be lost to me, I have resolved to save  
my life by dividing my Wuttun Writtee, and admitting partner to its  
engagement.

With this fixed design I have come to you, and fallen on your  
neck, begging that you will preserve my life during the continuance  
of the famine, and that, in consideration of your doing so, you will  
accept a half of the rights of my Muccadumee, while I retain the  
other half.

Thus petitioning and speaking to you, in the strongest manner  
you have consented, and I now execute this agreement, to testify my  
voluntary relinquishment in your favor of half my rights or sole  
Muccadumee of the above-mentioned village, and that, in consideration  
thereof, I have before witnesses accepted and received seven hundred  
and one rupees. You have thus preserved the lives of my family, and  
we shall henceforward jointly enjoy all rights (Thug), dignity (Maun-  
pam), &c., according to the undermentioned detail.

## *First.* HUGDAREE, or RIGHTS and PERQUISITES.

1st. GOOGREE. Two maunds, at the rate of 16 puheelas per  
maund on each cultivated Chahoor of land. Half this grain or half  
the value shall be yours, and half to me.

2d. **BHAL**. Jumma on the annual tithing the Jumma, amounting to 25 Rupees and one half mine. If you have more than one mine.

3d. **PALBARRA**. For every Chahoor of cultivated land I am entitled (at the reaping season) to an hundred bundles of the grain produced ; half of this shall be yours, and half mine.

4th. **HOORDA NIMBOOR**. The half of what I receive from each field on these accounts shall be yours, and half mine.

*Remark.* Hoorda is unripe Joarry, which it is considered pleasant to eat roasted : the quantity received by the Patail from each field is from one to two puheelas. Nimboor is unripe Bajerry taken for the same purpose.

5th. **MULEATEEN**. For products of the earth from irrigation you shall receive half of these products, and of all new similar products which come to my share.

*Remark.* This Thug is very uncertain, and relates chiefly to vegetables and garden products.

6th. **RALIDASEECHA WOTTOL**. Half shall be yours, and half mine.

*Remark.* This is a small exaction, of from one to two annas taken from travellers who stop at the village. It is distinct from the Anglee, or what is paid to the Ramoossees of the village for keeping watch at night over travellers' property.

7th. **SHEVEDEER**. Teliachee (rights from the oilman) ; half shall be yours, and half mine.

*Remark.* There is a considerable quantity of oil produced in the Deccan from plants sown annually, and cultivated in fields, either singly, or mixed with grain ; the most common plants of this kind are the Til, the Invus, the Kareel, Amborey, Kusde, and Moore. The Patails, in some places, send round every evening for oil, when each oilman puts alike in the dish. Others receive their quota monthly and others annually.

8th. **KOOSHTEECHE MAZ** (weavers' looms). We shall each have half.

*Remark.* Each loom pays, at the end of the year, one cloth of the description of cloths woven on it. A Kooshtee is a weaver of bands of a cloth, which answers the purpose of a Sarhee, of Puchoras and sometimes of Sarhees. Besides Kooshtees, there are other kinds of village weavers, Jains, Salees, Dhungurs, (who are also shepherds) and Momins : the last are Mahomedans.

9th. **DHUNGURCHE MAG** (woollen weavers' looms). Half shall be yours, and half mine.

MOH TURUPA. What is received on market-days by shopkeepers, Banians, &c.; such as tobacco, Sopary, N. Paun, Gor, &c.

11th. BAPROTTEE ZUMEEN (Miras land). 19 Rookas of this land shall have half; that is, eight Rookas in one place, and a Rooka half in another place which contains a Well, the whole of which is up to you. I retain the other half of the land.

12th. I have a Well in one Rooka of ground appropriated for growth of vegetables; half shall be yours, and half shall remain

13th. You shall have half my tenement to reside in.

14. Attached to the Muccadumce, or Patailship, there are Enam to the extent or half a Chahoor, or six Rookas. You shall enjoy of this, while I retain the other half.

15th. The village Mars who perform service for me, shall also

in those lands close to the village I have three Rookas of land; one and a half shall be yours, and the rest continue to be mine. But besides this there is a quantity of land without tenants or labourers, and which belongs to the village. You shall take half of this land, while I retain the other half.

16. The meaning of the latter sentence is, perhaps, that you shall enjoy an equal title to the disposal, or, if it may be termed patronage of the land, because there is always a small fee to the Patails who let out, or sell the occupied fields of the village passage, however, argues strongly the right of the Government to the disposal of all lands not possessed by the Government, and Koacum" lands.

#### MAUNPAUN, DIGNITY and PRECEDENCE.

TUSHREEF. (The annual Government present on the full of the revenues.) We shall receive Tushreef year and year

And. On the festival of the Holi, it will be customary for both to bake bread. The musical instrument players shall come to my house first, and go playing before me till I arrive at your house, when we shall both set out; my bread being carried on the right of your bread, and on arriving at the place of worship (a tree) I shall tie up yours under it. We shall then together equally go through the ceremony and the rest of the ceremony conjointly and at the same time.

17th. On the occasion of Shesalshet (a ceremony which occurs on the 6th, the day after Nagpunchumee,) we shall both

make an image of the Gods, and together carry the images, after our women to the well or tank, and throw them into it. Your Shesalshet shall go in procession on the

4th. On the Polse Amauass, the bullocks shall go round the well at the same time,—yours on the left, and mine on the right. In this way, the one equal with the other, the procession round Hanuman; but the music shall be yours, while yours remain until it returns, when mine shall lock home with music also.

5th. On marriages and Pats I shall first receive Beera, Tal (Paun Sopary, and a mark on the forehead,) and then you; on like occasion the Candwa (a large, round sweet cake) shall be equally shared by us.

6th. We shall worship, not all the old Gods, but all the new ones that may be set up together, and not before, or after each other.

7th. The heads of all goats sacrificed to any of the Gods before were wholly mine, shall now be half of each head.

*Remark.* Hanuman is never offered the sacrifice to Bhowanny, Cundoobha, and Bheeroobha, such sacrifice is not allowable; the carcass of the goat is eaten by the owner of the goat and his friends.

8th. On the full moon (of March) I shall receive one, and you shall receive one.

9th. We shall be bound to wear shoes of the same material once a year.

10th. The village Derhs, on festivals and great occasions, shall give us both a piece of firewood, but mine shall be given first.

11th. On Kewl Putturs my name shall be written uppermost on yours, and below only one Plough (plough is the signature of a cultivator).

12th. We shall each have a goat on the Dussara, and their value will be put in the village expenses.

13th. On the Dewally, &c., the pipers shall play at my door first, and then at yours.

14th. We shall make the Dussara Pooja together.

15th. Invitations to marriages, &c., shall be first given to me.

16th. The Shella given on Pats, marriages of widows, or rather contracts answering the chief end of marriages, shall be shared between us.

17th. The *Thulkurrees* from their flocks shall  
 be held by shares.

18th. The *Gor* and *Til* given on the *Sankerrant* shall be  
 and held by shares. In this manner you and I &c. (confirming the  
 same to all futurity).

Then the *Deccan* names.

The confirmation of this deed was granted by former  
 the copy of the deed, above translated, was found

(Signed) H. D. ROBERTSON.

*Letter, dated the 9th March 1818, from Captain  
 Provisional Collector at Poona, to the Honourable  
 ONE.*

of the tenures by which the land is held by the  
 Deccan Coonbees, my enquiries have been more succesful. The  
 general divisions of husbandmen are two—*Thulkurrees*, or men who  
 cultivate their own fields; and *Coolwarrees* or *Oopurees*, men who  
 labour on lands not their own. The *Thulkurree's* tenure is uniform;  
 the occupancy of the *Coolwarree* is of different kinds.

The *Thulkurree* is also called a *Mirasdar*. *Thul* signifies a field,  
 and perhaps the literal meaning of *Thulkurree* is a man belonging  
 to, or who labours in, a field. The term *Mirasdar* is more expressive of  
 the actual condition of the *Thulkurree*; *Meeras* signifying patrimony,  
 heritage, succession. But whatever arguments could be adduced  
 against the word *Thulkurree* or *Mirasdar*, as definitive of the condi-  
 tion of the person known by these appellations, there can be no doubt  
 entertained of what that condition really is, for he is considered, and  
 acknowledged by the Government, to have the property of the lands  
 he cultivates. I am yet uninformed, and perhaps it may never be  
 clearly established, at what period the Deccan landlords acquired  
 their rights to the property of the soil, by purchasing it from the Go-  
 vernment, or the village, or whether it has always been inherent to  
 them, and that the Government has either usurped their rights in  
 some instances, or broken through a custom of allowing lands laying  
 waste from a deficiency of population afterwards to become the in-  
 heritance of the multiplying descendants of the original number of  
 land proprietors.

The Deccan landlord is proud of his situation, and is envied  
 among his brethren, who are the cultivators of lands not their own:  
 their feeling of attachment to their fields is remarkably keen; and  
 but the utmost pecuniary distress will induce them

to abandon their rights of proprietorship. These rights are either inherited or purchased; and it is a remarkable circumstance, that in the body of the deed of sale it is invariably usual to record that he who sells his lands has begged of him who buys them to become the purchaser. It would seem that this information is deemed requisite as a safe-guard to the buyer, in consequence of the known reluctance of all landlords to part with their lands, to show that no subterfuge was used to force or trick them from the original proprietor. I have the honor to enclose the translation of two deeds of sale of land. The first has been executed and acted on without any reference to the Government. The second has been secured to a confirmation, first on the part of the ruler during whose reign it was executed, and afterwards by his successor. When a Thulkurree dies without heirs, or leaves his native country to reside in another, his lands become the property of the village, unless the proprietor returns before thirty years.

The lands of the Deccan villages are all measured, or supposed to be so. The village accounts are made up by accounting for the disposition of its lands. Every field has a name. The lands are appraised according to their quality of Ootum, first rate, Muddum, middling, and Kumist, or poor land. The Thulkurree pays land-rent to Government according to the extent and quality of his lands. This land-rent is supposed to admit of no increase.

The Coolwarree ought probably to be pronounced Cowlwarree, which would signify a person holding a Cowl or permission. The Coolwarree, whatever be the origin of his name, is in fact a farmer. He cultivated lands not his own, under different names, according to the nature of his agreement.

(A true Extract.)

---

*Translation of a Kureed Puttur, or Deed of Purchase, dated 1739  
Shee Eshwar (Nam Sumwatsies Cheyteroud Treetea).*

To Pandoorung Raw Ramchundur Bingeey, of the village of Oonderee Turup Havelly Kiryat Mahawull, Pergunnah Poona, from Bheyjee, the Son of Mahadajee, and Madojee, the Son of Jugojee Cassid, of the same village. Sooma Sein Suba Asper, Meya Thein Un Alif, 1226 Fuzulee.

A deed of purchase is executed to this effect, for this reason, that, inasmuch as we formerly received from you 917 Rupees on account of six Rookas of the Thul field, called Gana, transferred to you along with the Well in mortgage for 27 years, and that at the end of the abovementioned period you, having received from the enjoyment of the land the value of your money, were to restore it to us: and that

as, at this time 20½ years of the period of the mortgage having expired 20½ years still remain, and we are reduced to distress and to the chance of dying from want of food, we have now come to you, to fall on your neck, and to petition you, that as you have a right to our land for 20½ years, and we are reduced to want, you will, in consequence of our joint desire, accept for ever of half,—namely, three Rookas of the land mortgaged to you, with half the Well,—on condition that you will immediately yield your title to the other half to us, making the price of the half we give you up, on a calculation of what we should have to pay, to redeem the whole six Rookas mortgaged for 20½ years, Rupees 675.

