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of land retain their title-deeds and the memorials of their landed rights for generations, and I believe after they have been dispossessed, they often come back and reclaim their land, and I believe the native governments and our Government following their example, have admitted those rights, and have allowed them to repossess themselves of the lands which their ancestors held, and from which they had been dispossessed. After the Pindaree incursions, for example, had devastated Central India, and had driven the people from their homes, when peace was re-established by Lord Hastings' operations, hundreds of cultivating families and owners of land returned to their old tenures, and re-established themselves. I know that the founders of the Mahratta empire, who were originally men who came from the pateels, or village heads or chiefs, held it as a great matter of distinction that they were such. I believe that the founder of the Scindiah family was called the "Old Pateel," and he rejoiced in that name, showing that he was an hereditary landowner in the Deccan.

1548. Is it not the case, that a great number of high officials, particularly among the civil servants, have maintained a contrary doctrine upon the subject of the ownership of the soil, to that which you hold?—That may be so; but I have never, since I knew anything about it, had a different opinion.

1549. Do you know that the misreading of a text by Sir William Jones, in the *Institutes of Menu*, led to the mistake about the ownership of the soil?—I have a vague recollection that some portion of the text of *Menu* bears upon the question.

1550. The term used for the sovereign was *Bhumer Adhipati*, which Sir William Jones translated "Supreme Lord of the Soil," instead of Supreme Ruler of the Earth?—I am not competent to speak upon the point.

1551. That led to the impression that in the "*Institutes of Menu*" the sovereign was declared to be the proprietor of the soil. You are probably not aware that the real reading of *Bhumer Adhipati*, was simply to denote that he was the supreme ruler of the earth, and not the owner of the soil?—I never had occasion to refer to *Menu* upon the subject.

1552. Therefore, the sovereign was no more the owner of the soil than the *Gram Adhipati* in the village was the owner of the village; are you aware of that?—No, I am not aware of that.

1552*. The ancient commentators on Hindoo law, *Yajñawalkya* and *Saimini*, equally denied the right of the sovereign to the soil; the first even included waste lands?—I do not know.

1553. Are you aware that Mr. Elphinstone, in his *History of India*, states that one-sixth or one-fourth of the produce of the soil is the right of the sovereign, and that, therefore, three-fourths must obviously belong to the cultivator, who has the greatest interest of the two in the whole property?—Mr. Elphinstone states something of the sort, I know.

1554. Such being the case, the sovereign necessarily, in grants of jaghirs, surinjams, and enams, unless he were himself the proprietor of the soil, had nothing to give away but the rights of the Government?—That is clearly so.

1555. Which rights were given away under the different designations of jaghirs, surinjams, enams, wurshasuns, and other terms?—The terms varied in different parts of the country.

1556. Are you aware that the first three terms are not Hindoo, but are of Arabic or Persian origin?—The three first are certainly Mahomedan terms.

1557. The sovereign usually made those grants by *sunnud*, or by some other public document; did he not?—Yes, when he did make them; but a great many of the claims are mere fraudulent assumptions.

1558. Are you aware, that when he did make them, there was invariably in the grant the invocation of a curse upon himself and his successors, in case the lands were resumed?—There may have been; but I believe the grantor often did resume them: if he did not, his successors did.

1559. Have you examined any of the ancient grants of lands?—No.

1560. You are not aware of that curse?—No; I never was personally a resumption officer, except in the Sunderbuns, when the matter in dispute was the vast Sunderbun jungles.

1561. I have here a translation of two grants of land in the 11th century, one by the King of Kanauj, and the other by a Buddhist sovereign. In the former case there occurs this denunciation in the conclusion of the grant, "80,000 years does the donor of land abide in the regions of the blessed; and just as many does he

he dwell in hell who practises disseisin, or acquiesces in it"?—Sir Thomas Munro has stated that the grants were expressed to be "as long as the sun and moon endure," and "from generation to generation;" but they were words of form, and never had any effect to prevent resumption.

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1562. In the other grant, the curse is, in case of resumption, "May the soul of the individual in the other world be subjected for 60,000 years to feed upon refuse matters." Do not you suppose that those grants, embracing those terms, have their effect upon the whole population?—I have stated that I hold with Sir Thomas Munro, that neither the grantor nor the grantee ever believed in the perpetuity of these endowments.

1563. Do not you suppose that the population at large believe them?—No, I do not: I believe that we have been more lenient, and have confirmed in perpetuity a much larger number of the grants than the native sovereigns would have done.

1564. What is the difference between a jaghir, a surinjam, and an enam?—A jaghir, I take it, was granted always for the maintenance of troops; it was a military fief; a surinjam was for public services, and an enam, I apprehend, was a free gift without any service in return.

1565. Sir *Erskine Perry*.] An enam was hereditary, was not it?—It may have been in some cases, but it was subject to the despotic power of the sovereign to take back what he had given. But very many enams were given by those who had not the slightest right to give, and they passed unnoticed in the troublous times that immediately preceded the establishment of the British Government.

1566. Colonel *Sykes*.] Mr. Elphinstone's proclamation, in transferring the Deccan to the authority of the East India Company, contains these words: "The revenue will be collected by the Government, but all proprietors of real or personal property will be secured. All wuttuns and enams (hereditary lands), wurshasuns (annual stipends), and all religious and charitable establishments, will be protected, and all religious sects will be tolerated, and their customs maintained, as far as is just and reasonable"—I believe that the last expression, "as far as is just and reasonable," governs the whole sentence.

1567. Was not it the duty, then, of the Government, on assuming the Government of these territories, to have at once ascertained what were the rights of the proprietary body, and what were the rights of the Government?—I have admitted in my former evidence that it is much to be regretted that the Government had not then the time and opportunity to do what they are doing now. But Mr. Elphinstone himself, in some of his earliest correspondence after the conquest, deprecates any inquiry till the country was settled, and till our power was completely established. At the same time, he distinctly held out the intention of the Government to make the investigation as to what was just and reasonable with regard to these grants, and with regard to other matters; and there is on record a correspondence of Mr. Elphinstone's with one of his subordinates, arising apparently from some information that Mr. Elphinstone had received of what had been said or written by that officer, in which he begs him to state exactly what he had told the holders of those tenures; because, he said, it was most desirable that the word of the British Government should not be rashly pledged, and that he particularly desired that no language should be held which should bar investigation into the validity of those tenures at a subsequent period.

1568. Is there anything in Mr. Elphinstone's proclamation which would lead the people to expect anything of the kind?—He said that these tenures should be "protected" as far as was just and reasonable. His correspondence with his subordinates, immediately subsequent to that, shows the *animus* of the author of the proclamation, and in what sense he intended it to be received.

1569. What was the date of our occupation of the Deccan?—1818.

1570. Then 40 years have elapsed since the occupation?—Yes.

1571. During that period surely there was ample time for instituting a rigid inquiry (which I grant it was quite right should be instituted) at a proper period, to have ascertained the relative rights of the Government and the people 35 to 40 years ago?—No man knows better than the honourable and gallant Member how full the hands of the Government of India have been at all times since that period, and how little opportunity the ordinary current business of the country has afforded for any such elaborate investigation as was necessary. I said, in my answer to a former question, that it was the *res dura et regni novitas*, which no

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doubt prevented the Government from instituting those investigations at an earlier period; it was much to be desired that they should be able to do so. Still I do not think that the rights of the State, as representing the community in general, should in reason be barred by any such delay.

1572. Considering the anarchy which has so often prevailed in India, the destruction of villages, the entire destruction of records, and the sweeping away of a whole population, was it to be expected that the real owners of any of these jaghirs, or surinjams, or enams, in any part of the country could possibly produce their titles?—They are not required to produce their titles; they are required merely, as I understand, to assert the fact of their tenure and their holding; and it is the part of the Enam Commissioner to prove from the Peishwa's records, that what they state is not true.

1573. I will call your attention to the 25th paragraph of Captain Cowper's paper, which is now before me; he says, "But under Act XI. of 1852, the claimant need not adduce a particle of proof of any description. He need not, indeed, make any assertion. Whether he chooses to say that all he knows is, that his family have enjoyed the exemption for centuries, or to say that he knows nothing whatever about the matter, or to say nothing at all, the result is one and the same. His title is formally confirmed, unless Government have records of the former rule proving the exemption not to have been allowed." Admitting such to be the rule that has regulated the resumption of the enams in the Deccan, was there any use at all for the Enam Commission when the simple assertion of the enamdar was sufficient to bar the claim of the Government?—There was the greatest possible need of the Enam Commission, because Captain Cowper tells you what the duty of the Enam Commissioner was. He is to ascertain from the records of the former governments whether the statement made be true or false; and if he cannot prove it to be false from those records, the right of the enamdar remains intact, and is established permanently; if from the records of the Peishwa he can prove that the enam was not recognised by the Peishwa's Government, the enam is subject to assessment.

1574. It was a very liberal footing on which to put it, no doubt, with regard to the claim of the Government?—That is the footing upon which it is put. It appears to me that it entirely removes the argument against the investigation which the honourable and gallant Member seemed to found upon the destruction of the records, because the destruction of the records, under those rules, must be in favour of the enamdar, and against the Government.

1575. Supposing that there are not copies of the sunnuds in the Government records, and that they have been destroyed in the motussil?—It is not copies of sunnuds, I take it; but there was a list, I believe, of the enams. I believe the records of the Peishwa's Government are very complete, for the purpose of proving what enams were recognised by the Peishwa's Government.

1576. You understand that jaghirs, which were held upon some feudal tenure, were always resumable by the lord paramount, because it was the grant of the Government revenue only to the jaghirdar?—Certainly; when the service was no longer required, the Government might at any time say, We do not require the service, and the revenue must be paid to the State, as before the grant.

1577. Is it not the fact, that in the Deccan the chief families have become distinguished by, and paramount in, the possession of the rights of the sovereign in the jaghir tenures?—I believe that the British Government in India have acted with great liberality towards the great jaghirdars of the Deccan.

1578. How is it that those families have become established, if there had not been a succession in that tenure, which you say was resumable at pleasure?—Sometimes they resumed them, and sometimes they did not resume them; it was a matter of discretion.

1579. Can you give the Committee any idea of the number of the great tenures of the Deccan which were resumed by the Peishwa or any of his predecessors?—Sir Thomas Munro, in his minute which I have referred to, says, "The Commissioner of Poona, in answer to a reference made to him on the subject, has stated that he has not been able to find a single altumga in the Deccan, and has transmitted a list of 690 jaghirs resumed by the Peishwa's government within the last 50 years."

1580. Sir *Erskine Perry*.] Was not it the case, that a large powerful and hereditary landed aristocracy existed under the Peishwa?—No doubt; I believe
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a very large number of them have been confirmed, and are now in existence under the British Government.

1581. How is that consistent with your statement, that the native princes were always resuming those grants?—Some they did resume and some they did not resume. I have quoted from Sir Thomas Munro's minute, in which he says he referred the point for information to the Resident at Poonah, who transmitted a list of 590 jaghirs resumed by the Peishwa government within the last 50 years.

1582. Colonel Sykes.] Under the princes of the Peishwa's dynasty, the Peishwa not being the real sovereign of the country, but the minister of the Rajah of Sattara, those families nevertheless became established by the continued possession of those jaghirs, which might be resumed at the pleasure of the sovereign?—I presume that they resumed some, and spared others, at their discretion.

1583. Can you name any families that had their jaghirs resumed?—Sir Thomas Munro, who is a trustworthy authority, upon his reference to the Resident of Poonah for information, received a list of 590 jaghirs, certainly a very considerable number, resumed by the Peishwa's government within the last 50 years; that is, the last 50 years of his dominion.

1584. They evidently could not have been any of the great families, because they exist at this moment?—They could not have been any that now exist; but Sir Thomas Munro says that 590, which is a large number, great or small, were resumed.

1585. Those families which now exist have existed for several centuries, have not they?—We have maintained, I believe, all the great jaghirs of the Peishwa's Government; with great indulgence as I think, and probably, unwisely.

1586. Do not you suppose that, under any circumstances whatever, asserting the right of the Government after so great a lapse of time, to make these resumption inquiries will create distrust of our good faith?—No, I do not think so. I think that those who are interested in these tenures, raise the cry of breach of faith. I do not believe it is participated in by the intelligent part of the community. I am sure it would not be participated in by the community in general, if they were enlightened enough to see, as intelligent people in England would, the effect upon the great body of the people, of sanction given to any claim made for exemption from taxation in perpetuity.

1587. You used the term "rent," in your former evidence. You said, "As Honourable Members are aware, almost the whole revenue of the country is derived from appropriation by the Government from time immemorial, of a very large proportion of the rent of land." Do you still call it "rent of land"?—Yes.

1588. What is the difference between the tax upon land in this country, and the land-tax in India?—The difference is, that in this country it is a very small proportion of the rent of the land. In India it is a very large proportion of the net rent of the land which is taken. Still, land is bought and sold and inherited in this country subject to the land-tax (as it is called), and so far it resembles the land revenue of India.

1589. Did not it pervade this country universally in the Saxon and Norman times?—I believe it did. I spoke in my previous evidence of the skill with which the landed proprietors of England managed to shuffle that burthen off the land (where I believe it would have been far better placed) upon the general community of the tax-payers.

1590. Is there not a remnant of land-tax still to the amount of 1,100,000 £. in this country?—A trifling land-tax still remains.

1591. Yet you call it a rent?—It is of the nature of a rent-charge; but I say the rent of land in India is almost entirely appropriated by the State; that is not the case in England.

1592. This tax which the landowner pays upon his land is the tax which he pays to the Government; yet you designate it "rent"?—I believe it is no more a tax than you can say that every tenant farmer in England is taxed; it is no more a tax than every man who inherits or purchases an estate, subject to a rent-charge, in England, is taxed. It has been from time immemorial a burthen upon the land; no man has ever possessed it as his own private property; therefore, I say it is improper to designate it as a tax.

1593. Then the farmer who pays rent to his landlord, and the landowner who

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who pays a tax to the Government, are precisely in the same category, and equally pay rent?—I say that it is a very large proportion of the rent of the land which has been appropriated by the Government of India from time immemorial; it is not a tax, because this revenue is raised from a source which has never been private property.

1594. Is that not a mystification of a very simple term. If it is a tax in one instance, is it not equally a tax in the other?—I will not quarrel about terms. I believe you get at the real truth more easily and clearly by terming it "rent."

1595. Do not you usually understand when you speak of rent that it implies payment for the use of another person's property?—That is what we term rent; but that is not the scientific definition of rent. In the cross-examination by the Right Honourable Member, Mr. Lowe, he went into the question of the scientific definition of rent. I have proceeded upon that scientific definition and not upon the popular use of the term in England. I use the term as I stated it was used by Ricardo and other writers upon political economy.

1596. Instead of that mystification, would it not be better to use the simple term "tax"?—I deny the mystification. The term "tax" implies the taking by the Government of something that is the property of a man. The revenue derived from the land in India never did belong to any individual any more than the rent which, in England, is due to the landlord, belongs to the farmer. The farmer is not taxed when he pays his rent: neither is the zemindar or the ryot when he pays his revenue. The only difference is that the one pays his landlord and the other the State. The difficulty of understanding the matter in England arises from the circumstance that here the great bulk of rent has always been private property, whilst in India it has, from all time, been appropriated by the State and paid almost all its expenses.

1597. What means has a cultivator who is the proprietor or renter of land in India, of obtaining redress in case he is over taxed by the collector?—He has an appeal to the collector's superiors, the Board of Revenue, or the Commissioner.

1598. By what mode?—By petition.

1599. Cannot he go to the Moonsiff's Court?—No; not upon a question of revenue.

1600. Is it not the fact that there is a Government officer in each Presidency called the remembrancer of legal affairs, whose duty it is to look after the interests of the Government, in relation to those cases that are brought forward by the ryots?—The ryot, I apprehend, has no case in any court of justice as against the Government for over assessment. The courts of justice are debarred from inquiring into all such cases.

1601. Is not there an annual report from those remembrancers to the Home Authorities, of the number of cases that have been decided for and against the Government, upon those very questions?—No; not upon questions of the amount of assessment, I feel sure.

1602. Upon questions relating to the transfer of property?—Upon questions of right to settlement, and questions of that nature.

1603. Are not those reports received every year?—No doubt all cases for and against the Government are reported.

1604. Does not the Government, in case the ryot is too poor, afford him the means of prosecuting his claim, by advancing him stamped paper to enable him to sue in *forma pauperis*?—They are able to plead in *forma pauperis*, but not about the amount of revenue.

1605. Do you know the amount generally outstanding against the Government by this generous act on their part, with regard to advancing stamped paper? I do not know. I know that the ryots are allowed to sue in *forma pauperis*; great facilities are allowed to the poor to sue.

1606. Are you aware that the advance of stamped paper amounts, in Bengal, to some thousands of pounds in value?—I am not aware of the sum.

1607. With regard to the administration of civil justice in India, are you aware, that through the medium of native judges, a very great proportion of the civil justice in India is administered?—An enormous proportion.

1608. By the sudder ameens, the ameens, and moonsiffs throughout India?—Yes.

1609. Have you any idea of the decimal proportion?—No; I know the proportion is very large indeed.

1610. Does

1610. Does not it amount to from 94 to 98 per cent. of the whole extent of civil business?—I have no doubt that it does.

1611. And is conducted satisfactorily to the people?—I believe, generally speaking, very satisfactorily conducted.

1612. Do the appeals from the moonsiffs and native courts to the European authorities bear any ratio, or what ratio, to the appeals from the lower European courts to the upper?—I am not prepared to answer that question; I do not carry the figures in my head.

1613. Do they contrast favourably?—I believe that the appeals from the native courts to the European are few in proportion to the number of cases decided.

1614. What is the average assessment upon land in India; can you give the maximum and the minimum?—I have not the figures in my mind, but I believe the average assessment is very moderate.

1615. At half-a-crown an acre, the average assessments in the North West Provinces, do you consider that it would leave a margin of profit to the agriculturist in the cultivation of cotton, sugar, indigo, and oil-seeds?—No doubt.

1616. And a sufficient margin of profit?—I should say so. There are parts of the ryot-waree districts where the revenue is too high, mainly from a fault, not in the aggregate, but in the distribution of the amount; and I rejoice to know that there is a revision going on in all the ryot-waree districts, both of Bombay and Madras, which will lead to an equalisation of the burden to the great relief of those who are overburdened, and I believe without any loss to the aggregate revenue.

1617. Are not the settlements for a period of 30 years, generally?—Yes.

1618. The settlement leaves the agriculturist to cultivate anything he likes without increase of assessment?—Certainly; that has been the rule laid down for many years.

1619. Could not any European occupy the land from the owner under the same assessment?—I apprehend if he rented the land he would be obliged to pay something in excess, as he ought, beyond what the owner pays to the Government; or the owner would have no advantage from letting his tenure.

1620. There is nothing to prevent any European whatever making an agreement with the ryots to rent their lands, is there?—Nothing; and when he has made such agreements, he may cultivate whatever he pleases.

1621. So agreeing and so renting, he cannot be assessed beyond the 30 years' rate?—No.

1622. Have you any idea of the relative per-centage pressure of taxation as compared with wages in India and in this country?—No; I do not carry it in my head.

1623. Are you aware that in this country it is about 8 per cent. upon wages of 10s. per week, and in India it is less than 7 per cent. upon wages?—No, I am not aware as to the proportion.

1624. Can you suggest any means of diminishing the balance of trade in India, instead of exporting silver?—I think the balance of trade would be more in favour of England, if the manufacturers of England would take more pains to consult the tastes and habits of the people of India, and send out articles suited to their fancies.

1625. The adjustment of the balance of trade for many years past has been by increasing the exports of silver from Europe?—Yes.

1626. Did not the export of silver last year exceed thirteen or fourteen millions?—I know it was very large; it is one of the marvels of political economy where the silver has gone to in India, not only at the present day, but for centuries past.

1627. *Chairman.*] It is a constant draught upon Europe?—Yes, not at this day only, but Bernier the old French traveller says that India was the *barathrum* which swallowed up the precious metals. I have not verified the quotation, but I have been told that Pliny says the same.

1628. *Colonel Sykes.*] Do you suppose that the people in India hoard the silver that goes amongst them?—The only outlet for silver in India is in the small sums that pilgrims to Mecca may take, and the very small sums, equally, that pass through the Himalaya Mountains out of India. We know what the exports at all our ports are. The whole of the ports of India are under our com-

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mand, and ever since we have had anything to do with India, of late years more especially, the imports have vastly exceeded the exports.