We therefore hereby give to you the land above-mentioned for 675 Rupees, the sum we may be said to owe you for the whole land mortgaged, and with its half the Well attached to it, and the western half of the tenement we possess, Tulkurees in the village, with whatever Walls there may be thereon, namely by—Huths in length from north to south, and 12 Huths in breadth from west to east. You are bound to preserve all the customs of the village, and to conform to particular customs heretofore established in respect to the land and rights now made yours; such as the payment of the Sircar's revenue, Purelapaun, &c., the rights of the Kulkurnee, and the Baloot of the Balooties; and you will enjoy, you and your sons, and your sons' sons, to future generations, the land above-mentioned; and on the ground, in the village given to you, you will build a place, what you please, and be undisturbed; and we engage to be answerable for any molestation given you by any of our friends or relations, so that you will sustain no injury. This deed of purchase, which we have written valid (Suhee,) dated the 16th of the month Jummadee-ool-akher

Written out in the hand-writing of Gopaul Sidesheour of abovementioned village.

## WITNESSES.

The Muccaduns of the said village Koosojee Bin Shokaje Patell Canwa, and Kundojee Bin Villojee Golay.

Bheyie Bin Kristdojee Panckur, of the same village, &c. &c. &c.

## PLOUGHS.

(That is signature shaped so) Tumbuckjee Bin Essajee, the Carpenter. Janojee Bin Ramjuellorary, the Barber. Willojee Bin Bherjuthee, Goora Ramajee Bin Poonja, the Currier, &c. &c. &c.

(Signed) H. D. ROBERTSON,

Collector.

*Translation of a Government Confirmation of the Deed of Purchase of Land.*

To the Deshmookh and Despandy of the prout of Poona. Be it known that to you, Mahadajee Bin Nazojee and Namajee Bin Ansojee

shejeoul, Ryots of the village of Wurkee Turuf Huvelly, there is an Enam-putter and Miras-putter given as follows. (Here is mentioned the year and date.)

You having come to Poona have represented that both your Grandfathers Raijee, *alias* Ragoojee, and his younger brother Chahoojee, lived together in the year 1639, and that the Patells of the above-mentioned village having been reduced to distress, accepted from your said relations a sum of money, and voluntarily gave them a portion of their Enam land, measuring  $1\frac{1}{2}$  Rookas and  $7\frac{1}{2}$  Rookas of Miras land, and that having thus sold their lands a deed of purchase was executed in the name of Raijee, *alias* Ragoojee, to the following purport.

(Here follows a deed of purchase similar to Enclosure No. 1.)

A deed of purchase of the above tenor having been executed was confirmed in the year Soorsun Meya Wa Alif by the deceased, Bajee Row Pundit Pradhan to your Grandfathers, at which time Suntajee's son Muckajee and Tuckagee Patell having been brought to the presence and asked what lands they had voluntarily transferred to your Grandfathers, stated as follows:—

1st.—Part of our Enam lands, to equal to $1\frac{1}{2}$ Rookas, viz. belonging to Muckajee Patail		... .. Rooka	$\frac{1}{2}$
Ditto to Tuckajee do.		... .. Do.	1
			<hr/>
			Do. $1\frac{1}{2}$
2nd.—Part of Miras land			
1. Of the field called Soandur, containing 24	... Rookas	6	
2. Of the do. do. Coley Thul, containing 12	... Do.	$1\frac{1}{2}$	
			<hr/>
			$7\frac{1}{2}$

And 3rd.—A part of our premises in the village, 45 Huths long and 40 broad.

Now you having brought a deed of purchase corresponding with the above statement, and having all produced a document executed by the deceased Bajee Row, confirming its validity, and as you are desirous that the present Government should also testify the same, it is hereby decreed that you and your sons and descendants shall enjoy in Enam and in Miras the lands, &c., according to the tenor of the confirmatory act of the late Bajee Row Pundit Pradhan, and that you shall continue to conform to the practices of the village, in regard to the lands you have acquired.

Signed) H. D. ROBERTSON



*Extract of a letter dated the 22nd December 1818, from Captain BRIGGS, Political Agent in Candeleish, to the Honorable M. ELPHINSTONE.*

The remainder of the province, and that part of Gungturry under my authority, appears to have undergone a similar survey in the time of Mullick Uंबर, the founder of Aurungabad, and the successor to the Government of the last of the Nizam Shahy Princes. As far as my enquiries have enabled me to learn, the assessment were pretty much the same as those of Acbar's, but the nature of the landed tenure was essentially different.

This Prince seems thoroughly to have comprehended the use of the soil to Government, by identifying the interest of the cultivator with its fertility. While Acbar considered the land the property of Government, Mullick Uंबर confirmed the right of cultivating certain fields to the Ryots; he made a considerable portion of the land private property; the lands of the village were considered the joint property of the township; the fallow land was the common for the pasture of the cattle; and the ploughed ground was either the property of individuals, or cultivated by tenants, who received a portion of the crops. It appears to have been a principle of his wise administration to encourage the possession of private landed property as a means of attaching their cultivators to their own soil, and making over in perpetuity to them what is only useful to Government, as long as they continued to remain on it. The farmer holding private land is called Wuttundar, or hereditary proprietor, and the mere cultivator is styled Oopry, and is a tenant at will. The whole of the village officers—such as the Patail, the Culcurnee, the barber, the washerman, the watchman, the carpenter, the smith, the goldsmith, the potter, the Josee, astrologer, or schoolmaster, and the currier—had each his field assigned to him; his office and his land are both hereditary, and so far personal that both one and the other are saleable, or transferable by gift; these lands are free of taxes as a remuneration for the performance of their offices, and to ensure in each village, however small, one of these useful members of the community. The Mahars or Dehers, hereditary watchmen of each village, are those to whom boundary disputes are referred for settlement. These boundaries are marked by stones fixed in the ground, and beneath each stone is usually deposited an earthen pot full of charcoal. It is surprising how these landmarks are preserved long after villages are uninhabited, and so tenacious are landholders of their fields, that they will often cultivate them at the distance of three or four miles from the place they reside in, if their own village is deserted, rather than take up with new ground that may be near or more convenient, as is

the Ryots pay his rent, the Shaikdar is obliged to write to the Patail, if he had not been reported, or if he had not been brought to the notice of the Sir, to write to that officer, and get his leave to alter the

When the period of an Istawah grant expired, if he chose, cease to cultivate to the full extent of his ground, so doing he forfeited (as I have already stated) his claim to the future; and the Patail, in concert with the Shaikdar's acting on permission from the Kumavisdar, was bound to find, if possible, other cultivator whose tenure was exactly that of his predecessor. On the other hand, if the Ryot was pleased with his lands, he was in his power to secure them in his family as a *Merassee*, or hereditary possession, by simply agreeing to pay the rent of the lands, whether they were cultivated or not. The rent received by it from the Government in this case is termed Sahra, and nothing short of it was to be levied to prevent its being paid. A man will sell his house, his bullocks, his clothes, and even bind himself to serve another, to secure the payment of his Sahra, because it is his property, and he has a right in the land of his neighbours to preserve his *Merassee* lands, and he is obliged to pay his dues upon them. A man who is unable to pay his dues, is considered as bankrupt, and becomes a bankrupt.

The preceding is a description of the practice observed in the early and flourishing periods of the sovereignty of the Paishwas, but many of these regulations have since widely deviated from in latter times. *Merassee* lands have been seized from the lawful holders and transferred to relations and dependants of court favorites and partizans of great men. Kowls have been granted by Patails without the sanction of even a Shaikdar, and the consequences have been that their friends were favored whilst other Ryots were overburthened with demands to make up the deficiencies. Every succeeding year increased this evil, by reducing the number of ryots, some of whom fled, whilst others sold their cattle to pay their last year's rent and become servants of their more fortunate neighbour. The farmers and their agents, having no interest in the general prosperity of the country, did not take the trouble to investigate the motives and fairness of Kowls, and cared not whence the money came, provided they got as much as they expected from a village. The old revenue system ceased even to be thought of, and extortion took the place of the just realization of the revenue.

COPY

SIR,

In reply to your circular letter of the 10th inst. respecting the crassy lands, I have the honor to

information I formerly obtained while making out my report on Candeish, and from more minute investigation lately acquired appears that Meerassy land is saleable only in the following Pergannas, which are said to have formed part of Mullic UMBER's domains, viz:—

Ferguanna Zeitapoor.

Tilwan.

Karolly.

Kunnassy.

Pimpla.

Galna.

„ Kutghur.

In the remainder of the districts in Candeish, the Meerassy land is not saleable; it is not, however, considered Meeras, or inheritance; if a farmer has cultivated a field for many years, and it is considered unjust to deprive him of it as long as he pays the Government tax, the only exception to this is in the instance of Enams, which, every where, I believe, is saleable.

I have not been able to ascertain whether the land in Candeish was at any time Meerassy. It certainly has not been since the Mahomedan conquest in 1306, and there are no village records which come within three or four centuries of that period.

The prevalent opinion, which is supported by Hindoo laws and by history, is, that unclaimed land cleared by the subject is his inheritance, and that he should pay for the protection he received from the State one-sixth of the produce in ordinary times, and one-fourth in time of war.

The Mahomedans in their conquest considered themselves as masters of the persons and property of all infidels whom they subdued. The conquered possessed therefore nothing of right. It appears to me, they were employed to cultivate the land of the conquerors, and received half of the gross produce as wages, and to bear all the expenses of cultivation. As the Mahomedans became identified with the natives, some relaxations occasionally took place, but the hypothesis that the Government is the lord of the soil seems founded on the opinion that the conquered lose every thing but what is restored by the victor, and whenever the husbandman alone retains the half of the gross produce, it seems to me that he is rather the labourer than the tenant of Government, much less the proprietor of the soil.

The only Prince, which I know of, who promoted the sale of land, and the privileges of real proprietorship, was Mullic UMBER.

I imagine it will be found that these rights were  
signs of the Nizam Shahy Dynasty.

I have, &c.

(Signed) JOHN BRIGGS

Political Agent

To the Honorable M. ELPHINSTONE, &c. &c. &c.

---

*Extract of a letter from Captain GRANT, Political Agent at Sa  
to the Honorable M. ELPHINSTONE, dated 17th August 1819.*

The hereditary, or those termed such, are the Daishmook, Daish-  
pandy, Nargounda, Desh Chougulla, Patail, Kulkurnee, and Chougulla.

It is not intended to enter on any definition of the duties of these  
in this report, where I shall merely confine myself by stating generally  
the claims which they have on the lands and revenues of the district.

Daishmook and Daishpandy are compound Shanscrit words, and  
the institution of the offices is accounted very ancient. They have  
been termed Zumindars by Mahomedans, a name which the modern  
Daishmooks and Daishpandies are ambitious of retaining, but I have  
seen nothing to prove their having ever been on the footing of Moghul  
Zumindars. The only officers, whose situation was nearly approach-  
ing the Zumindars of Bengal, were the Mokassdars of the Beejapoor  
State; but I have nothing very clear respecting them.

The claims of the hereditary officers, or Hugdars, in this district,  
on account of the intricacy and confusion in which the whole accounts  
are involved.

The Daishmook's Hug is very variable in Fultan Des; it is one-  
tenth of the whole revenue; in Kurar, it is a twentieth part of the  
whole land, and five per cent. on the land revenue. In Maunee  
Haps nearly the same, but with a claim to one half of all fines  
paid within the district, which, however, has not been satisfactorily  
established. In Meertlurce it is the assigned Enam land, and a  
fixed money payment which is paid wholly or in part. The  
Hug of Wace is the same as Kurar, but the Hug or Wutten,  
which was formerly a time attached by Sher...  
... was then raised to 10 per cent.  
... 5 per cent.

The Daishpandy Hug is also not uniform ; it may be reckoned at one half of that of the Daishmook ; both commonly have claims upon the customs.

The Nargounda has also some claims on the customs ; he has his Hug in Enam land, and 2 per cent. on the land revenue.

The Desh Chougla's pay is not general ; where it is acknowledged he has Enam land, and a money payment from the Sadilwar.

Daishmooks and Daishpandies style themselves Zumindars, while Patails and Koolkurnees come under the general term of Wuttundars. The Patail has Enam land, Mushaira, a ready money payment on the Sadelwarred, an allowance for Serpow, and sometimes, though rarely, a share in the customs ; he also receives a contribution in kind from the ryots, termed Goozee.

The Koolkurnee has also Enam lands, an assignment in money on the Sadelwar, besides Serpow allowance ; the grain payment made to the Koolkurnee is termed Mushaira.

The Chougulla has a smaller share in a similar manner.

The Balootay have land, and a Hug in kind, from the ryots.

In the Mahratta Country all inheritance goes by the name of Wuttun, and no one would willingly part with his Wuttun if much more than its intrinsic value were offered for it. The most serious distress is that of being compelled to sell one's Wuttun. The feeling is singularly strong, and is not easily understood or described ; the attachment to a house, a field, or garden, we can enter into, but Wuttun is sometimes merely the right to a few blades of Bajee from the vegetable sellers in the Bazar, which I have seen maintained with an eagerness, which did not proceed from its value, but from its being Wuttun. I have seen two women fight and tear each other in the streets of Sattara because the one had removed a loose stone from near the house of the other, which was part (said the enraged and aggrieved person) of my Wuttun. This feeling will be found universal, but here it is peculiarly observable.

All the hereditary officers can sell their Wuttun, but some require to have the sanction of Government. Consent, I am inclined to think, is always requisite, to be regular, but in some cases, such as Patails or other executive and important officers, it is indispensably necessary. In the sale of every species of inheritance, the next of kin has the first offer, and so down to the nearest neighbour. This is a rule of right, even in the disposal of a house, which may not have been acquired as patrimony. If the house and street are east and west, the neighbour on the east side has the preference. If north and south, the one to the south has the first offer.

The sale of any hereditary office is a very formal proceeding, the attested acknowledgment of the act being voluntary; and the proceeding from circumstances, which are to be generally stated, is the preliminary adjustment. I have examined papers of the sale of a hereditary office, and found the amount above 50 years' purchase of all known emolument; but beside the purchase money there are fees to Government, and regular dues to be paid to the other hereditary officers, upon admitting another person into the gate. The whole of the hereditary officers bear witness to the deed of sale, which list of signatures is taken in a public assembly, and is turned to the gate Muhzar. The share of Hug upon customs shall hereafter form a separate report.

The hereditary officers are amenable to a tax called the Deh Puttee, which is the whole amount of their Hug, exclusive of their Enam lands, and may be levied every tenth year. This has never been regularly levied, and is a very unpopular tax; at first view it seems only reasonable that those officers, when not executive, should be required to contribute something to the exigencies of the State, yet many poor women and families, who have small shares of Hug, would be greatly distressed by it, unless it could be levied on individuals possessing above a certain income derivable from this source: but this would require a minuteness of information, which we cannot easily acquire.

As the extent and assignments of all rent-free lands will be shewn in the statements which I shall forward next month, I shall at present pass on to the various tenures of the farmers who pay revenue to Government, leaving the others at rest for the present.

All persons who possess hereditary right to any fields come under the head of Wuttundars of such and such a village, though they may have actually resided all their lives at Gwalior; whereas all others who do not possess this right, though present in the village, and though they and their ancestors may have resided there for a century are termed, in common with the passing Marratta traveller, who has slept a night in the Dhurmsala, Oopnee or stranger.

The common farmer holds his lands upon a contract, or lease from the village authorities, which is called his Coul; it is generally renewed from year to year, and seldom exceeds three years: he is obliged to conform to the customs of the village, and commonly pays his Sirkar dues in money; he is said to hold his Kund Mukta, or Dakta.

A Warrenda K... is a person who holds lands in a similar manner, but beyond the limits of his own village boundary.

A *Sheree-kuree* is a person who holds lands virtually the property of Government. *Sheree* is commonly a particular species of property, which has since reverted to Government, either by becoming forfeited, or by the former purchase, for the purpose of planting trees. It may also have been land which, from time immemorial, has not been within the bounds of any village. A *Sheree-kuree* may be a person holding a few mangoes for the season.

A person renting land under an agreement of paying half the produce in kind is said to hold it in *Bhuttoyee*.

The ryot, however, whose situation merits most particular attention, is the cultivator of lands in which he has an hereditary and proprietary right, and who holds his land in perpetuity on paying a fixed rent to Government. To this tenure you have particularly directed enquiries, and I shall endeavour to state all I have been able to collect respecting these *Meeras* lands.

The *Meerasdar* has, without doubt, a perfect property in his field, as long as he continues to pay the amount with which it may be burdened, together with the right of disposing of it, even without the sanction of Government. How he became originally possessed of this right, it is difficult to account for; there is no direct evidence of the whole land having been all *Meerassee* in ancient times, but there is a proof in the *Thul Jhora*, or record of the fields in villages, that a vast quantity of the land formerly registered *Meeras* is now *Kund Mukta*, or held in common lease.

An opinion prevails that all land was originally *Meeras*, and that in the ancient *Hindoo Raj* the soil became the acknowledged property of the person who first cleared it of stones and jungle.

The usual manner of obtaining this right from Government at a more recent period I have already had the honor of explaining in my letter of the 29th of January, on the subject of the *Istawa* lease; but since I wrote that letter I have had more opportunity of hearing opinions and judging of *Maratta* feeling regarding this tenure, and I now find it as generally considered an overstretch of power on the part of Government to resume any *Meeras* field, merely because the *Meerasdar* has failed in paying his rent, or because he has retired to some other part of the country to evade payment.

Simple insolvency on the part of the *Meerasdar* does not appear to have given Government the power of disposing of field in *Meeras* to another. When the *Meerasdar* cannot pay his rent, the amount of the dues falls on the other *Meerasdars* should the insolvent *Meerasdar* remain present in the village; but if he should quit the district, the other are not called upon to pay the rent: during his

absence the Government has a right to make the most of the field, and even to let it in lease, but for a period usually not exceeding three years, and till the expiration of which the Meerasdar cannot claim restitution.

The numerous examples of a less forbearing conduct on the part of the late Government can be adduced I am well aware, but there is no species of property in this country that it has so much respected as Meeras land; and though this may have proceeded, in a great degree, from the insignificance of its value, and the loss, rather than gain, which its seizure, or alienation, must have occasioned, and even in cases where immediate advantage would have resulted to the rapacity of Government agents, or revenue contractors, there has always been great consideration shewn to the Meerasdar. Instances of declared forfeiture are accordingly very rare; but great crimes, such as treason, robbery, theft, and murder, are always considered as destroying the right to all Meeras, and, indeed, to every species of property whatever: but Meeras land generally goes to the nearest of kin. In all cases it seems to have been considered right that a reasonable provision should be made to relations, even when the ostensible head of a family had committed an unpardonable offence. Had this not been customary, many persons, owing to the divisibility of property amongst heirs, would have been deprived of their only means of livelihood. On the commission of crimes in which they had borne no part. This accounts in some manner for the portions of Hug, &c., which are so frequently credited to Government in the annual village assessment.

Meerasdars, who are absentees, are termed by the Marratas *P'ungunda*. It is so well understood that no Meerasdar wilfully quits his land; that it is considered the duty of a good Patail, and of all superior Government agents, to use every endeavour to discover and remove the cause of his leaving his home and the field of his forefathers. If poverty has been the cause, his rent is remitted, and an advance of money granted; and if it has been occasioned by any unsettled dispute, an investigation and adjustment are promised by Government. Should every inducement fail, and the Meerasdar pertinaciously and unreasonably persist in remaining abroad, he can be required to give in a written renunciation of his Meeras right, which, when obtained, allows the Government a full power of disposing of his lands: but without this document there is no authority that can dispose of such land in Meeras to another, until the death of the Meerasdar, and the death or renunciation of his heirs. In case of its being thought an object to ascertain the mode of doing so is from the village: should the villagers be unwilling to do so, they may be summoned to the village: should the villagers be unwilling to do so, they may be summoned to the village: should the villagers be unwilling to do so, they may be summoned to the village.



posed death of the Meerasdar and his heirs, Government can then dispose of the land to another person in Meeras; and should any heir afterwards appear, he has no claim whatever, unless he can clearly prove that the evidence of the villagers was given, knowing it to be false, or that he had been in such a situation as had put it entirely out of his power to keep the Patail and Wuttundar apprised of his being alive. When such can be proved, he has a right to the field upon the payment of all loss or other equitable charge, either by the Government or the occupant; but under the circumstances just described, and in all others when the field is merely held by an ordinary cultivator, in case of the return of the rightful heir, the Meeras must be restored at the expiration of the lease, which usually is done without requiring any repairs of deficiency to be made up, although it is admitted that the Government has a right to demand them. As to paying for improvements, the ordinary cultivator had no security until the issue of the crop for any outlay, and consequently would not incur an expense which was not likely to be returned in crop during the existence of his lease.

Silladars about to take the field, or any person in immediate want of money, frequently mortgage their Meeras land, the value of which of course depends entirely on circumstances.

To form a precise estimate of the number of year's purchase of Meeras land is by no means easy, and will require more enquiry, and much longer experience, than can be obtained in one season. My present notion is, that when the established assessment only is levied, the ryot has, on a fair average, one-third of the gross produce; the Government has a third; and a third goes for seed, Hugsars, bullocks, implements, and subsistence to the cattle; the year's purchase would therefore be found by a series of the years of rent, and in an average of thirty Deeds of Sale from 1780 till 1810, which have been examined, the general rate is 10 years' purchase.

Industry and natural advantages may improve a field so much as to yield the Meerasdar upwards of  $\frac{2}{3}$ ths of the produce. The year's purchase in these cases can only be ascertained by fair statements from the occupant, which I cannot say I have been able to obtain satisfactorily, either from a want of intelligence, or, more probably, of candour, the people cannot yet be brought to understand the intention of such enquiries.

Land held at will, I suppose, may have one-fourth of the gross produce in the hands of the ryots, but for the reason just stated, I have no other means of ascertaining the fact than the following observation.

The Ryotwars, not Meerasdar, prefer the tenure called *Bhugda*, that is, dividing the produce with Government to the ordinary mode of this division is first to set aside the dues of the *Thulkurnee*, and *Balootay*, the quantity required for next year after which the division is made, and the rest of the *Bhugda* is the Government share; but after the first deductions, the present division, the wear and tear of implements, the purchase of seed, and finding their subsistence, there remains but a small fourth of the gross produce.

*Meeras* hereafter is a very desirable tenure, as long as the established fixed rent is usual in the country, continue to be equitably levied; as *Meerasdar* has not only much more personal consideration shewn to him by his townsmen, but he has all the advantages which industry can give him in the way of improvement. But when pretences were sought of extorting extra payments, it was worse than the ordinary lease, as it placed the proprietor more in the power of the revenue farmer. Thus *Meeras* land latterly became of no value, and had it been possible for such a system of undefined exaction to have gone on without control for any length of time, it is highly probable that the *Meeras* tenure would have disappeared.

In estimating what falls to the ryot, of the gross produce, a considerable portion is made up of the daily subsistence he is deriving from his field. If hired labourers are employed, I have, with some precision, ascertained from Bramins who farm in this way, that they derive a profit of one-eighth in an ordinary year; but this is calculated on what they save by the produce of the field for family consumption.

With regard to the tenures of land, there does not seem to be any doubt that the *Meeras* land was considered private property, in as far as it uniformly descended from father to son, or to the nearest heir, and only reverted to Government on the failure of kin of the former possessor, or its not being claimed by them for a long course of years. The *Meerasdar* could sell or give it away with the permission of Government, but not otherwise; and as long as he finds his rents, the Government had no right to interfere with his lands; but whether the ground was cultivated or not, he was obliged to make good the rent, according to the *Kumal* of the village. The word *Thulkurnee* is synonymous with *Meerasdar*, though it is sometimes confined to a person who himself cultivates his own *Meeras* land; for a *Meerasdar* may let his land to any other person, being himself answerable to Government for the rent.