1629. If the people were disposed to hoard, would they go to the expense of minting the bullion and having it converted into rupees?—A great deal probably is used in silver ornaments. The disposal of the silver in India has always puzzled me; I cannot pretend to say what becomes of it.

1630. Are you not aware that the Mint has turned out 66,000,000*l.* in rupees since 1835?—I do not know the exact sum, but I know that an enormous number of rupees has been coined; and I take it to be a very pregnant proof of the increasing prosperity of the country, and the increasing activity of the trade, that so much more coin is required to represent the transactions.

1631. Do not you suppose that very much of that silver has gone to pay for the labour that has been employed to produce the increased exports of sugar and indigo?—Of course it has; we know that the value of labour has very much risen of late.

1632. The silver has, therefore, probably gone into the interior?—A very large amount of it.

1633. Thereby increasing the means of the people?—Yes.

1634. You think the chances are, that if there were exports from this country to suit the tastes of the inhabitants of India, there might be an increased consumption of the manufactures of England?—I think so; I have often told the manufacturers of this country that they do not sufficiently cultivate the tastes of the people of India.

1635. What are the manufactures that you contemplate being sent to India?—Manufactured cotton and woollen manufactures principally.

1636. What would be the use of woollens in a tropical climate?—In the cold weather, in the North West Provinces especially, there is a great use for woollens, and, indeed, throughout India the natives are very chilly; a little cold, such as they always have about Christmas, goes a long way with them.

1637. You think that cotton cloths might be manufactured exactly to suit their tastes; women's dresses, for instance?—Yes.

1638. *Mr. J. B. Smith.*] You have stated that the manufacturers wished the Government to encourage the cultivation of cotton, by allowing its cultivation free of land tenure, and free of other tenures, and measures of that sort; what authority have you for that statement?—I said in my previous evidence, as the Honourable Member will see if he refers to it, that I knew it was the case with regard to sugar, and I believed it was the case with regard to cotton also; I know that even of later years representations have been made to the Government that it was necessary that the land should be held free of revenue for a certain term of years, to encourage the cultivation of cotton.

1639. *Chairman.*] The Honourable Member asked upon what authority you made the statement?—I know that it was the case with regard to sugar, because I remember the correspondence, which I referred to in a former answer, in Lord Auckland's time, and I believe it was the case with regard to cotton. I now repeat that I have known instances in which applications have been made to hold land free of revenue for a certain time to allow the cultivation of cotton, as it was represented that the land revenue system was an insuperable bar to its successful cultivation.

1640. *Mr. J. B. Smith.*] Have those applications been made by manufacturers in England?—I cannot say by whom they have been made, but I know that they were made.

1641. Have not the cotton manufacturers been told that they might, if they pleased, turn cotton planters in India?—Yes.

1642. You say that you do not see why cotton cannot be as easily obtained by Englishmen as indigo; is there any analogy between those articles?—They are both products of the soil. I can see no reason why, if men were as earnest, and took the same means to obtain cotton as they do to obtain indigo, oil seeds, and other products, it should not be obtained in any imaginable quantity.

1643. Is not indigo a valuable article of small bulk, and is not cotton a bulky article of small value?—I mentioned not only indigo, but oil seeds, jute, and other articles, which are of great bulk, and I think of lower value, in proportion to their bulk, than cotton.

1644. Is not indigo, although an article which would afford expensive carriage, one that is grown in situations where the cost of carriage to market is very small?

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small?—I have stated that that was true as regarded indigo grown upon the banks of the rivers in Bengal, but indigo is also extensively grown in the interior of Madras, where there is no water carriage, and where, I apprehend, it is all sent down by land carriage to Madras.

1645. On the contrary, is not cotton principally grown at great distances from a port of shipment, and has to be carried on the backs of bullocks at great cost?—I have stated that I have made the largest admissions with reference to the want of roads, which, I say, is the only real obstacle to the exportation of cotton in large quantities from India. I have also stated that even that obstacle would be, in a great measure, if not removed, obviated, by the settlement of Europeans at the great interior marts. They would there press the cotton, and bring it into such a state that it could be sent down safely, without damage, to the coast.

1646. You recommend, as I understand, that Englishmen should settle in cotton districts, and erect presses to prevent false packing. Are you not aware, so long as cotton is brought on bullock's backs, that, for the convenience of carrying, it can only be brought in a loose state?—No; for carriage on bullock's backs it would certainly be a great convenience to have it pressed in small bales fit for the bullocks to carry.

1647. Are you aware that the size of a Bombay bale of cotton is 400 lbs.; could a bullock carry that?—It need not be of that size; it might be brought packed in bales of a size within the compass of the strength of the bullock. I have made large admissions, and I am willing to make any admission that the Honourable Member wishes with regard to the want of roads. I only mention means by which, till the railroads into the cotton districts are opened, the obstacles might in a great measure be obviated.

1648. You stated that cotton manufacturers have considered that the proper way to get cotton from India, instead of helping themselves, was to rail at the East India Company, and to declare that they were the great opponents to the production of sufficient supplies of cotton from India. Is it not the fact that cotton cannot be advantageously obtained without good roads, and were not the manufacturers entitled to rail at the East India Company for not having made roads, as you yourself confess they are bound to do as landlords of the soil?—No doubt; if the complaining manufacturers had confined themselves to the matter of roads, I should have thought that they were much more reasonable than they have proved themselves; but they have by no means confined themselves to the question of roads, which really is the sole case they have; but they have denounced the Court of Directors and the general administration of the country, as being concurrent causes with the want of roads, which they are not, to any appreciable degree. I state again, that what Mr. Landon has done without roads, might have been done by 20 or 50 Englishmen with equal facility and advantage.

1649. Is not Mr. Landon settled in a district which is near to water conveyance, so that roads are not required to bring his cotton to market?—In that district there is room for 10 or 20 Englishmen to do what Mr. Landon has done.

1650. Is it not the fact, that a very small quantity of cotton, compared with the whole produce of India, is produced in the province of Guzerat?—It is a great cotton producing district, and a very large quantity is produced there.

1651. Is not it a small quantity compared with the total quantity produced in India?—No doubt. The whole quantity of cotton produced in India is something enormous but the manufacturers of England have altogether ignored the enormous home demand in India for cotton, which, unless cotton is at a considerable price, prevents cotton being an exportable article.

1652. You do not mean to say that the principal cotton producing districts of India are placed in as favourable a position for getting the cotton to market as Mr. Landon's establishment?—No; I say in the province where Mr. Landon is there is room for 10 or 20 Englishmen to do exactly what he does. Beyond those 10 or 20, 50 or 100 persons, acting in the same judicious and spirited way in which he has acted, might do the same with less facilities, yet with advantage, in the other great cotton producing districts.

1653. One of the great advantages which America has over India is, that on one acre of land about 400 lbs. of clean cotton can be produced, while in India only about 70 lbs. can be grown. Now, by means of irrigation, as much cotton can be grown per acre in India as in America; have not the manufacturers, therefore, good grounds to complain that the Government have not availed themselves

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selves of the abundant means of irrigation which exist in India to increase the growth of cotton to the great benefit of the people of India and of England?—The Government has of late years done great things in the matter of irrigation in India at an enormous outlay; but it is not possible, within a limited number of years, to make irrigation general all over India. The Government has done much, and it is doing more; but at the same time very high botanical authorities have very strong doubts whether irrigation will increase the production of cotton, or be beneficial in cotton cultivation.

1654. Are you aware that the Cotton Supply Association have received the best evidence that cotton can be grown by irrigation to great advantage if it is irrigated at the proper seasons?—I speak from the information I have received, that many even now are in doubt whether that would be the case. I know that the late Dr. Royle, who was perhaps the highest authority in the world upon the subject, had very strong doubts, which he expressed to me personally, whether irrigation would be useful in the culture of cotton in India.

1655. Is it not found, when cotton has been irrigated in the same manner as indigo, sugar, or rice, that it has rotted the seeds; but that when a proper system of irrigation between the rows has been adopted, it has yielded a large produce?—I am told that the only beneficial mode of irrigation in India for cotton would be the application of the water just at the period after the rains have stopped, when the dry weather has set in; for a few weeks, or even days, at that period sometimes the drought and hot winds are very strong; and at that period it might be desirable for a short time, I am informed, to have the means of irrigation; but I repeat, that plans of irrigation have been carried out to a very great extent in many parts of India by the Government.

1656. In cotton?—No; the ryots apply the irrigation to whatever they please. Another matter which has been left entirely out of sight is this: India is not a country where cotton only is grown; the ryot is a free agent, and he will not grow cotton unless he can grow it to more advantage than he can grow sugar, wheat, rice, or the other articles that are in demand; he has no reference to the special wants of England with regard to cotton, but grows the crop which is most advantageous to himself. He is not like the slave in Alabama, who must grow what his master orders him to grow.

1657. The Indus and the Godavery are known to be capable of being made navigable, and by these means cotton, flax, and other produce could be brought to market at a small expense; the Government having neglected these means of enriching the country, is it not owing to the complaints of the manufacturers that they have been forced at length to turn attention to those great objects?—I do not think it is just to say that the Government have neglected them. The Government of India has a vast number of duties to attend to; they have gradually advanced from one step to another, and are now earnestly engaged in improving the navigation of the Indus, and the navigation of the Godavery.

1658. How many years is it since the East India Company were urged by all the chambers of commerce in England to improve the navigation of the Indus?—I cannot say exactly how many years; the Indus has been navigated for a great many years. Now there are two companies, besides the Government, engaged in promoting the navigation of the Indus, and both those Companies have the guarantee of the Government to support them.

1659. Was not Mr. Bourne's plan, which is now adopted, seven years before the East India Company before it was adopted?—I only know that as soon as I was chairman of the East India Company I pushed it through.

1660. Was not Mr. Bourne's plan seven years before the East India Company before it was adopted?—I am not aware how many years; it was a considerable number of years before them. The reason why it was not sooner adopted was not from any disinclination to do every thing that could be done to promote the navigation of the Indus, but merely from this cause, that this was a new scheme, and many engineers and others doubted, and still doubt, the practicability of Mr. Bourne's particular scheme of having a long chain of boats navigating such a river as the Indus, where the current is extremely violent. I know that that was the feeling of some members of the Court of Directors. They said, "We are most anxious to encourage private individuals to take up these enterprises, but we are very much afraid lest the failure of the first scheme, which we believe not to be a wise scheme, should deter others from entering into it, and in fact discourage and prevent that which we wish to see carried out." That was the feeling

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feeling at one time of the majority of the Court of Directors; it was not my feeling; and when I had the power I promoted Mr. Bourne's scheme, and got my colleagues to assent to it, and to give a certain guarantee to Mr. Bourne. I had great difficulty in carrying my point, simply upon the ground I have stated, that the late Captain Shepherd and other very competent members of the Court of Directors doubted the practicability of Mr. Bourne's plan; they thought the encouragement which it was proposed to give to what they thought a bad scheme, would in fact prevent the carrying out of that which we all so earnestly wished to see carried out.

1661. We had a witness before the Committee last week, who stated that the Indus running through the highest part of the country, affords peculiar facilities for irrigation, and that he had known works of irrigation that had more than cleared their cost the first year they were completed, and that even during the war the Government had borrowed money in the Punjab at six per cent. Have not manufacturers, who require larger supplies of raw materials, cotton, flax, hemp, and wool, good grounds to complain that the Government neglects its duties?—I do not think the Government has neglected its duties: it could not do everything at once, and it engaged very vigorously, as soon as it got possession of the Punjab, in making canals for irrigation; very extensive canals in the Punjab are now in course of construction. I beg the Honourable Member to recollect that India is an enormous country, and there are vast works to be done. Only a certain number of those works, however great the means of the Government may be, (and they have not been very large in point of money), can be carried on at once, for want of engineers, as well as for want of the pecuniary means of carrying them on.

1662. You complain that the manufacturers rail at the Government, instead of putting their shoulders to the wheel. Has not their railing at the want of roads, navigation, and irrigation, been beneficial in stirring up the Government to effect those objects, without which it is in vain for the manufacturers to put their shoulders to a wheel which will not move?—I again repeat, that if those who want cotton had acted as those who want any other produce, they would have got it, in spite of the obstacles. I am Englishman enough to find no serious fault with any reasonable complaint. I believe that all Governments are better for having their shortcomings pointed out to them, and I have no doubt that the complaints of the manufacturers, to which the Honourable Member has alluded, had their share in stimulating the Government to greater activity in works of public improvement. Still, many of those complaints have been most unreasonable.

1663. You say that you see large openings for English enterprise in India, and so do our keen-sighted manufacturers; is it any wonder that they have proved impatient at the obstacles which have been thrown in their way by the neglect of the Government?—I believe that the great majority of these obstacles are delusions on the part of those who allege them, for I see an enormous export trade from India. The export trade from India in raw materials for manufacturing consumption in this country has increased within the last few years in a greater ratio than the imports into England from any other country in the world. I see in the very last Returns that the imports from India exceed in value even those from the United States; therefore I cannot see why any one article should be of such a mysterious nature that, if the same means were taken and the same energy employed to get that article, it should not be got as well as the others. I think the exports from India amounted to 22,000,000*l.*, speaking from memory. I cannot see why, if there had been additional energy employed, 5,000,000*l.* might not have been added to that for cotton. But the Honourable Member must also recollect that it depends a great deal upon the demand upon India for cotton; the Manchester demand is not a permanent and constant demand. If there is a great crop and low prices in the United States, that demand stops. Then there come, after a year or two, bad crops and high prices, in the United States; and immediately an outcry is raised that there is no supply from India. If the demand had been regular and constant, and not, as it has been, intermittent, there would, no doubt, by this time, have been a very large supply of cotton from India; also, if the manufacturers had exerted themselves as those did who wanted oil-seeds during the Russian War, for example, I see no reason whatever why the export of cotton might not have been raised as rapidly as the export of oil-seed.

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1664. Are the Committee to understand that you state the Government of India are not the owners of the land, but only the landlords?—I think the Government of India are not the owners of the land; they are the owners of the unreclaimed land, not the waste land adjoining the villages, but large tracts of waste land like the Sunderbund jungles; certainly, they are not the owners of the land throughout India.

1665. As landlords, have they not the power to charge as much rent as they please?—They have the power, when the revenue is not permanently settled, of raising what revenue they please, always within the bounds of moderation and justice.

1666. Have not whole districts at times been depopulated, in consequence of the exorbitant rent charged by the Government?—No. There is one instance, I believe, the province of Bundelcund; it was certainly not depopulated, but fell into great distress through the over assessment made there many years ago, in consequence of the very high price of cotton at that time, which was the great product of Bundelcund in those days. It was assessed by a Mr. Lee Warner, with reference to the then price of cotton, which he believed would be permanent. When the price of cotton fell, the revenue was far more than the people could pay, and the distress consequently was very great.

1667. Is the 30 years' settlement completed in the North-West Provinces and in Bombay?—In the North-West Provinces, but not in Bombay; it has long been completed in the North-West Provinces.

1668. Is the 30 years' settlement about to be extended to the province of Madras?—There is about to be a new survey and assessment there.

1669. Can you explain the process of the assessment on which the 30 years' settlement is founded?—It is founded, in the first place, on the measurement of the land, and a classification of the land into dry and wet; and the rates are fixed upon each description of land.

1670. Is not every field required to be measured, and then four or five holes dug in different parts of it, for the purpose of ascertaining the quality of the soil?—I believe in Madras and Bombay they have gone very much more into the quality of the soil than is the case in the North-West Provinces, and more, in my opinion, than is right or wise; I think the assessment should be made in a far more general way, and not with that extreme particularity; the only object is to ascertain the capabilities of each plot of land.

1671. According to the quality of the soil, is not the value of the land fixed?—Yes.

1672. Was it not reported by Lord Harris, the Governor of Madras, that this process of digging holes would occupy about 22 years, and cost about one million of money?—It is not the process of digging holes. The Honourable Member, if he knew the state of the land and the tenures in India, would not suppose that we were engaged merely in digging holes: the land is very much subdivided, and the natives are very jealous of their rights of landed property; it is necessary that there should be an accurate survey of the entire country; I do not know how long the Ordnance Survey of this country took. I take it that it was a very large number of years before that was effected. I believe the survey of Madras will be a survey more minute and accurate than the Ordnance Survey of this country; at any rate, quite as accurate and minute. I have no doubt it will take a very large number of years. If the Honourable Gentleman will look at the maps upon which the settlement in the North-West Provinces was founded, he will see that every district, every pergunnah, or hundred (as we should say), and every village was surveyed, with its boundaries accurately laid down, so as to prevent all those boundary disputes which have been more fertile in bloodshed than any other causes. The surveys are just as useful, or more useful, in judicial inquiries between man and man than for the purpose of the Government revenue. Most valuable they are to our judicial officers, for the purpose of enabling them, in civil and criminal cases, to decide all questions between man and man, and enabling the district officer, if a gang robbery or a murder takes place in any part of the country, to see exactly, by reference to the map, the locality, and ascertain how he can get there, and by what means he can deal with it.

1673. Mr. Kinnaird.] Can you give the date of that survey?—The survey in the North-West Provinces has been finished, and the settlement has been finished, fully 20 years, I should say.

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1674. Mr. J. B. Smith.] As this process of ascertaining the value of the soil by digging holes must necessarily be effected by native agency, does not it open the door to great frauds on the part of the valuers of the land?—It may be so, perhaps; but I apprehend the fraud would always be as against the Government, and in favour of the landowner, because the Government would not bribe the native officers to state the land to be more valuable than it is. If there is any fraud, it will be in favour of the landowner, and against the Government.

1675. Have not the people of Candeish complained of the exactions of the corrupt native agents, and prayed that the Government would relieve them by fixing one price upon all the land, whether good or bad?—I am not aware that they have done so, and I think it would be very unwise, and very unjust, if the Government complied with such a request. It would be very hard upon those who had poor land, and very unfair in favour of those who had good land. I believe that the re-measurement and re-assessment of the lands in Bombay have been eminently successful, and promise extremely well, both for the State and for the people, whom it has gone far to make prosperous and contented.

1676. On the 30 years' settlement system, the occupier of land only pays on the quantity of land that he cultivates during the year?—Yes.

1677. The system then, in effect, is an annual settlement, inasmuch as it is necessary to ascertain by a survey, the quantity of land cultivated?—The ryot has the privilege, or the right of laying up his land any year, and letting it lie fallow; when it does lie fallow he does not pay.

1678. Is it not necessary to have an annual settlement?—Not a settlement, but an ascertainment of what land he cultivates, and what he does not cultivate.

1679. Is not that an annual settlement?—No; the rates are not altered, nor is it an annual settlement; if the ryot pays a rupee an acre for his land, and he has 30 acres of land, he pays 30 rupees; if he does not cultivate five acres out of the 30, he only pays 25 rupees.

1680. You prefer 30 years' leases to perpetual tenures, on the ground that at the end of the 30 years the Government might be enabled to raise the revenue?—In order that they might be able, if it were found necessary on financial grounds.

1681. Do you think that Englishmen will be disposed to go to India to purchase lands of the Government and to invest capital upon them, with the prospect of having at the end of their term to pay for their own improvements?—The Government have pledged themselves not to demand payment upon any improvement made by the cultivator himself; no additional assessment can be imposed upon the land, in consequence of improvements made by the ryots. The Government state, and I think state justly, with regard to any general improvements introduced by Government works of irrigation, railroads, and other advantages of that sort, that the Government ought to have in its revenue the benefit of any such improvements.

1682. What advantage do you expect to derive from the termination of these 30 years' leases, if you are not to raise the rents?—I have explained that we do not raise the rent in consequence of any improvements made by the cultivator for the purpose of increasing the produce; any improvements made by Government means, the Government would have the advantage of at the end of the term of settlement.

1683. Do you think you can induce an Englishman to settle in India, where, if he happens to dig a well on his own land, he must arrange with the Government to have the benefit of it for five or six years before he is taxed for his own work?—If he digs a well he is not taxed for it.