The other lands of the village, which belonged to Government, are called *Oopree* or *Gulkoollee*, and of them, a portion, called *She-reeshet*, was usually reserved by Government and cultivated on its own account, and was exempted from *Gaun Khurch*, and some other *Puttees*. The *Oopree* land was entirely at the disposal of the *Patail* and *Koolkurnees*, and was cultivated by *Coolumbees*, called *Sook-wastoo* (tenants during pleasure); as these were guided entirely by their own inclinations, in cultivating the *Oopree* lands or not, the *Patails* exerted themselves, as much as possible, to induce them to do so, by advancing them seed and money, if requisite. The *Patails* and *Coolkurnees* had nothing to do with the *Meeras* lands, except to report the absence of any *Meerasdars* from their villages, to recall them, and make them answerable for the full rent; if they would not return, they seized the land for Government, and employed others to cultivate it, or if they resigned it altogether, they took a writing from them to that effect.

If by any misfortune the crops of the *Meeras* lands are much injured, it was usual to allow some remission, but not on account of any part remaining uncultivated; whilst the *Oopree* land paid only for what it produced. A very small proportion of the lands of this country are *Oopree*, nearly the whole being *Meeras*; and it is said by some that there was formerly no *Oopree* land at all, and that it has gradually fallen into the hands of Government, by the failure of heirs of the *Meerasdars*, or other accidental circumstances, such as quarrels amongst brothers, or relations, about the division of their lands, which they often desired to give up altogether rather than resign to each other any part of what they held to be their rights; or, perhaps, the poverty of the *Meerasdars*, and declining state of the country, may have induced many to give up their lands.

In support of the conjecture that the whole of the lands was formerly *Meeras*, it may be observed that in many villages the whole of the land is still *Meeras*, and cultivated by *Meerasdars*; in others, the whole is styled *Meeras*, and still stands under the name of the *Meerasdars*, although part of it has become waste, or has reverted to Government, and is cultivated by *Sockwoostoo*s in consequence of the absence of the *Meerasdars* and their heirs, or other causes; in many villages, which have long possessed *Oopree* lands, the fields are still known by the name of the *Meerasdar* to whom they formerly belonged.

The *Patails*, *Coolkurnees*, *Deshmook*, *Despandie*, &c., hold *Wuttun* lands in virtue of their office, but they differ from *Meeras* lands, in that they pay no rent, except in most cases an *Enam Tizae*; that they are attached to the office, and may be sequestered by Go-

government for any offence, which Meerasdars are liable to for the most
 great crimes, which involve the whole family. The Meerasdars, Patails and Coolkurnees can, however, sell part of the wife's share, the
 Wuttuns and rights to any person, with the permission of the Deshmookh; and Despandies can do the same. The Patails and Coolkurnees and Zemindars are often also Meerasdars, as well as the inferior officers of the village. In some districts, the Meeras lands pay a triennial tax, called Meeras Puttee, but this is only in the Poona Sooba, and the districts of Jooneer and Soopa. It does not at once appear why the Meeras lands should be so much more valued than the Oopree, since, if equal in extent and quality, they are taxed alike, or rather the Meerasdar pays more than the other, besides the Meeras Puttee, as he must pay for the whole of his lands, whether cultivated or not; whereas it is only the Oopree land actually cultivated which is taxed. There is, however, little doubt that Meeras lands, though rated the same as Oopree, are actually more productive, owing either to their having been all, at some period, Meeras, and the Oopree lands being neglected, and having become inferior; or to the advantages enjoyed by the Meerasdars having been sufficient to induce them to bestow labour and expense in improving their lands above Oopree: for it appears that the Kumal of Meeras land, once fixed, was not subject to any casual increase, in consequence of improvement, as the Oopree was; and we may add, the natural attachment of man to a birth-right handed down to him from his ancestors, and of which he was sure of enjoying the undisturbed possession, as well as the satisfaction of being able to leave to his family an inheritance which seems to have been always respected in a country where every other species of property is so extremely uncertain. It is certain that, although the Native Government may have occasionally seized on Meeras lands for its own purposes, it was looked upon as a great act of oppression; that in the time of Nana Furnavees, when the country was comparatively prosperous, and well cultivated and governed, Meeras lands bore a much higher price than during the capricious and arbitrary Government of Bajee Row; that the Meeras lands are more improved than the rest; and that a very considerable value is set upon the possession of them by all classes of ryots. If any land, which was wanted for the purposes of Government, happened to be Meeras, some other Oopree lands were given in exchange, and, perhaps, in latter times nothing at all. But even Bajee Row always paid for any Meeras lands which he wanted for his own use, and purchased them from the Meerasdars, generally at their own price, like any private individual. There are instances of Meerasdars having sold him their lands on any conditions, and his being obliged to

The Government was always willing to grant lands to the ryots the Meeras tenure, on payment of a Nuzzur: this power was in many parts of the country delegated to the Deshmooks and Des-pandies, and even to the Patails and Koolkurnees. No Sunnud was required, the mere registering of the grant in the village papers being usually sufficient; any ryot, whose ancestors had cultivated a spot of Oopree land, for a certain period, in some places sixty, in others one hundred years, without interference from former Meerasdars, became, in fact, the Meerasdars of that land, without any further grant; should, however, the descendants of the former Meerasdar claim, and make good their right within sixty or a hundred years, a part of the land was restored to them, and the remainder confirmed to the Meerasdar; after that period all former claims were superseded.

The Government could grant Meeras lands in Enam to other people, that is, the revenues of the lands; but as it possessed no rights over the land itself, it could of course transfer none to the Enamdar. Instances of disputes on this point have occurred, but have always terminated in favour of the Meerasdar.

(Signed) J. MACLEOD,  
General.

(A true Copy)

(Signed) J. MACLEOD.



An Enam is a grant in perpetuity, without any implied condition, except in some instances  $\frac{1}{3}$ rd of the rent called Enam is paid to the Government, when it is not otherwise expressed in the Sunnud: and is, in fact, private freehold, or not, according to the above condition, but by far most commonly, entirely freehold.

Assignments in Surrinjam are held on the conditions of military service, and are either as personal pay, Zat Surrinjam, or for the support of troops, and the maintenance of forts called Fouj Surrinjam.

Dewasthan are revenues dedicated to the support of Pagodas; they are granted on all kinds of property, in various ways, and are considered permanent.

Suwasthan is a place where a God is supposed to be actually present, or incarnate; as, Gunpatty is supposed to animate the Living God at Chinchoor. Revenues dedicated to the support of such persons or temples are called Suwasthan, and are grants in perpetuity.

The word Suwasthan is believed to be different from Suresthan (own place), which is applied to the territories of petty Princes or Rajas, whose districts are considered entirely their own, and governed independently by themselves, without any interference on the part of the Government.

Wurshasuns are originally religious or charitable pensions, paid either from the Hoozoor treasury, in which case a Sunnud was not required, or by grants on the revenues of the Mahals, or any particular parts of them, which were generally confirmed by Sunnud, and were considered as descending from father to son, being usually continued by the Mamlutdars to the son, or immediate heir of the late incumbent, on application to that effect. It would appear, however, that on the death of the present incumbents, they may be resumed or disposed of at the pleasure of Government, and accordingly, on the Mamlutdar's reporting such circumstances, should there be no immediate heir, or should he be in any way considered unworthy, the Wurshasun is sometimes either reduced, or taken away altogether. In cases, however, where Sunnuds have been granted, such exercise of power does not seem to have been usual.

Rozeenadars are persons receiving a certain charitable donation, daily or yearly; these, together with allowance to Peers and Khyrats, were for the most part originally granted by the Moguls, and continued by the Marrattas. They seem to be considered nearly on the same footing with Wurshasuns, and to be permitted to go on without much interference.

The same may also be said of Dhurmadaaws, which are charitable allowances to religious persons, or for religious purposes. And

Balpurwurishees, which are generally pensions to the families of persons killed in the service. Dhurmadaus and Balpurwurishees are usually granted on Sunnud, as are sometimes also Dehngées.

Miscellaneous pensions or allowances, not coming exactly under any of the above heads, are called Killa; they are in some cases confirmed by Sunnud, and considered permanent.

A Nemnook is a fixed annual payment from any particular specified source, whether in money or kind.

An Itlakh is a payment either in money or kind from a public treasury or store. And a fixed annual payment (Memnook), from any public treasury, is peculiarly called an Itlakh Nemnook.

A Nemnook, therefore, is a grant conferred on any person as a fixed annuity, either from the Hoozoor treasury for which Sunnuds were not issued, or from those of the Mahals, or out of any specified source of revenue, for which regular Sunnuds were usually granted. Nemnooks were usually granted, either on account of past or present services, or were fixed in lieu, or in part, of some other allowances formerly enjoyed. Their terms and duration seems to have depended very much on circumstances: such as were confirmed by Sunnud were usually held to be permanent, though it would appear that during the late Paishwa's Government they were frequently reduced.

A detached village, which has by any circumstances been separated from the Mahal to which it originally belonged, is called Phoolgaum, and such villages in one district, or belonging to one person, are generally classed together as a Mahal, under the name of the Dhootgaum of such a district, or person.

The allowances to Pagodas (Dewastan), or generally Itlakhs in money or kind, from the treasury of the districts, and the quantities of grain and other articles supplied, are expressed in the regular accounts; they are, however, not accurately fixed, but vary a little from year to year, as the expenses of the Pagoda may require, or other circumstances occasion; they seem, however, to be pretty constant, and very rarely to have been resumed, or even reduced. The articles supplied in kind are many and various: they are usually converted into money, at the average prices of the different years, from whence the particular accounts are taken; and the differences from year to year are so small as not to be worth any thing.

(True Extract)

(Signed) J. MACLEOD



The Hoozoor Duftur is the records of Government, as registered by the Government officers. In it were kept all accounts of the receipt and expenditure of the revenues of the State, whether the realizations from the provinces, or from whatever source; the expenses of troops, establishments, Enams, and every species of grant, gift, and money transaction, whatever, excepting only the private affairs of the Prince, such accounts as it suited not the interest of individuals in power, were on record.

The Duftur was kept very complete till the time of Bajee Row, whose arbitrary and capricious Government found little advantage in keeping a correct record of its proceedings; and besides, in the farming system, which he adopted, the advantage of registering the acts of the revenue servants of Government, was in a great measure lost, as it existed under former Paishwas; it was a very extensive establishment, consisting of about 200 Karkoons, and divided into several departments, for the various branches of business; the whole was under the Hoozoor Furnavees, and was generally distinguished into Chatle Duftur and Ek Berij Duftur, besides the Potnuvee's Duftur, treasury, and other departments, not immediately connected with revenue accounts.

The establishment of the Chatle Duftur was always the Furnavees, for the transaction of current business; that of the Ek Berij Duftur was always at Poona, it being more particularly for the arrangement, registry, and deposit of accounts.

The business of the Chatle Duftur was distributed amongst the different branches, as the Fur, Behera, Surinjam, &c.

The Fur was the immediate office of the Furnavees, from whence were issued all grants, Sunnuds, and orders; and to which were rendered all accounts required for the information of the Furnavees from the other departments. Here all accounts were examined and passed by the Furnavees; and day-books or journals (Rozkirds) were kept of all transactions that occurred; of all sums paid, or received; of all grants or appointments made, or resumed.

The Behera department received the accounts from the districts which were made up into official forms, for the inspections of the Furnavees, as Tullebunds, Azmaish, Behera, &c. The Tullebund was a complete abstract of the actual receipt and expenditure of the revenues for the past year, from it was framed the Azmaish, or estimate for the next, or current year. This was a rough estimate compared with the Behera, which was a corrected statement of all known receipts, and of all fixed authorized expenditure, and formed the basis of collection for the current year.

The Surinjam department was charged with the accounts of all Surinjams, Enams, &c. ; in short, all Doomalla whatever.

Besides these, were the department of accounts generally (Aisal) of military expenses and contributions (Waree), and such like. These arrangements, however, varied with the pleasure of the Furnavees, or the business that might occur.