1684. We had it in evidence before the Cotton Committee in 1848, that he was only allowed a certain number of years' tax for the use of the well?—I remember when that evidence was given its correctness was very much questioned. Orders had been sent out before that date, that all landowners were to be allowed the benefit of their own improvements, and those orders have been reiterated in the strongest way since that date. It was a mistake when it was so stated, and it is a mistake now.

1685. You have stated, I think, that the Government have been gainers by the Enam Commission?—I suppose they have, but I do not know the exact amount they have gained by it.

1686. Do you take into account the expense of the rebellion?—No, I certainly do not.

1687. Do you think that the resumptions on the part of the Government in

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the North-West Provinces had anything to do with the rebellion?—Nothing whatever.

1688. Is it not the fact that most of the men whose property you have resumed have taken part in the rebellion?—No; I do not believe that they did.

1689. Did not you hang a great many rajahs in the North-West Provinces, who took part in the rebellion, from their property having been resumed?—I am not aware that any man whose property was resumed was hanged. I am not aware that any man who took part in the rebellion ever made any statement that he had taken part in it because his lands were resumed. I do not believe that a single acre of the lands of any men of consideration who were hanged had ever been resumed.

1690. I think you stated that the inquiry into these enams did not disturb the value of the rent-free tenures, because they never had the value of fee-simple tenures?—I believe rent-free tenures, before the investigations began, owing to the uncertainty of the tenure, which was always understood and appreciated, never had a fee-simple value, in consequence of the want of sufficient title.

Jovis, 3^o die Martii, 1859.

MEMBERS PRESENT.

Mr. Baillie.
Mr. De Vere.
Mr. Ewart.
Mr. Gregson.
Mr. Kinnaid.
Mr. Arthur Mills.

Mr. Nisbet.
Sir Erskine Perry.
Mr. John Benjamin Smith.
Colonel Sykes.
Mr. William Vansittart.
Mr. Villiers.

WILLIAM EWART, Esq., IN THE CHAIR.

Ross Donnelly Mangles, Esq., called in; and further Examined.

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1691. *Chairman.*] I BELIEVE you wish to make some statement in elucidation of some portion of your previous evidence?—On a former day when I was examined by the Right Honourable Member, Mr. Lowe, I stated that the mohiturfa tax had been abolished throughout India; he asked me whether I was certain, and I said I was pretty sure, or something to that effect. I am sorry to say that this is not strictly the case, although the Court of Directors wrote on the 5th of November 1856, in these terms: "The mohiturfa taxes were abolished in Bengal in 1793, and in Bombay in 1844; and even Mysore, in the heart of the Madras Presidency, is exempted from them. Their average net produce is from 11 to 12 lacs of rupees per annum. The arguments in favour of the abolition of these taxes appear to us to be irresistible. They are confined to one Presidency, which is subject to at least as heavy a pressure of taxation as any other part of India, and even there whole districts and parts of districts, as well as particular classes of people, are entirely exempt. They are most unequally distributed over the districts subject to them, four only of the 20 collectorates into which the Presidency is divided contributing upwards of half the total amount; the assessment is arbitrary, irregular, and undefined, resting (except as regards the veesabuddy of the ceded districts), on no law, but merely on ancient usage, and thus affording to the native officers employed in their collection ample opportunities of oppression and extortion, of which it is in evidence that they largely avail themselves. We are perfectly satisfied that no modification of the existing system can be devised which would divest it of its objectionable character; and we accordingly convey to you our authority to direct its total abolition, at such time and in such manner as may seem to you expedient." The Government of India answered that letter on the 17th of April 1857, stating that they felt it impossible to relinquish the revenue derived from the mohiturfa tax, without securing at least a corresponding amount

amount of income from some other source, and that they were in communication with the Government of Madras, and awaiting their opinions upon that point. That letter, as I have stated, was written on the 17th of April 1857, a few days only before the mutiny broke out, and that event has unhappily put a stop for the present to all questions of reduction of taxation. We have had no further communication on the subject from India, the attention of the authorities there having been absorbed in the great struggle which has been going on.

1692. *Mr. Baillie.*] Then the mohiturfa tax is still maintained in Madras?—Yes.

1693. *Chairman.*] The Secretary of State and the Indian Council will probably recommend the Government of Madras to consider the importance of abolishing those taxes?—I think it certain that Lord Stanley will take that course.

1694. *Mr. J. B. Smith.*] When did you go out to India?—In 1820.

1695. What offices did you fill whilst you were in India?—I was first employed as an Assistant to the Board of Revenue in the North-West Provinces.

1696. For how long a period were you so employed?—For about a year and a half. Then I was Assistant to the Board of Revenue in the Lower Provinces. I cannot say for how long exactly, because I was almost immediately sent away to take charge of what is called an acting appointment. I remained for a very short time an assistant in the office of the Board. I was then appointed to act as Commissioner in the Sunderbuns, the object of which appointment was mainly for the assertion of the rights of the Government to those great forests of which I have already spoken. I was there, I think, for two years or more. Then I held for a very short time the appointment of Secretary to the Commissioners in Pegu and Ava, to treat for peace. Then I was appointed Deputy-Secretary to the Government in the Revenue and Judicial Department, and then I was sent home in ill-health. When I returned to India, I was appointed Secretary to the Board of Revenue in the Lower Provinces. I was then appointed Secretary to the Government of Bengal in the Revenue and Judicial Department; lastly, I was appointed a member of the Board of Revenue, and from thence I came home.

1697. Was not the principal part of your residence in Calcutta?—Yes.

1698. How long were you in India altogether?—I was actually in India altogether about fifteen years.

1699. Of that time how much was spent in Calcutta?—A very large proportion of the time; but the nature of my office was such that I had to conduct the correspondence of the Government with all the civil officers of Bengal.

1700. You had not much experience in the Mofussil, had you?—I had not much personal experience in the Mofussil, but the whole of the Mofussil business of the Government passed through my hands.

1701. *Mr. Gregson.*] I understand you decidedly to recommend, that Europeans wishing to procure more cotton from India should not hold land?—I advised, in their own interest, that the best plan for them to follow, would be not to attempt to cultivate themselves, either as owners or farmers; but that they should do what is largely done with indigo, and also with sugar, namely, buy the produce from the natives, and themselves probably clean it, but certainly press it.

1702. Do you recommend advances to be made by Europeans to the ryots, for the cultivation of cotton, in the same manner as advances are made for the cultivation of indigo?—Of course, it would be better if the cotton could be procured from the cultivators without advances being made to them, it would render the matter less complicated and less hazardous; but with advances I think they would be able to procure almost any imaginable quantity of cotton.

1703. Does not cotton require a much greater extent of land than indigo, and consequently entails more difficulty in the inspection from the production being at a considerable distance from the factor?—Yes: but I apprehend that the factor would have very little to do with inspection; he would perhaps have to ascertain that the contract has been carried out so far that cotton was grown on the land for which he had contracted; but that would not be necessary in all instances, for the ryots are by no means universally fraudulent. I believe that a factor seated down at Oomrawuttee, or at any of the great cotton marts, would be able to command any necessary extent of cultivation, and to obtain any amount of cotton that he might require.

1704. Do you think advances to the ryots could be made safely without much risk

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risk of defaulting?—There would be a certain average of default as in indigo and sugar; but I suppose the advances would only bear a certain proportion to the value of the produce, and that the balance would be paid on delivery.

1705. Are not the deficiencies sometimes very considerable, and not recoverable?—I believe they are generally recoverable, or indigo planting would not be so good a business as it is. I believe, saving the risks of season, which are great, and of course are beyond human control, indigo planting is a very profitable undertaking; and therefore there cannot be any very great risks in the matter of advances.

1706. What would be the rate of interest paid by the ryots for such advances in cotton cultivation?—I believe that the interest which the ryots pay to the money-lenders is so enormous that anything like 10 or 12 per cent. would be considered a very moderate and reasonable rate of interest; and the ryots would be too glad to pay that to European merchants, because it would be a deliverance from the more usurious extortions of the money-lenders.

1707. Do you think that money could be safely advanced to the ryots at 10 per cent. per annum?—I should think so.

1708. Can you name the cotton districts in which you would particularly recommend agents, such as you have spoken of, to settle, for the purpose of making advances to the ryots?—There is the great cotton district of Berar; there are the districts of Belgaum and Dharwar, and other districts in the Southern Mahratta Country; there is Guzerat, and probably, Bundelcund, though I apprehend the cotton cultivation of Bundelcund has very much fallen off of late years. I can see no reason why cotton cultivation, supposing it to be equally profitable with other cultivation, should not be revived in the eastern districts of Bengal. It is certain that the cotton which enabled the manufacturers of Dacca to make those pre-eminently beautiful fabrics, some of which were exhibited in the Great Exhibition of 1851, of marvellous fineness and lightness, used to be grown in the districts adjoining Dacca; but the trade has been altogether destroyed by the superior cheapness of the English fabrics. Unless the growth of cotton be a very unprofitable mode of employing the land, I can see no reason why it should not be re-established there; but I have some suspicion in my own mind that the growth of cotton, as compared with many other articles of produce, is unprofitable to the ryot, and I believe that that, to a very great extent, is at the bottom of what is alleged as to the difficulty that exists in obtaining an unlimited supply of cotton. Cotton is a biennial crop, and the ryot can probably make more by growing other crops, and, generally speaking, I do not think that cotton is a crop very much liked by the ryot.

1709. When you speak of cotton being grown by advances, which are made probably at 20 or 30 per cent. instead of 10 per cent., do not you think if advances were made at 10 per cent. the profit might be considerably increased?—I believe that advances are made at the same rate to a man cultivating sugar, wheat, or rice, or anything else; those are the general terms of a village money-lender, and, I apprehend, he does not ask whether the money is advanced for the cultivation of cotton or any other article.

1710. You have spoken of cotton being grown in the lower parts of India about Dacca; is not there a large cotton-growing district in the Doab?—Cotton is grown in the Doab, but there is no part of the North-West Provinces, except Bundelcund, which has ever been much celebrated as a cotton-producing country. In Bundelcund a great quantity of cotton was formerly produced, as the Honourable Member will recollect the vessels of the East India Company used to come to load at Calcutta with cotton for China, and they were almost entirely loaded with cotton from Bundelcund. Mirzapoor is also a considerable mart for cotton, which comes from central India from the banks of the Nerbudda; that country will be open to European enterprise very shortly, a railway being projected, and a contract having been entered into for it, to run right through the whole of the cotton district of Berar, through the valley of the Nerbudda to Mirzapoor, thereby connecting Calcutta in one side, and Delhi and Agra on the other, with Bombay and Madras.