In the Ek Berij Duftur at Poona were received, arranged, and deposited all accounts from the other departments, and from them were framed abstracts of the total receipts, expenditures, and balances of Government, on all accounts, for the year (called Turjuma) also Khutaunees, which are abstracts of all kinds of expenditure arranged alphabetically under their proper heads, in the manner of a ledger ; and, in short, the whole of the revenue and financial transactions of the State were registered and arranged, and their accounts deposited in this office.

The general contents of the Duftur under the Paishwas may be described as follows, viz., all accounts rendered to the Government, of the revenue and expenditure of the districts, with the settlements of them by Government ; the accounts of districts rendered by the hereditary district officers ; and those of villages by village officers, of farms, of customs, &c. ; accounts of all alienations of the public revenue, whether Surinjam, Enam, or otherwise, of the pay, rights, and privileges of the Government and village officers ; accounts of the strength and pay of troops, and the expenses of all civil, military, and religious establishments. In the Rozkirds were registers of all revenue transactions generally, together with all grants and payments, and more particularly the accounts of all contributions and exactions levied on foreign states. The whole of which were considered and exhibited in one comprehensive view in the Turjamas. The records, however, were probably not complete to the extent described. It is said, that Nana Furnavees introduced the greatest improvements into the Duftur, as he did in the transactions of accounts in general ; and during his administration, viz., from about 1765, with the exception of a few years up to 1796, it was kept with much regularity. From the accession of Bajee Row the regular receipts and deposit of accounts in the Duftur was not only much neglected, but its establishment was almost entirely done away, and people were even permitted to carry away the records, or do with them what they pleased. The Duftur was in consequence much mutilated, and thrown into great confusion.

After the occupation of Poona, in November 1817, the records were found in different places, in a state of the utmost disorder ; but, considering all circumstances, tolerably complete for a period of 88

years ; that is, from 1130 (ai) A.D. 1729 inclusive, up to the breaking out of the war, with the exception of a blank of about 7 years, viz., from 1157 (1757) A.D. to 1163 (1763) A.D. inclusive, of which most of the records were burnt when Poona was taken by the Moguls ; for the 27 years preceding this blank, the Duftur is moderately perfect, and for the 32 succeeding years, up to 1179 (1796) A.D., the accession of Bajee Row, the records are nearly complete, particularly from 1774, when Nana Furnavees came into full power, but during the reign of Bajee Row, the last 21 years, they are by no means full.

It is doubtful how far the accounts in the Duftur may be depended upon as true and candid statements ; it is probable that they were often manufactured to answer the purpose of individuals : a very remarkable degree, however, of consistency and relative accuracy is to be found in the accounts for many years, such as must have required no small industry to effect, and the more ability if the statements are actually false.

Since the foundation of the Duftur establishments, under the Commission, the Duftur has been completely examined and arranged into separate districts, and mostly also into Pergunnahs, and its arrangement by years also is in considerable progress. Full and complete statements of all allowances, as Surinjam (Fouz and Zat) Tynat and such like, have been made out, and also lists of all Enams Dewusthans, and Suwustan, Dhurmadaus, Kitta, Wurshasun, Nemnooks, Nozeenadars, Whyrats, allowances to Peers and Fuqueers, and Mosques, Balpunwunshee, Maaf, Bukshish, Delengee, Mezwanee, Garden, and Sunudee Lands, Wuttun Lands, of Zemindars, and for the Deccan, Carnatic, and Khandeish, and the Paishwa's Provinces in the Nizam's Country, which have also been translated, and forwarded in Mahratta and English to the Collectors. Similar lists of the Concan and Guzerat are in progress ; the Dufturs of the Concan for the last ten years have been sent to Bombay. Abstracts of the produce, reductions, and net revenue of the whole country during the last year of Bajee Row, have been framed by districts, Pergunnahs, and Mahals, and in more than half the country by separate villages. For the purpose of authenticating the above lists, each item has been compared with the accounts of the two different periods, viz., the latest in the Duftur, from whence it was taken, and another, of from 15 to 20 years preceding, and very often three or four different periods of accounts have been compared ; the accurate correspondence which has been observed among them is very remarkable. In many cases the particular dates and circumstances of the original grants have been examined, and with a view to the final and ready adjustment of any disputed title, and to ensure immediate reference, an extract has been

made from the Duftur, particularly the Nazkirds, of the and authority of all grants whatever, and of all forfeitures or res of grants from the beginning of the Duftur to the year 1776, now in progress towards the present time. It is arranged alphabetically by the names of grantees, like native Khatawnee, containing under each the date, circumstances, and particulars of all Sunnuds, grants or allowances, that were made, resumed, or restored by Government. This has been a work of much labour, but when finished, will form a table of authentic reference, by which any question or doubt, which may at a future time arise, can at once be settled.

Besides the records immediately connected with revenue, from which much matter still remains to be extracted, the Duftur contains many materials of curious general information. Thus the series of accounts of the districts and villages afford a view of the comparative state of cultivation and improvement, and assessment of the country at different times. Those of the armies and establishment, and particularly the Rozkirds, shew the progress of the Marratta conquests and dominion, and the most important acts and events of their Government; and the Turjummas furnish complete statements of their general wealth and resources.

(Signed) J. MACLEOD.

(True Copy)

(Signed) J. MACLEOD.

Poona, 15th Sept. 1819.

---

*Translation of a Yád of a Niwarputr (Award).*

Draught of a Niwarputr to Moodogee Nayk Nimbulkur, Desmookh of Prant Phultan.

You came to the presence at Poonundhur, and stated as follows: "My great Grandfather, Beejajee Nayk, had four sons: the eldest "Mahadajee Nayk, the second Gookajee Nayk, the third Wungajee "Nayk, and the fourth Moodhajee Nayk; three of these died without "issue. Moodhajee Nayk had two wives, the elder Sewaw, the younger "Jewaw. First Jewaw had a child, Janojee Nayk, and afterwards Sewaw "had a son, named Beejajee Nayk. Madajee Nayk, the eldest son of the "first, Beejajee Nayk, possessed the Jageer of the Purgunna of Khuttaw, "and other Mahals, and resided at the Thana of Khuttaw which belong- "ed to him. Madajee Nayk took (the young) Beejajee Nayk for his "adopted son, and died at Gwaleree. The Wuttun and Jageer were "continued to Beejajee Nayk, and afterwards the deceased Jhahoo "Maharaj gave Rajees Bye in marriage to Moodhojee Nayk, son of "Janojee Nayk, and the Maharaj desired Janojee Nayk's father to give "him a village for his subsistence. His father however would not

“comply, but was offended, and went into the Mogul’s country after him; Janojee Nayk and his son Moodhojee Nayk enjoyed the Jageer. At that time the Wuttun was held by my Goomasta. I returned to my Wuttun about 20 or 22 years after the death of the father of Beejajee Nayk, in the Moguls’ country, and during the life time of Moodhojee Nayk, who then gave me in the Pagoda his sword and shield and place, as his elder, and was about to give up the Wuttun to me, when he died; on this the deceased Madhoo Row Pundit Prudhan confirmed to me, by Wuttun and Jageer, which I accordingly enjoyed for 6 or 7 years. But during the troubles which occurred on the death of Narrayan Row Pundit Prudhan, Suggoonalye, wife of Moodhojee Nayk, got the Wuttun and Jageer for herself, and now enjoys possession of them. But I am the elder in the Deshmookhee. I have never to this day shared my Wuttun with any of my younger relations; I make the main allowance for their support, but do not allow them to interfere. I now pray that orders may be given for my rights, which have existed for many years, being restored, and continued in the same way for the future.”

Moodojee Nayk bin Beejajee, with their seals, &c., addressed to Beejajee Nayk bin Maharajee Nayk. Upon this an order was given to Suggoona Bye to send an agent on this affair to the presence, and Nursew Row Konher was sent by her for this purpose. Nursew Row Konher asserted that Madajee Nayk had never adopted Beejajee Nayk, that Moodajee Nayk is the son, Beejajee Nayk the younger brother of Janojee Nayk, who was the father-in-law of the Bye, and the eldest son of the first Moodojee Nayk, and Moodojee Nayk has therefore no claim to seniority. Having stated this, he produced a Muhuzur, with its seals, &c., naming Beejajee Nayk bin Moodhojee Nayk, upon which the papers of both parties were examined in the Hazoor. Meejales Moodhojee Nayk produced his papers, and in his Rajputr and Muhuzur appeared the name of Beejajee Nayk bin Madajee Nayk; and Nursew Row Konher produced his Muhuzur, in which was written Beejajee Nayk bin Moodojee Nayk. As no decision could be formed from the papers of the two parties, therefore you (Moodojee Nayk) were asked what is to be done now. On which you replied: Since no decision can be given on this Rajputr and Muhuzurs, let the Deshpandeyes, Patails, and Koolkurnees of the district be sent for and examined, and whatever decision is made on their evidence that I agree to obey. Nursew Row Konher, having consulted with the Bye, answered: Since Moodojee Nayk says that Madajee Nayk adopted Beejajee at Khuttaw, and that he will prove this by the evidence of the inhabitants of Khuttaw, this evidence I agree to, on which an order was sent from Government with some messengers to Khuttaw, who brought back some witnessess with them,

and some others who happened to be here on their own affairs, were pointed out by you ; at length 26 witnesses were examined, in the presence of both parties, in the temple of Sopandew. These witnesses deposed that Suggoona Bye had given a letter to Bhiccajee Mankeshwur, and sent him to them (the witnesses) desiring them to make enquiry and inform her whether Mahadajee had adopted Beejajee Nayk or not ; and that Bhiccajee Mankeshwur had told them many matters besides, from which they understood the business. In reply to this, they wrote that they would not interfere in the business ; that she would be informed of the whole by Bhiccajee Mankeshwur himself. After this they (the deponents) came to Sassoor, when they took an Abbye Putr (writing of security or indemnity) from Rajshree Moodojee Nayk, who engaged, that as they had been brought to the presence to give evidence respecting his Wuttun, should any trouble ever arise, to them regarding the matter, he should be answerable for it ; that the deponents had made out a writing amongst themselves (Sunaputr) that whatever Sooltanjee bin Munnajee and Sooltanjee bin Byherjee, Purturey Deshmooks, should say, they would all swear to ; to this they all agreed. These papers they brought and produced to the Sircar, upon which they were all closely cross-examined by the Sircar in the following manner : " What was the reason that you wrote these letters to Suggoona Bye and the Nayk, and made such an agreement amongst yourselves ? what reliance can we now place on your testimony, without an oath ? You must discard this paper of yours, and speak the truth." They were then taken to the Mundup of three Sopandew at Sassoor, and interrogated in the following order : Roule Kassee Deshpandy, Kussu Doorga Deshpandy, Jewajee Koombhar, Byherjee Koombhar, Gangajee Koombhar, Soobhanjee Lohar, Shaitu Mahar, Dawya Mahar, Satwa Mahar, Mulga Mahar, Sukhojee Sootar, Sedhojee Sootar, Bhiccajee Gooreew, Tookojee Goonea, Chunda Nawree, Janojee Nawree, Anajee Chambar, Hirojee Chambar ; these above 18 persons gave a writing that they knew not whether Beejajee Nayk adopted a son or not. Sooltanjee bin Byherjee Deshmookh, Tookojee vullud Ranojee Pureet, Vyenkejee Ginnajee Pulhee, Hussen Shaik Huzrut Kazec, Dongrajee Naykwarry, Tazkhan Naykwarry, Bhik Joshi, in all 8 persons, gave a writing, that their ancestors had told them that Mahadajee Nayk had adopted Beejajee Nayk. They were then asked, what reason their ancestors had for telling them ? On which the Deshmookhs wrote in answer, that a quarrel about their Wuttun had formerly been referred to Phultun, and that they had gone with their fathers to Beejajee Nayk, when their fathers had told them. This evidence they submitted, and they were not influenced by the Sunaputr which they had signed. That the son had been adopted was true : upon this