1711. Have you named the principal cotton districts in the three Presidencies of Bombay, Madras, and Bengal?—I ought to have mentioned the cotton districts of Madras, such as Coimbatore and other districts to the southward; they are very good cotton districts, and they are now about to be penetrated by a railway from the coast called the Great Southern of India Railway.

1712. Is

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1712. Is the climate of the districts you have named generally suitable for the residence of Europeans?—As I have said, with regard to colonization in general, they are not climates in which Europeans can reside with comfort or to raise their families; but they are districts in which the officers of Government reside, and in which the planters can and do reside with fair safety to life; but the risk to European life in India now-a-days, when temperance is very general, is very much exaggerated in the public estimation; the per-centage of deaths in the civil and military services, apart from the risks of war in the military service, is very little in excess of the risks in England; still Europeans do not enjoy rude and strong health, though, I must say, the indigo planters from Tirhoot and the central provinces, when they came down to Calcutta in the cold weather, presented a very robust appearance.

1713. Mr. A. Mills.] To what districts in India does the proposal of the Government, to which you have alluded in your evidence, and which was mentioned by Lord Stanley in the House of Commons, to create a fee simple or revenue free tenure, apply?—With regard to grants of waste lands, the rent of which Lord Stanley proposed to commute for a payment at once, that would apply to any part of India where waste lands might be granted, I presume; but the commutation of the land tax, as existing, only has reference to the permanently settled districts. The Government would not be disposed to fix the revenue in perpetuity, by taking a payment once for all instead of annual rent in the unpermanently settled districts.

1714. If it were possible financially to capitalise the land revenue in the districts included in the Cornwallis settlement, and to empower the landholders to redeem it, would such a process tend, in your opinion, to promote the introduction of capitalists into India?—I do not think it would have the anticipated effect. The Cornwallis assessment, generally speaking, is very light; it is a known assessment; and the zemindars are allowed to deposit Government paper, the interest of which is equivalent to what they have to pay for ever. The zemindars, as a body, whatever Europeans might do, have not much improved their estates. I wish also to add what I have never said before, and I think is of importance, that I never knew and never heard that a rent-free estate was in a whit better condition, either as regards its cultivation, or as regards the state of the ryots, than an estate paying revenue to the Government.

1715. The land revenue in the regulation provinces of Bengal, including Behar and Orissa, by the last returns was about three and a half millions sterling, and the land revenue in the North-west Provinces, by the last return, was nearly five millions sterling; do you ascribe the comparative magnitude of the revenue of the North-west Provinces as compared to the revenue of Bengal to the difference of the existing land revenue system, or to other causes?—It is impossible to compare the two without a measurement of the area to begin with.

1716. The area of the regulation provinces of Bengal, including Behar and Orissa, is 126,133 square miles, and the area of the North-west Provinces is 72,052 square miles; notwithstanding the area of Bengal is nearly twice the area of the North-west Provinces, the revenue of the North-west Provinces considerably exceeds that of Bengal?—There can be no doubt that the revenue of the North-west Provinces is at a much higher pitch than the revenue of the permanently settled districts, where in many instances it is extremely low. I remember a case in which an estate was under the management of the Court of Wards, and it was let to a tenant in the interest of the ward by the Court for twelve times the Government revenue, and of course the tenant got his profit besides.

1717. In the account of the territorial revenues for the four years preceding the mutiny in 1857, Bengal alone presents a uniform local deficit, and the North-west Provinces alone present a uniform local surplus; to what cause do you ascribe that surplus?—It is entirely factitious. The army is put entirely upon Bengal, and not upon the North-west Provinces.

1718. What has been the practice with regard to the mixed expenditure which has been likewise borne upon the Bengal books; has that been uniformly military expenditure?—It is a mere matter of account.

1719. Mr. Villiers.] This is an accidental decline of the revenue, is it not?—No, there is no decline.

1720. I thought there was a deficiency?—There is an enormous deficiency in Bengal

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Bengal, and a surplus in the North-west Provinces ; but all the army is charged to Bengal, and none to the North-west Provinces. The whole revenue of the North-west Provinces appears to be almost net ; but the revenue in Bengal has been swallowed up by the army.

1721. Mr. A. Mills.] Have the revenues of Oude and Nagpore been borne upon the Bengal books, and been included in what you call the Bengal revenue ? —No ; in the Parliamentary Returns I think they are stated separately, if I remember rightly.

1722. In confirming the jaghires and enams, has care been taken to guard the proprietary rights of the agriculturists or ryots ?—I am afraid not in all instances. Wherever there has been a settlement, as in the North-west Provinces, the ryots have been protected in rent-free estates, the tenures of which have been confirmed, just as they have been protected in estates paying revenue to the Government.

1723. Are the lands for the endowment of Hindoo and Mahomedan worship, now committed to the management of the natives themselves ?—Yes, entirely.

1724. Can you tell me how recently that was done, and by what act of the local government ?—It was done by a series of orders of the Court of Directors beginning, I think, in 1836, and repeated on many occasions since that date. Very recently a letter has gone out directing the Government to do what has not hitherto been done, viz. to rescind those Acts of the Legislature which required the superintendence in question ; they were merely rendered a dead letter by the Government orders ; but now it has been directed that they should be rescinded ; there were Acts of the Legislature requiring that the revenue authorities should step in to prevent breaches of trust, and to prevent the decay of the institutions by the alienation of the funds ; now those matters are to be left entirely to the natives themselves, and they are to look after their own trustees, and see that they do their duty.

1725. Do you think that an export duty on opium similar to that which is now levied at Bombay, levied at the other ports of India, would yield an adequate revenue, if the present system at Patna and Ghazepoor were discontinued ?—No doubt the system of an export duty is much more in accordance with principle than such a monopoly as the present opium system of Behar, but I am afraid that the consequence of the change proposed would be a very considerable loss to the revenue. I think it would be inevitable. Now, the revenue adjusts itself exactly to the demands of commerce, and just as there is more or less demand in China for opium, the Government gets more or less revenue ; and they would find it very difficult under another system, unbending as it must necessarily be, to get anything approaching to the same revenue.

1726. Supposing that there were to be any considerable falling off, or an absolute extinction of the land and opium revenue, have you any other source of taxation to suggest for India ?—I say this, that as England, either wisely or unwisely, has repudiated her responsibility for the public debt of India, England must cease, however unpalatable it may be to gentlemen of Manchester and to others, to interfere with the import duties in India. India must necessarily, as a matter of ordinary fairness, be allowed to impose what duty she pleases upon English manufactures of all descriptions, both cotton and woollen goods, and all other goods ; those duties are at present very low, only 5 per cent., and that would be, no doubt, a very considerable source of revenue, without, as I believe, if it were done in moderation, much interfering with the import of English goods. It is quite clear that it would be very unfair to India, if it is to be treated as an independent country, and has to provide its ways and means upon its own responsibility, that it should not have also the privileges of an independent country to put on what duties and customs it pleases. I believe the duties upon copper and spelter, which are in great consumption in India, might be raised very considerably without mischief to anybody. Then succession duties might be levied, and the stamp duties extended.

1727. *Chairman.*] Could you produce a considerable revenue from such an import duty, do you think ?—I think a considerable revenue might be raised, because there is a vast consumption of cotton twist and cloth, as well as of copper and spelter. I should contemplate a duty upon all cotton manufactures ; not a duty to protect the manufactures of India, of course, but for the purpose of the revenue.

1728. Mr. A. Mills.] Do you think that the continuance of the distinction in

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in name between the covenanted and uncovenanted services is expedient?—I think it is quite essential, as I have expressed it, that you should have a service, call it what you please, covenanted or uncovenanted, fed from the bottom by young men from England, entering it as their profession for life; not coming over the wall like some of the pilgrims whom Christian fell in with in the course of his journey, but entering it at the regular head of the way.

1729. Mr. Kinnaird.] May I ask whether any measures have been adopted within the last two years by the Government of India to increase the number of European magistrates in the Lower Provinces?—Yes; I believe a large number of honorary magistrates have been appointed.

1730. Has anything been done to limit the power of the Zemindars and to give security to the under-tenants in possession of their property during the last two years?—I am not aware that anything of that sort has been done to that end lately.

1731. Is the police in the same condition in which it was when Mr. Halliday so loudly condemned it in April 1856?—It has been improved as respects the salaries of the principal native officers of police, and still more recently the Secretary of State for India in Council has authorised the establishment of ten police battalions for Bengal, which will render the police much stronger and better able to deal with violent and open crime than it was before.

1732. Do you not consider that the insecurity of life and property which did exist in those times in Bengal formerly was a hindrance to the settlement of Europeans there, and rather a temptation to them to act illegally themselves when they were settled?—Does the Honourable Member mean insecurity of life and property of natives, or of Englishmen?

1733. I mean general insecurity to natives and Englishmen from the want of police?—I cannot believe that there has ever been a time within the scope of my knowledge when European life was in any jeopardy, except in this great rebellion.

1734. Native life was insecure, was it not?—I cannot say; there were murders, as there are in every land, principally arising from social causes, and there were occasionally affrays; but I cannot say that I think that in Bengal life and property were insecure. Dacoitee (gang-robbery) has raised its head, and was very prevalent in certain districts. That offence rendered life and property insecure at that time; but that has been recently dealt with, and I am happy to believe dacoitee has been very greatly put down in the Presidency of Bengal.

1735. Are you aware if any improvements are now taking place in the roads in Bengal?—I have stated, in the early part of my evidence, what roads are being made.

1736. What has been the success of foreign planters in India as compared with Englishmen?—I believe that foreigners, who are subject to the local courts just as natives are, have been at least as successful as Englishmen. That fact certainly cuts the ground from under the allegation that the English planter could not thrive, or hardly exist, if he were subjected to the same Mofussil Courts.

1737. In your former evidence you read an extract from a missionary conference reflecting unfavourably on the conduct of the indigo planters. Have you reason to believe that that was a general opinion or the opinion of one individual only?—The work which I quoted contained the opinions, I think, of as many as three or four missionaries who had been employed in the Krishnagur district, and all to the same effect.