Row Konher named seven witnesses of Khuttaw, viz., Suroojee bin Phukeerjee, Bhurturoy Deshmookh, Khunds Juwajee Deshpandy, Goopoor Sha wullud Maniksha Kazee, Lingojee wullud Rowlojee Naykora, Baboo bin Bhiccajee Pureet, Soolan wullud Manekhan Moolana, Bhoojunga bin Gangajee Sumpee, in all seven. These persons were examined in presence of the parties, in the Pagoda of Nanayndew, near Poonandhur, in the following manner:—

Srowroopjee bin Fukeerjee Bhurturoy Deshmookh deposed that a paper on this subject from Sagoona Bye had been received in his village. That he had enquired of the Bullootees, &c., who replied in writing, that they knew not whether Madajee Nayk had adopted Beejajee Nayk or not. This very paper the witness produced; on which the witnesses were cross-examined, and again desired to speak the truth. The witnesses again gave a written declaration that they knew not, nor had their fathers ever told them, whether a son had been adopted or not. The substance of this evidence and of the Sunaputr was mentioned to Nursew Row Konher, and it was remarked that 8 persons had given testimony against him, and not one for him; to which he replied: "Of the twenty-six persons who had agreed to swear any thing, 18 have deposed to nothing, and eight have given evidence for the opposite party; but I will not admit their testimony unless the witnesses are brought to Jejooree, and sworn on the tortoise of the God; if he shall confirm their truth, then will I admit it, and I shall not desire to call any other witnesses from Phultun." A Razeenama was required by Government to this effect. To this Konher also agreed, but said he was the elder party; that whatever the Sircar ordered, he would readily obey; but that the Bye had not given any Tukrar or Zamin, and therefore he could not now give a Razeenama. The Razeenama was not further insisted on, but as Nursew Row had desired that the witnesses should be sworn on the tortoise at Jejooree, and promise to admit their evidence; and had requested the Sircar's consent. Accordingly the 25 witnesses, out of the whole 33, who could depose to nothing, were, with the consent of both parties, dismissed. The remaining 8 were sent by Government, with Moro Hurree, and also the Wuttundars of some other Mahals, and one Mahratta for each of the parties to Jejooree. On their arrival there, in the presence of Bapoojee Mahadow Namzada, and the Karkoons and Patail and Koolkurnee, and Poojarees, and Langees, &c., of Jejooree; and Magojee Taura on the part of the Bye, and on your's Ramsing, on the 15th Kartik, saw the witnesses bathed, and all the marks on their bodies were carefully noted, and the circumstances and marks, the occurrence or appearance of which on their bodies within ten nights was to prove the falsehood of their oath, according to custom, were also written down; holy water

was then placed on their heads, and sandal-wood on their forehead, and a necklace of flowers about their necks, and the witnesses were then separately cross-examined on the tortoise of the God, whether Mahadajee Nayk had adopted Beejajee Nayk or not, and abjured to speak the truth, on which they declared in writing on the tortoise, that Mahadajee Nayk had adopted Beejajee Nayk; that this their Forefathers had told them, and this was true. This writing was confirmed by the 8 witnesses, then laid before the shrine of God, and brought back and given to Moro Hurree. It was then brought down, along with the witnesses to the village, in presence of the Mahrattas, and placed in the Kutcheree, and watched day and night for ten days; once a day the witnesses were brought before the God, and then carried to the Kutcheree, and there in presence of the two Mahrattas examined, whether any of the marks should be found on their bodies; on being found pure, a certificate was written every day, and the witnesses were dismissed to their houses. In this manner the ten days passed. The witnesses underwent this trial, according to their oath, and were proved true; and Moro Hurree returned to the presence with the witnesses, and a certificate to the above effect, from Bapoojee Mahadew Namzada; and the Karkoons and Patails and Koolkurnees of Jejooree Nagojee; the Mahratta on the part of Suggoonabye had gone away privately on the seventh night of the trial.

The whole circumstances of the oath were investigated and duly considered in the Hoozoor Cutcherry, in presence of Nursew Row Konher, and it appeared clear that the witnesses from Khuttaw had proved the truth of their oath on the tortoise of the God. The right of seniority of Moodhojee Nayk to the Deshmookhee was clearly proved, and the claims of the Bye, asserted by Nursew Row Konher, were proved to be false; on which this letter has been written to you, that you may obtain possession: you are the chief Deshmookh of Phultun, the whole of the Wuttun of the Deshmookhee, with its rights, benefits, and privileges and Enam lands, and usufruct, &c., as they belonged to your ancestors, and have descended to you, are hereby confirmed to you and your heirs and descendants for ever; may you enjoy them, and live in peace and comfort. Suggoonabye and your other cousins in the Deshmookhee must remain in subjection to your authority, according to custom; they have no claim to superiority.

For this purpose this letter is written to the Nayk.

In this manner also are written three other letters, containing brief extract of the above, viz., one to the Deshadhikaree and Lakh Heck Wurtuman Bhawee, one to the Deshpandy, and one to the Mokuddums of the village; of these copies only to be left with



... original to be delivered to Moodhojee Nayk to  
city.

the above four letters to be written dated 24th Julkhad Mar  
Sood Sun 1178, A.D. 1777 S. Poona, 10th September 1819.

... translation, (Signed) J. MACLEOD.

(True Copy)

(Signed) J. MACLEOD.

### TRANSLATION OF A SAROUNSH.

Jewajee Bhandaree *versus* Tatojee and Salwajee and Appajee  
... in the matter of the right to the Chowgoolkee and cer  
... ds of the villages of Wudhoo and Aptee, in the Sircar Joom  
... pute having been referred to the presence, and the *Tukrar* Declaration  
... and *Poorseesh* of both parties having been taken in writing to and exam  
... having produced his papers in support of his case, the  
... is the Sarounsh Soor Sun 1169, A.D. 1768-9

... of the Tukrar, Poorseesh, of Tatojee and Bhan

... ancestor was Tanajec, whose son was Tatojee, who  
... son was ... whose son was Tookojee, who had seven sons, four  
... of whom ... issue; of the three others, the eldest was Mowjee  
... the second ... tatojee, and the third Mukhajec. The descendants  
... Mowjee ... all in the country, and their history shall be enquire  
... into and ... communicated. Of the second son, Sunlajec, are descend  
... one son ... whose son, Gomajec, had two sons, the elder of whom  
... Ghicac ... three sons, Tatojee, Sumbajec, and Mahadajec;  
... these ... left no issue, the other two are still alive. Gomajec  
... second ... tukajec, had two sons, Phirngojec and Gonjee, who are  
... still alive. Of Mukajec, the third son of Tookojec, are descend  
... Dussojee, whose son, Rukojec, had two sons, the elder of whom, Muk  
... jec, had two sons, Sulwajec and Soobhanjee, who are now alive.

This is our genealogy; we know of no common ancestor of Jew  
... jec's and ours. Our ancestor is Tanajec, and he had enjoyed from  
... early times the Chowgoolkur of Wudhoo. The mother of Tanajec  
... left her village and went to Nergoorsur; at this time Tanajec and his  
... brother Myajec were children; on their growing up, they began to  
... enquire of their mother where their Wuttun was. She replied, our  
... Wuttun is the Chowgulkee and 3 Suzgunnees of land of Wudhoo.  
... On hearing this information, Tanajec went to Wudhoo; but the vil  
... lagers would not admit him; and Tanajec began to vent his revenge  
... acts of injury towards them. At this time Musket Patail, of

Aptee, and Kaley and Sewley, Patails of Wudhoo, joined together and rescued and brought back from Tanajee a herd of cattle which he was driving away; upon which Tanajee began to commit violence upon the people of Aptee. After this Muskey Patail, of Aptee, gave Tanajee 6 Suzgunnees of Thull land, and having taken him over, made him his brother; and Kalley and Sewley, Patails of Wudhoo, gave Tanajee 4 Suzgunnees of their own Thull land and a house, and talked him over, and restored to him also 3 Suzgunnees of land, which had originally belonged to him. Tanajee and his brother Tatojee enjoyed the whole of these lands, until Tatojee was killed by Bhullajee Gomasta of Muskey, Patail of Aptee; upon this Mewjee, the son of Tatojee, fled to the country and died there, leaving a son Tokajee, who returned to Aptee and obtained his Wuttun and land and house from Dhuggeg Patail. Kanojee Bhundaree then complained that he was the descendant of Tanajee, but the whole village and the Koolmbees of twelve other villages testified that Tokajee was the true descendant of Tanajee, and that Kanojee was not. A judgment was given, and a Muhuzar (testimonial of right) of the Chowgoolkee was given to Tokajee, and 1 Suzgunnee of land to Kanojee. From thenceforth, the Chowgoolkur of Aptee and 5 Suzgunnees of land and a house have been enjoyed by the family, before Tookoojee; the Chowgoolkur of Aptee did not belong to us.

Jewojee Bhundaree is no blood relation of ours. His ancestor, Rahoojee, and ours, Mahoojee, had a dispute; since which time Rahoojee has possessed the Chowgoolkee of Wudhoo; whether it belonged to them before Rahoojee, we do not know; nor whether Mahoojee, son of Tokjee, enjoyed the Chowgoolkee of Wudhoo; but he certainly possessed and lived in the house, between the houses of two Sewleys in Wudhoo, and had 4 Suzgunnees of land, but of which his ancestor had before given nine Rookhas to Vetal; there remained 15 Rookhas of land, which Mahoojee enjoyed. Rahoojee then began to quarrel with Mahoojee about the land, saying, that he was his brother, and ought to have half the land; both of them were much distressed by this quarrel; at length, Herjee Patail, of Wudhoo, reconciled them to each other, and gave 8 Rookhas out of the 15 to Rahoojee, and the remaining, 7 Rookhas, were enjoyed by Mahoojee. The certificate of this partition was lost, and Rahoojee began to complain again, on which Mahoojee left the village, and is still in the country. One Suzgunnee of land of Aptee had been given to Kanojee, besides which he had enjoyed for many years, from our grandfather, another Suzgunnee of Thull land.

During the reign of the Padshas, the ancestor of Jewojee, great-grandfather, or great-grandfather, by name Kumlojee, was a man

and cultivated the whole of the lands of Wudhoo and Apte. At that time Tushnef had been sent by the Padsha to him for Chowgulee; of which half was given to Sewley Chowgulee, and the other half by Kumloojee, for this reason, that the daughter-in-law of Tushnef, who had been seized and carried off to the Moghuls Tanna poor, had been recovered and brought back by Kumlojee, on account he (Dhuggey) had bestowed his Chowgulker of Apte on Humlojee, who therefore kept half the Tushnef; besides he had other claim of possession. A quarrel between him and ours has existed in the village, but we have enjoyed possession. The village of Apte was given by the Sircar to Gopul Row at that time, and Jewjee and Mukajee cultivated our lands, and at that time our quarrel was continued.

On being questioned by the Tukrar of Jewjee, Jatojee, &c., respecting the quarrel between Jewjee's ancestors, Rahoojee and Mahoojee, Rahoojee went through an ordeal, in support of his being the true heir of Tushnef, and not Mahoojee, the circumstances of these are as follows:

Rahoojee and Mahoojee, having quarrelled, went to Moheree when the ordeal was undergone, by Rahoojee's having rubbed over the leaves of a Wanusputtee (Plant); on this Mahoojee went to Sattara, and brought an order from her to the village, that the ordeal should be performed again; but Sewley Mohuddum having taken them both over, divided the 15 Rookhas of land of Wudhoo between Rahoojee, and of the 3 Suzgunnees of land he gave 2 Rookhas, in 15 Rookhas, to Mahoojee, and also a house situated in the Sewleys. The sons of these two lived in amity. Rahoojee told that the papers respecting the Thull of Moheree, and the order from Sattara, and the papers respecting the 15 Rookhas of land had been thrown into the Beema; but whether they had been got from Dadjee, or not, was unknown. We know not of any Manuzur respecting a dispute between Jewjee Bhundarry and Goonajee Bhundarry, from the time of ordeal the property of Wudhoo only has been possessed by Jewjee, but none of Apte; Jewjee has no claims on Apte.

The substance of the Tukrar, and examination of Jewjee Bhundarry.

My ancestors were Soonajee, and Kumlajee, who were brothers. Soonajee had two sons, the elder Chahoojee, and the second Mahoojee. Chahoojee had a son, Wittojee, whose son was Kintojee, whose son was Sewjee, whose son was Somajee. Somajee had two sons, Rahoojee and Khewjee, who left no issue; but Rahoojee had five sons, Jewjee, Gogajee, Kumlojee, Somajee, and Jewajee; the eldest Jewjee being

four sons; the eldest Paddojee, the second Yessajee, the third Koojoojee, the fourth Bhanjee; of them, three had no issue; but Yessajee had four sons, the eldest Oodajee, the second Ranojee, the third Koojoojee, the fourth Mowjee, who had no issue. Gogajee, second son of Rahoojee, had four sons, Hawjee, Sutanajee, and Bawajee: He had two sons, Tanajee and Yessajee had two sons, Wallojee and Koojoojee, who are both still alive; the third son Suntajee had also two sons, Mankajee and Raghojee, who are also living, the fourth son Bawjee is still living. Kumlojee, third son of Rahoojee, had four sons, one of whom died without issue; there remained three, Ramjee, Mahadjee, and Sumbhajee. Ramjee had a son, named Tawjee, now living. Mahadjee had three sons, one of whom is dead; the remaining two, Janowjee and Nowjee, are still living. Sumbhajee had one son, Khundajee, who is also alive. Somajee, fourth son of Rahoojee, had four sons, 1st, Sutwajee; 2nd, Soobhanjee; 3rd, Kossajee; 4th, Tanajee, all of whom are now alive. Jewajee, fifth son of Rahoojee, had also four sons, Maljee, Dhaujee, Shetyajee, and Kowjee, who are still living. Mahoojee, second son of the original Samajee, had a son named Tatojee, who had a son named Mahoojee, whose son was Kanajee, who died without issue.

The original Kumlojee, the second brother, had a son named Ramjee, who had a son, Myajee, who had two sons, Kumlojee and Bawajee, the former of whom died without issue; and Bawajee had two sons, Ramjee and Mahadjee, who both left the country. This is my genealogy.

My original ancestors, Samajee and Kumlojee, had obtained  $2\frac{1}{2}$  Rookhas of land—altogether, 9 Chawur of the village of Wudhoo. Ab-bajee Patell had given them this land, and the Chowgoolhee of the village. Bhullee Patell, of Apte, had given Suzgunnees of land in Wuttun to them, in which Tanajee obtained the Chowgulkee, allowed his lands to fall waste, and brought from the Kallewarry Tookojee Bhundarry (a brother by surname) to assist him in the cultivation of the land, and gave him 7 Rookhas of his land of Wudhoo; he also gave 7 Rookhas to Kanojee Bhundarry, and 6 Rookhas to Manajee Bundarry, and 9 Rookhas to Tanajee Vitab, and 4 Rookhas to Kanajee Khoostie. In this manner, Kumkojee and Jewjee gave their lands to these 5 persons, and made them their brothers, but they were not relations by blood; after this there remained to themselves  $12\frac{1}{2}$  Suzgunnees of land; of this some more was given to persons, of whom no heirs now remain. My great grand-father, Rahoojee Bhundarry, also shared 6 Suzgunnees of land of Apte, for the sake of maintaining its cultivation, in the following manner: To Jewjee, son of Kanojee, he gave 6 Rookhas; to Mawjee, son of Tekoojee,

6 Rookhas; to Goondjee Bhundarry, his blood relation, 6 Rookhas; and in dividing the lands in this manner, Rahoojee kept the remaining 6 Rookhas for his own use. Since the administration of Dhabarey, Dabjee and Shahojee made a complaint, and seized and confined my great-grand-father and uncle, and commanded them to have no intercourse with Mukajee and Bhicajee; since then the family have enjoyed possession, but the Tushneef has remained with the Patell, which used formerly to be given to us. On a former occasion, when the Padsha's Tushneef was sent to Apte, my ancestor, Kumlajee, had a dispute with Sewley, saying that the half Chowgoolkee was his, and he would take half the Tushneef, on which the question was taken up by caste at Toolapoor, and the Patell of Apte brought Sewley and Cunaloojee with him, as the Chowgoolkees, into the Pagoda: on which the Tushneef was equally divided between them. Formerly my ancestors left the country, at which time Hiskumee Bhow (nominal or assumed brother) Kanoojee was at Apte; and Tookojee coming from Wudhoo, began to quarrel with him, calling himself the true descendant of Tanajee. This quarrel was settled in an assembly of twelve villagers, which decided that Tookojee was the rightful heir of Tanajee, and not Kanoojee, and accordingly a Muhuzur was given to Tookojee, after which, for five or ten years, I know not whether he enjoyed possession or not. Hearing that the Muhuzur had been granted, my great-grand-father Rahoojee came to the village, and began to quarrel with Mahoojee, the son of Tookojee; the dispute lasted for five or ten years without any benefit; at length he established his right by performing the ordeal at Moherec. The certificate of the ordeal, and of the whole affair, which were granted on the occasion, were partly spoiled in a box. Mahoojee was expelled from Wudhoo, and received 9 Rookhas of land in Apte. Since then another dispute has occurred—the Muhuzur of that occasion is in my possession, and from that time until the time of Krisnajee Dhabarey, he had not possessed the Chowgoolkee of Apte, but now Dhabarey has unjustly given it to him.

The Sodahputs (document in evidence) of Tatojee Bhundarry:—

1st. A Muhuzur (award), dated Shuk 1558, Dhatree Suwat Sune 1st Ashwin Sood, assembled at the village of Apte 12 persons, named by the caste; by whom this Muhuzur is written. That Tookojee and Kanoojee Bhundarry have a dispute regarding the Chowgoolkee; both their statements having been heard, the Mokuddum and all the Wuttundars (Wuttundars of the same caste) and Baboole, of Apte, deposited that Tookojee was the true and lineal descendant of Tanajee. Tatojee Bhundarry deposed that Kanoojee was not the true and lineal descendant of Tanajee, and Kanoojee himself confessed

that he was not the true and lineal descendant of the late owner of this the Chowgoolkee and land of Apteer was given to Kanojee 6 Rookhas of the land and a house.

Both parties are to abide by this decision, which was given 132 years ago.

2nd. A letter dated Shuk 1641, Vicharee Suwasurer, 17th Kartick Waddyee, from the Mukuddums and others of Apteer, to Bhiccajee and Mukajee Bhundarry. You are our rightful brother Wuttundar ; you have been obliged to leave the village by the persecutions that have been raised against you. We have now discovered that your persecution has been unjust. If any one shall again trouble you on this subject, we shall have him punished. Pursue the business of your calling in peace. Your welfare or misfortunes shall be held common with our own. Whoever shall prevent or falsify this, shall be accounted false to his caste, and an offender against the State. We shall secure you from any harm. Whoever shall act contrary to this, may the curse of God fall upon him.

3rd. Letter from Nagojee Deshmook, to Tezojee Patail, of Wudhoo Budroodk. You have written to me about the lands of Mahoojee and Rahoojee; when both these persons were at Jooneer, Rahoojee gave a Kutba, according to which I gave a writing to Mahoojee, why is Rowjee disputing now ? His complaint must be without cause ; let Mahoojee sow the land which he has begun to cultivate, and then send them both to Jooneer. I will settle their business.

4th. Sumaputr (declaration of the proceedings of an assembly) Shuk 1605 Ruktakshee, Sawatscer 9 Jeist Wuddhyee, at Apteer, Sun 1093, in an assembly of eight persons (named) where is a quarrel about a house and land between Rahoojee and Jatoojee Bhundarry. Ten persons and others being assembled, declare " our ancestors have never mentioned to us anything about the family or ancestors of Rahoojee Bhundarry, nor have we ever in our lives known anything about them. We swear by our forefather and the God to prevent any injustice in this matter."

Copy of a Petition of Shereekar Gomajee Bhundarry.

" There is a quarrel between Jewjee Bhundarry and me, respecting our Wuttun of Wudhoo ; on which we both went through ordeal at Moheree, but Matooshver Aw Sahib sent for us both, and having annulled the former ordeal, ordered us to perform another before the whole of our village ; when we returned to our village, the villagers restored to me my lands and house. But now he has taken my house and land from me, and has driven me from the village. I therefore beg that the villagers would assemble, and *enquire into my case.*"

The Sadukputr of Jewjee Bhundara.

1st. Letter from the Mukuddums and Shaitey Mahajuns of Moheree village, Turuf Goonjun Mawal, to some Patails, Mukuddums, and Shaitey Mahajuns of the village of Kesnud, in the Poona District. "You have sent to our village Rowjee Bin Somajee Bhundara, complainant; and Mahoojee Bin Tookojec Bhundara, defendant, both Wudrook Turuf Pabul, with a letter, requesting us to settle the quarrel which these two people have about some land. We have therefore assembled, ten persons of the caste, to enquire into the affair, to whom Rowjee has given him a Tukrar, saying that he had brought Mahoojee from Majree, given him 7 Rookhas of land, and made him his brother, and that Mahoojee is not the descendant of Tanajee."

"On the other side Mahoojee stated in writing, that he was the descendant of Tanajee, being the fourth generation from him."

On hearing these statements all of us endeavoured to persuade them both, to submit to the decision of the caste, to which Rahoojee agreed, but Mahoojee would not consent, but appealed to the ordeal, Mahoojee was then desired to perform the ordeal, that he was the descendant of Tanajee, but he replied that the complainant Rahoojee ought to do it, to which Rahoojee consented; and on Friday, the 28th of the month Jumadool Uwol, his nails were pared close and his hands fastened up in bags. On Sunday he took out the Ruwa (a small piece of metal at the bottom of a vessel of hot oil) declaring that Mahoojee was not the true descendant of Tanajee. On Tuesday the 1st of Margsersh Shoodh, his hands were examined, and Rahoojee proved to be true. The whole of the Wuttun land and possessions of Tanajee whatever must be given to Rahoojee, Mahoojee has no right to claim. Dated 1607.

Muhuzur Shuk 1607, Kroodhun Suwutsur, assembled at that place of Wudhoo Boodrook T. Pabul, Sun 1095. Ryots of the caste (1) the Patail and other villagers, in all twenty-four persons. These persons being assembled to investigate the case, Gomajee bin Mahoojee Bhundarry brought a paper from the Deshmookh, desiring that the villagers of the caste should be assembled and do justice to both the persons concerned, and settle the dispute, and a Purwarree from the law Fazil Khan Darogha to the same effect, Jewjee bin Rahoojee Bhundarry brought a Purwarree from Khojah Sunpuck, Ferojdar of Thana Koorraigaum, directing the lands to be confirmed according to the ordeal which had been performed at Moheree and not to permit Tatoojee to interfere, and that the Purwarree which Tatoojee had got before was null. The assembly having examined the above remers, sent Vasajee Dadoo Koolkurnee to Yeswant Row Sawant, Ferojdar of Koorraigaum, to tell him that the Deshmookh had called an

assembly of the caste to enquire respecting the Wuttun and Jani of the Bhundarries, but that an order was necessary for them to proceed to a decision, on which he gave orders for the assembly to decide according to justice, and the whole of the villagers, Mukuddums, Sater Prubhow Thulwyes and 12 Balootees of Apte, assembled together to investigate the case. Both persons produced their papers as follows.