1738. Are you aware that that statement was replied to by the planters, by Munro Forbes and Furlong, and did not the different gentlemen who lived in the neighbourhood vindicate themselves from those charges?—I never saw any answer.

1739. Was not the writer of that paper engaged in a dispute with a neighbouring planter?—I am not aware: the writer of the paper was the Rev. Mr. Schurr, and his opinion was confirmed by several other missionaries who were also resident in the same district.

1740. You said in your previous evidence that there were a few towfeer or excess cases in Bengal. Is it not the fact that there were many thousands of such cases in the district of Chittagong?—Yes, but there is this distinction between Chittagong and the rest of Bengal; Chittagong and a part of the 24 pergunahs, were the only districts of Bengal in which a permanent settlement was

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made upon a measurement ; there the Government had a clear right to inquire into towfeer lands, because they avowedly only settled the lands that were measured, and settled them for so much ; whereas in Bengal generally they settled estate A. and estate B. without any reference to area whatever.

1741. Was not there a commission expressly deputed to resume those lands, and which hesitated to do so unless the Government passed a law to legalise such resumptions?—No special law was ever passed to legalise the assessment of Towfeer resumptions. In Chittagong the resumptions were legal under the existing law ; there was a gentleman who was supposed to have acted rather harshly in carrying out the law in that district, and the result was (it was after I left India), that he was removed, and Mr. Ricketts, an officer of great eminence and very high character (now a member of the Supreme Council), was sent down to carry out the operation ; and he carried it out with extreme success, and the revenue at Chittagong is collected with the greatest punctuality ; there had been frauds upon the revenue at Chittagong of the very grossest description. The people of Chittagong are a peculiarly litigious race. I remember a story which was current in Bengal when I was there. Lord Wellesley had asked some judge of Chittagong what classes of people there were in his district ; the judge answered that there were only two classes in Chittagong, plaintiffs and defendants.

1742. Was not the effect of those Towfeer cases in Chittagong, to throw large quantities of land out of cultivation?—So far from that, I should suppose that the district must be eminently prosperous, for I know that a very much larger amount of revenue than was formerly collected is now collected from Chittagong with great punctuality.

1743. With reference to your examination by Mr. Smith, which seemed to imply that little had been done with respect to cotton, are you aware whether in 1840, the East India Company did not send to America to engage planters and purchase seed and implements?—The East India Company, which has been so unjustly misrepresented in the matter, have taken extreme pains for many years to promote and encourage the cultivation of cotton, but in 1840 they sent Captain Baylis, an officer in their service, to America, to engage the services of competent American planters, to try how far the American system and the American varieties of cotton could be introduced into India. Captain Baylis, I think, engaged the services of ten gentlemen, who were located in various parts of India with various amounts of success ; they were particularly successful in Dharwar, under Bombay, and Coimbatore, under Madras ; and I am told that the American system has taken root in Dharwar. I am told that Dharwar American cotton is quoted regularly, in the Indian price currents, at 10 to 15 rupees a candy, which is 784 lbs. higher than the ordinary cotton of the country. The East India Company established experimental farms in various places, and they spent altogether considerably more than 100,000*l.* in those experiments ; they also purchased considerable quantities of cotton, both raised from those experiments and otherwise in India, and they went to the very extreme tether of the law which prohibits the Company from engaging in trading operations, in order to carry out those experiments, feeling they were justified by the motive, and that profit was not their object ; they sent this cotton home, and I believe, in every instance, they reaped a fair profit upon the transaction.

1744. Mr. Villiers.] Having proved that good and cheap cotton can be obtained in India, has the Government or the East India Company taken any further steps in the matter?—They sent out saw-gins to India, and manufactured them in India from models which they got here ; and either sold those saw-gins at cost price, or gave them away to the people ; and that part of the task that they took in hand they are still continuing.

1745. Have those efforts been appreciated, do you think?—I am afraid not. There is still apparently, in some quarters, a belief that the only way to get cotton, as I said before, is to abuse the East India Company, and sit still. If a body like the East India Company could make a profit by buying cotton in India, and sending it home, it must be self-evident upon the face of it, that a private individual could make a larger profit by the same sort of transaction. I find, that so long ago as 1848, the very highest authority upon such a subject, namely, Dr. Royle, told the Cotton Committee of the House of Commons, that the whole object would be simply and easily effected, if merchants interested in the improvement and in the extension of cotton culture, would themselves engage in the business of purchasing cotton from the ryots, either with or without ad-
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vances, and having it cleaned by a saw-gin, either their own or with those belonging to the Government. It does appear to me very strange, that while the exports of India in every other article have been going on increasing in an extraordinary ratio (I must admit that the exports of cotton have also increased considerably of late years), yet that there should be still an assertion that cotton cannot be procured from India, when every other article can be procured in such abundance that we are obliged to send out millions of silver to pay for what we cannot pay for otherwise. It is the merest delusion; cotton can be procured as easily as oil seeds, or anything else whatever.

1746. Does not it occur to you that there must be some impediment, that it is not the usual course of merchants who are said to be enterprising, that when they can get a thing they want, and can get a profit upon it, that they abstain from doing so; do you ascribe it entirely to their helplessness and unreasonableness?—No: I hinted just now that I thought it would be found that cotton was not, in all years, and at all places, so profitable a crop to cultivate as some others; and on that ground, *pro tanto*, there was an indisposition to grow cotton. I also believe that this demand for Indian cotton does not exist in any great strength, except when there are bad crops in America. I think, indeed, that it is part of the unreasonableness of the complaint, that when there have been large crops in America, and no demand upon India for two or three years, suddenly there comes a bad crop in America, then they turn round upon the rulers of India, and ask, "Where is the Indian cotton?" The fact is, there is no continuous demand, and therefore there is no continuous supply.

1747. It may be my fault, but I have not been able to collect from you, what it is that you do rely upon as your answer to the manufacturers about cotton. I have understood you to say, during your evidence, that the want of a supply of cotton was their fault for not establishing agents in certain places; that if they would screw the cotton down and send it packed in a manner that could be trusted, that they could get it; that that would dispense with the necessity of good roads. You further said that they ought to buy it of the ryots; you have also said that the ryots are not interested in producing it, and now, if I understand you, you say that it is owing to the want of a market here; that sometimes there is one and sometimes there is not, and on that account it is not produced; on which shall we rely, as your reason, why cotton is not produced in India?—The Right Honourable Member must be aware, that there are not only with regard to cotton, but almost everything in the world, many concurrent reasons operating. I never said, as can be seen if my evidence is referred to, that if cotton was properly screwed, good roads might be dispensed with. What I did say was, that I thought that, much as I deplored the want of roads, the want of good roads would be very much obviated, and the impediment very much removed by the cotton being well and trustworthily screwed at or near the place of production, seeing that these bales would not be liable to damage in the same way as loose cotton is, and seeing that if bales were packed with the seal or stamp of a trustworthy European agent, purchasers would not require to open them as they would if they had been packed by the natives. Now, I believe that all the causes I have mentioned are concurrent and sufficient causes why cotton is not brought in large quantities from India. But I still believe, in spite of all the other obstacles I have mentioned, and I think that view of the case is quite intelligible, that, if those who want cotton would take the same means and pains to get it which those who want other articles take to get them, cotton, in any necessary quantity, could be obtained from India. I think there is an absolute proof of my position, not merely in the great quantities of other articles which are obtained undeniably, but also in the success of a man like Mr. Landon. It appears to me that that argument is unanswerable. Mr. Landon has procured cotton at great personal pecuniary advantage, and that is what I desire other people to do.

1748. Are we to understand that it is possible to be done at a cost of production which enables them to compete, commercially speaking, with cotton produced in America, if the proper course is taken?—It is not such good cotton as the American, and it will not fetch the same price.

1749. There can be no sense in the question or the answer otherwise; you say that cotton can be produced which you can sell in the market. You are aware that there cannot be two prices, one for Indian cotton and another for American cotton; therefore evidence that cotton can be produced in India is

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nothing unless you tell us that it can be brought to this market. We understand you now to say, that if other people will do as Mr. Landon did, we might have cotton that could compete with the American cotton in our market?—I never said so. It would not compete in point of quality. I do not believe they ever will grow cotton in India equal to the best sorts of American cotton, and worth the same high price; but they will produce a good merchantable article, which, I am told, is very useful, if not necessary, for certain descriptions of manufacture.

1750. At present you do not see in India a resource for getting cotton, and meeting the alarms which some people entertain with respect to not getting a sufficient supply from America?—Yes, I do; I have not said anything to lead to the inference which you draw.

1751. Then you think we cannot eventually get cotton of the same quality, and at the same price, from India?—I do not believe you will ever get the long staple.

1752. That is to say, we cannot have cotton from India and America competing with each other at the same price in our market?—Not of that long staple description. I do not believe the climate and soil of India are capable of yielding cotton equally good with the best cotton from America.

1753. You make that statement as the result of your own experience, and from communicating with persons who are well informed upon the subject?—Yes.

1754. You have referred to Mr. Landon as conclusive evidence of what can be done in producing and bringing here an inferior kind of cotton, or at least not equal to American cotton?—Yes.

1755. Have you looked at Mr. Landon's evidence, or did you hear it?—I heard it.

1756. Then you are aware that he stated he would not recommend any one to go out upon the same adventure that he did himself; he was a remarkable man, and therefore he had not been ruined?—I heard him say that, but I did not attach much importance to it.

1757. Yet you require us to attach great importance to his evidence?—I do not ask you to attach any importance to Mr. Landon's evidence; I ask you to attach importance to the undeniable facts of Mr. Landon's career. My opinion would be the same as it is now if Mr. Landon had not given any evidence at all, because his success is notorious; and that is the only fact that I look to or care about.

1758. Do you think his own account cannot be trusted?—It struck me at the time when I heard his evidence, that Mr. Landon's method of accounting for his own success, and making it a special case, was that, perhaps, of a vain man, and, possibly, that of a man who did not desire particularly to induce competition.

1759. Have you reason to believe there was that motive for Mr. Landon's giving that evidence?—No; I drew my own inference from his evidence. I remember I was very much amused when I heard that part of his evidence in which he said, "I have been very successful, but I do not think anybody else would be."

1760. We had the benefit of your attendance here last year, may I ask whether you have had an opportunity since then of looking through the evidence that was given before this Committee?—I think I have read it all.