Gomajee bin Mahoojee produced the Muhuzur which had been given at Apte. Jewjee bin Rahoojee produced the Muhuzur of the ordeal at Moheree, and also the decision of an assembly of three or four villagers at Apte. Having examined all the papers, and taken security from both parties, viz., for Jewjee Rowjee, Chougoola of Koorraigaum; and for Gomajee Subajee Sewba, Chougoola of Apte, that each would submit to whatever the assembly directed, both gave in Raza Namas and Tukras in writing.—The witnesses were then examined before the whole of the assembly standing in the Murkkoo (a circle described on the ground to represent hill) with a cow's tail on their heads, and gave testimony as follows.

1st. Sewley Mukuddum deposed that the origin of the family is not of this place, but of Apte—Rahoojee had Meeras land in Wudhoo. That on account of some injuries committed by Tanajee, he had talked them over, and gained his friendship, by giving him his daughter, and 9 Rookhas of land, in Meeras, out of his own; that besides this, he had given him nothing. That he knew not what relation this person was to Tanajee—that he knew of the Muhuzur which had been granted at Apte, and also of the ordeal.

2nd. Tej Patail Argury Mukuddum deposed that there was a quarrel amongst the Bhundarries at Apte, and that a Muhuzur had been given in his name regarding it; that then Kanojee used to call himself ~~Gomajee~~: but this was proved false. Kanojee took the hand of Tookajee in asseveration of Tookoojee's being the descendant of Tanajee; at this time Katroojee's family were dead and gone; afterwards an ordeal took place, in which Rahoojee was proved true, and Mahoojee false.

3rd. Suntajee bin Kundoojee Dhuggey, of Apte, deposed that Sewley had brought Tookoojee Bhundara from Kallewarey; that in their village (Apte) Tanajee had a son named Kunkoojee, who gave Tookoojee into his (the deponent's hand) saying, this is my brother. That Tookoojee and Kanojee afterwards quarrelled, and that an assembly of 12 villagers gave a Muhuzur; that all this he knew to be true. That Rahoojee was not there at that time; that the ancestors of Kanojee and Tookoojee were not connected, nor settled



Meerasdars ; that the Dhuggeys were masters of the Meeras land, but that Rahoojee enjoyed the benefit since the ordeal at Moheree.

4th. Apajee Patell Dhuggey, of Apte, deposed that he had committed thefts in Wudhoo, which had been traced to his forefather, that people had been sent to seize the thief, and that he had delivered Tatoonjee to them. That a fine was exacted of Tatoonjee, which he demanded of his (the deponent's) ancestor, on which he murdered him. That Tatoonjee had a grand-son named Tanajee, whom he had brought to a reconciliation, and given him 6 Suzgunnees Thull land out of his own, and made him next in rank to Sewley. That afterwards Kanojee Bundarra was going to leave the village; but that he had given him 6 Rookhas of Thull, and kept him. When the whole of the land was in cultivation, he gave Kanojee 6 Suzgunnees of land—that then Kunkoojee, son of Tanajee, came from Wudhoo, and bringing the Patail and Balootees, brought Tookoojee from Kallewarry, and gave him into his (the deponent's) ancestor's hand. That Kanojee and Tookoojee began to quarrel about the garden lands of Kunkoojee, and that time Tookoojee was proved to be the true descendant of Tanajee, and Kanojee's pretensions to be false. That the brother of Rahoojee was one of the assembly who gave this decision—that seven generations have seen no ancestors of Rahoojee. He has only enjoyed possession since the ordeal.

5th. The Thulwayks and Sathee Pruja of Wudhoo and the Dhuggeys and Chougooloes of Apte deposed that they know not who was the descendant of Tanajee. They knew of the Muhuzur which had been given at Apte by the assembly of the Patails of 12 villagers, on the dispute between Kanojee and Tookoojee. At that time Rahoojee's ancestor was not in the village: but on Rahoojee's coming to the village, he fixed upon Resmund, for his Panchayet, and then having taken security, they referred the case to Moheree, where Rahoojee performed the ordeal and was cleared, and Mahoojee proved false; that all this they knew.

\* The Wuttunda and all the villagers

Having weighed this evidence, it did not appear to agree in any way with Mahoojee's Sukaar. Rahoojee's ancestor was not in the village when the Muhuzur was given at Apte.—When he came to the village, and began his dispute, it was settled by ordeal, on which Rahoojee was proved true, and Mahoojee false.—Of this the evidence is clear. The Muhuzur of the assembly of Moheree, which Gouajee has, is annulled; the villagers knew that Mahoojee was unjustly accused. Jewjee bin Rahoojee has enjoyed his Wuttun since the ordeal, and Mahoojee has no ground of complaint against him. The ancestors of Rahoojee did with their own hands, and out of their own pleasure, give 9 Rookhas of Apte and 7 Rookhas of Wudhoo, which



Jewjee only—on examining the actual state of possession, it appears by the papers, that both have had possession at times in both villages, but the possession of Jewjee in the village of Wudhoo seems to have been more permanent, as it appears that Rowjee's descendants have enjoyed uninterrupted possession of the Wuttun and lands of Wudhoo, since the quarrel between Rahoojee and Mahoojee Bhundarry, and the ordeal which was undergone. In the Shuk 1607, Gomajee made an attempt to dispute the point, but this being proved false, no dispute has occurred since. The descendants of Rahoojee, down to the present Jewjee, have held undisturbed possession of the Wuttun of Wudhoo, and this Tatoojee does not now dispute, but Jewjee disputes and claims the Chowgoolkee and land of Aptee, and therefore it is that Tatoojee asserts a right to the Wuttun of Wudhoo. Both Rowjee and Kumlajec formerly enjoyed the Wuttun of Aptee, and the dispute between these two persons has been handed down till now. This dispute happened during the administration of Dhabarrey. Tatoojee produced the papers, but Dhabarrey would not dispense justice, the prayers being only on one side of the question; from that period, Tatoojee's descendants have enjoyed uninterrupted possession. This appears to be the true state of the case, but Jewjee says that Dhabarrey unjustly confused the lands; it appears, however, that this enjoyment of Wuttun of Aptee is one confirmation of the rights of Tatoojee; another confirmation is the Muhuzur, which was given 132 years ago, by the assembled villagers of Aptee and twelve other villagers, in the dispute between Tookojee and Kanojee, deciding that Tookojee was the rightful heir of Tanajee: from this and other papers, it appears that this dispute is of many years standing. The village assembly decided that Kanojee was not the descendant of Tanajee; if Tookojee then had been under similar circumstances with Kanojee, how could they have decided that he was the rightful heir of Tanajee, but by examining and comparing the Muhuzur of the year (Shuk 1607). The evidence of the villagers at that period differ from that given in Shuk 1558. In the Shuk 1607, the villagers of the two villages gave their evidence according to the best of their recollection and belief, but the substance of it is contradictory and inconsistent. The witnesses do not seem to have agreed with each other. In the Muhuzur of Shuk 1558, the particulars of the evidence of each village are not given, but Kanojee Bhundara himself confessed the very point in dispute, viz., that Tookojee was the true heir of Tanajee. This being the case, what ground could he have for dispute at all? On minutely examining this Muhuzur, it appears that no cross-questioning or due examination of the witnesses took place. They all said the same at once, and the Muhuzur was made without further enquiry, or investigation. But Jewjee also allows that this



were not false. The Muhuzur which was given by Kanoo during the absence of Jewjee's and his intemperate proceeding; however, had no ordeal taken place, this Muhuzur must have been an authority; but it was at once annulled by the result of the ordeal. That Tatoojee should have unjustly, and by force, enjoyed the Wuttun of Aptee after the ordeal, is proved by its result to have been improper.

(True Translation)

(Signed) J. MACLEOD.

(True Copy)

(Signed) J. MACLEOD.

#### TRANSLATION OF A SAROUNSH, 1819.

Sukaram Ramchunder Putwurdhun *versus* Govind Viswunath Putwurdhun, in a dispute respecting property. These two persons having written and given in their declarations and securities, and produced their documents in evidence, and given in a list of the names of a PUNCHAYET, by which they agreed to abide. This PUNCHAYET having investigated the affair, has drawn up the following abstract.

Sukaram Ramchunder complains: "Shreemunt Rajshree Babasahab" (the Paishwa) "gave me, on the occasion of a Shradh, a "Dukhshana of 2,200 rupees, and desired me to go and build a house "at Phoolgaum. This money my uncle Govind Putwurdhan lodged "for me in the hands of Junoba Ranarey, at 10 annas interest. Of "this I have received Rupees 427-3-0 and a balance of 1,772-13-0 is "due, as follows; viz., by Junoba Ranarey, Rupees 1,102-14½-0, and "Govind Punt Putwurdhan, 579-14½-0. This balance is due by them "both; and I now desire an order that the part of it, which has been "received by Govind Punt may be enquired into and settled. Dated "Phalgon Wuddye 10 Shuk 1740. The Respondent Govind Viswanath "Putwurdhun answers: "My nephew Sukaram Ramchunder received "this money from the Sircar to build a house at Phoolgaum Aptee, "and it was lodged in the shop of Janardhan Ranarey. In the month "Margseersh, Rajshree Huree Bhow Bhut took me with him to the "house of Ballajee Punt Kalley; a PUNCHAYET was there held, and "receipt for the money was taken in name of Sukaram Ramchunder; "the receipt, which was in my name, was given back to the person "Janardhan Ranarey); out of this money I had spent some, on account

to give back the receipt which I had received from Govind Iswanath, deceased (father of the complainant), for a dwelling-house in Poona, valued at 700 rupees, which was sold. The Panchayet further decided that Sukaram Ramchunder should pay me 167-8-0 which I had advanced to him at Oorawree Ambegaum, and that I should pay 197-8-0. This was the decision of the Panchayet, and the papers to this effect are with Sukaram Ramchunder. I had given up half the house, which he still possesses." Dated Phalagoon Wudhyc, 10th Shuk 1740.

The Panchayet deliberated on the declarations of the parties as follows:—Under the former Government Balajee Punt Kalley Nisbut Gokley having named and assembled a Panchayet, it had decided that Govind Punt should repay whatever money he had taken out of the sum belonging to Sukaram Ramchunder, which he had lodged in the hands of Junardhun Ranarey; and further had, in presence of both parties, decided that Govind Punt should pay Rupees 946-1½-0; of which sum he paid to Ramchunder Rupees 698-7-0; the balance, 647-10½-0, remains to be paid to Sukaram Punt by Govind Punt.—A certificate of this settlement was made out, to which Govind Punt subscribed, and this ought to be complied with; but Govind Punt refuses, and says that he has a written claim of Rupees 167-8 against Sukaram Punt, from the year (Shuk) 1734; on enquiring into the truth of which it appears that Sukaram Punt had owed to Govind Punt Rupees 250, and that an obligation to that effect had been given by Sukaram Punt, dated 10th Shuk Margseersh Shuk 1737; but that the debt had been settled by Sukaram Punt, and his note received back. The above claim of Govind Punt is antecedent to this settlement, any yet no mention of it appears, and the writing itself is incorrect, nor was there any mention of it in the obligation to Sukaram Punt. Four of the Panchayet accordingly recommended that Ballajee Punt Kalley should be asked about the business; and according to his answer, both parties should abide. Upon this, Ballajee Punt Kalley was sent for to the Adawlut, where, in presence of the parties and Panchayets, Ballajee Punt Kalley and Bajcebhut Khelkur declared, in the Hoozoor Kutcherry, that a Panchayet had been assembled by them, and that it had rejected the claim of Rupees 167-8. This claim then is false. This being the case, Govind Punt must therefore pay to Sukaram Punt Rupees 247-8-0, besides interest. The members of both parties in the Panchayet subscribed to the decision, viz:—

Manu Shastree Satty, Bapoo Mangee Thutteo Balkrishna  
 Athur Joshi, Denkur Annur Joshi, in the name of the

at [redacted] parties decided that Govind Punt should pa  
move date: Sukaram Punt. Dated 5th of May 1819.

Confirmed. (Signed) W. J. LUMSDEN.

True translation,

(Signed) J. MACLEOD.

*19th September 1819.*

(True Copy)

(Signed) J. MACLEOD.