1761. May I ask whether you have been so good as to give evidence now for yourself with a view of disproving anything that was stated last year before the Committee?—I wish to state my views to the Committee simply because I believe that the views which I entertain are the true ones, and I wish that the truth should be known and prevail. I desire to impress my own views of the state of affairs in India with regard to colonization, and generally with regard to the Government, on the Committee, and through this Committee on Parliament and the public: that is my sole object.

1762. I have listened attentively to all that you have said, and I have not heard you refute any evidence that has been given here, by directly referring to that evidence and stating that it was not true?—I have made no reference to any of the evidence. I do not think really it would have been decent or proper that I should come here to refute the evidence of gentlemen who, probably, would not appear before the Committee again. I thought the best course for me to take would be to state my own views, many of which, certainly, are in direct contradiction to the general tenor of the former evidence, and thus to give the Committee the means of seeing both sides of many important questions.

1763. You

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1763. You are aware that the witnesses who attended here came to speak upon the difficulties that existed in the way of their settling in India; certain things were summed up by one of the witnesses; having stated that he did not think there was security for life and property to encourage British capitalists to settle in India, he was asked to what he attributed the want of security, and he said, "In the first instance to the bad interpretation of the laws, and the incapacity, in many instances, of the civil servants in the Mofussil courts to interpret the laws such as they exist, and in the next place to the corrupt state of the amlah and also of the police; the prevalence of false charges and false witnesses. They are great causes of insecurity, for in no country can property be secure where such a system and practices exist as those I have described." If that is correct, can we expect British capitalists to settle in India to the extent that even you wish them to do; I have not heard you prove that that was untrue?—The Right Honourable Member is making a remark, and not asking a question.

1764. I am asking whether you have contradicted that evidence in anything that you have stated?—I am quite ready, and, I think, able to contradict it. I do not believe that which you have read. I believe it not absolutely the reverse of the truth; because, of course, all such statements to be plausible must have a certain colouring of truth. I believe it to be as far wide of the truth without being absolutely every word of it untrue, as can be imagined.

1765. We are merely asking for information; I want to know whether I have properly apprehended your evidence in saying that the courts are pure, or that there has been great exaggeration in stating that they were not, and that the same remark applies to the police?—I say not that they are pure, but that there has been great exaggeration with regard to the impurity of the courts and of the police, though I believe that the police require great improvement, and the courts of justice as administered by the native judges also require great improvement. They are gradually receiving improvement, and I believe the only way of fitting the people of India to administer justice to themselves, is to allow them to administer justice under careful watching, and so work themselves pure.

1766. Is there any process now in operation for working themselves pure?—Yes, there is that very process which I recommend; upon which, as I have stated to the Committee, I always acted according to my humble opportunities, when I was Secretary to the Government of Bengal; which was to keep the European authorities mainly to the work of superintendence and supervision, and to employ in all the primary labour of the judicial departments the native judges.

1767. Is that in operation now?—Yes, and I believe it is gradually working the best effects.

1768. You are satisfied, so far as the courts of justice are concerned, with what is going on now, and you will not rely on anything else to make them more pure?—I am satisfied that the right course is being followed in the important respect above mentioned, and also that a reform of the existing system, which I very much desire to see carried out, is now on the eve of being effected, namely, a great simplification of the procedure, which I believe will have the very best effects in simplifying and expediting the administration of justice, and be the means of discouraging and preventing chicanery, fraud, and corruption.

1769. Is there anything in contemplation by the present Government of India, to improve the courts of justice?—There is this cardinal alteration in the law of procedure, which is on the eve of enactment.

1770. There is no proposal as to altering the character of the judges?—No, except by a more careful watching of them.

1771. Do not you attach vast importance to judges of primary instance being acquainted with the habits and manners of the people, and more so than to their having learning?—I was speaking only of European judges in the evidence to which I presume that the Right Honourable Member refers; I said that European judges exercised very rarely any primary jurisdiction; what I did say was, that if it were found absolutely impossible to combine a knowledge of jurisprudence with a knowledge of the habits of the people, I thought it would be better that men should be ignorant of the principles of jurisprudence, as they are taught by writers on such subjects, and be left to their natural sagacity and judgment, than that they should be ignorant of the state of the country, and of the manners and habits of the people.

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1772. Have you not illustrated that opinion by an extreme case, when you say that a man's learning is not of much avail if he does not know a field of rice from a field of wheat. Is it necessary for the judge to know the history of every matter which comes before him?—I apprehend that a man must necessarily be a very bad judge who does not know very largely the manners and habits of the people with whom he had to deal. Let me give an illustration which occurred to me the other day after I had been examined. I believe the Code Napoleon in France is a much better system of law than any we have in England. What would the Right Honourable Member or the Committee think of the probable success of a judge speaking only the French language, knowing only the Code Napoleon, and being perhaps more perfectly acquainted with the science of jurisprudence as a scientific French lawyer than any English lawyer, put down to administer justice in Yorkshire? This is a parallel case very much against me and in favour of the Honourable Member, Sir Erskine Perry's, position; because there is much more similarity between the people of England and the people of France with respect to their habits, trades, laws, customs, and so forth, than there is between the people of England and the people of India.

1773. You approve of the persons who sit in appeal having some knowledge of law, and, as I understand, you would only have such persons appointed from their professional qualifications?—No I never said so at all. I shall be glad if the Right Honourable Member will be so kind as not to put words into my mouth. I did not say that they should not have a knowledge of law; I said it would be desirable in a high degree that they should; but that if they must be either without the one or the other, it would be better in my judgment that they should be without a knowledge of law, and left only to natural sagacity, judgment, and good sense, than be without a knowledge of the habits of the people, and of the state of the country.

1774. Does that apply to the judge in appeal as well as the judge below?—I thought I had made it clear to the Right Honourable Member, that the judge below, according to my notion of what is right and wise, and according to the present practice, is almost invariably a native judge, and that the judge of appeal is an Englishman. I want to keep the English officer and to keep the native officer; the native officer as the judge of primary jurisdiction, and the English officer as the appellate jurisdiction. What I said with regard to a knowledge of the habits of the people applies almost exclusively to the Englishman, as I thought must be self-evident.

1775. My question has reference to the alarm which you have expressed here lest any Englishman should be sent out from this country qualified by learning and experience to fill those offices, not knowing beforehand the habits and manners of the people; but you require Europeans to be appellate judges, would they know much of the habits and manners of the people?—The present appellate judges are the officers of the service, who have gone through all the subordinate offices of the magistracy and the revenue, and who have risen to that position, and therefore have that knowledge by the hypothesis. I am not quite sure, with the best intention, whether I quite understand what the Right Honourable Member is driving at. I never contemplated that officers should be sent out from England as judges of the higher appellate courts. I protest against that more strongly than I do against their being sent out to fill the lower situations.

1776. I understand you object to persons filling the judicial offices unless they have filled the lower situations of the service?—Entirely.

1777. I think you stated, that a man is hardly fit to be a judge who has not been a collector?—Yes; and that is in accordance with the opinion of Sir Thomas Munro, and in accordance with the opinion of almost every man of eminence who has been in India.

1778. Sir *Erskine Perry*.] Then that answer condemns the practice hitherto where the judges are not made from collectors; take for example the Bombay Presidency, where persons are made judges from the commencement of their service?—I take it, most of them have served as young men in the revenue department. I think throughout India all civilians have been assistants in both departments.

1779. Mr. A. *Mills*.] Have the appellate judges in India to decide mixed questions of law and fact, or simply questions of law?—They decide both; one appeal is allowed, in the present state of the law, upon both law and fact, and then,

then, if there is a legal case raised, a special appeal may be allowed by the Court upon the point of law.

1780. Mr. *Villiers*.] Who hears that appeal?—The English district judge, and the Sudder Court.

1781. Your opinion has peculiar reference to India; you would not apply it to your own country, namely, that a man must be thoroughly acquainted with the habits and manners of the country, from living amongst the people, before he can hold a judicial office?—My illustration did apply to England. I asked you to take a man, the most deeply versed in the principles of jurisprudence that you could find in France—I believe that they are, at least, as eminent jurists as in England—I asked how you thought that man would be fit to administer justice to the people at York? I say the case is even stronger in India.

1782. Supposing a Frenchman, as you say, were to administer the Code Napoleon in Yorkshire, would you prefer a soldier, or a revenue collector, or an educated lawyer?—It is remarkable that the Right Honourable Member should not see where his analogy breaks down; if that soldier had been living in England, as is the case in the corresponding instance in India, from the age of 20, and had held many subordinate judicial offices in England, had been the manager of a large estate in Yorkshire, and had conversed with the people habitually for 20 years, then I should say that the French soldier would be more fit to administer justice at York, than a French lawyer who came over merely with his knowledge of law: that is really the parallel case.

1783. Sir *Erskine Perry*.] You think that a Frenchman would be able to administer the Code Napoleon in Yorkshire, who knew nothing about jurisprudence, but knew something of the people from 20 years' residence in Yorkshire?—I believe he would.

1784. Mr. *Villiers*.] Do you think that a man would make a better magistrate in England, because he had been a policeman?—My answer is, *cæteris paribus*, I believe he would.

1785. I believe one of your reasons for attaching so much importance to the covenanted service is, that they do become thoroughly acquainted with the habits and manners of the people?—Yes.

1786. Will you allow me to ask you if that was of much advantage before the mutiny broke out?—There was not an opportunity for that knowledge being brought into play, because the Right Honourable Member must be aware that the mutiny did not break out in the villages, but in the cantonments, in which a civil officer not only is not employed, but has no jurisdiction over the soldiery. There was no mutiny amongst the people of India; they never broke out into any rebellion at all, till they were encouraged by the partial success of the mutinous soldiers.

1787. I am talking of things which have happened, and as we know them now to have happened. Very general disaffection had been exhibited on the part of the natives, whether in your service as soldiers, or as residents in your villages?—I do not believe that that very general disaffection did exist.

1788. I wish to ascertain to what extent this knowledge of the habits and manners of the people can be appreciated, assuming that the people exhibited great disaffection. I was going to ask if any civilian had been in the least aware of it, or whether they were not in total ignorance of the state of the feelings of the natives, whether they would not have said that the people were well affected to the Company, and well satisfied with the Government. Am I to understand that you deny my premises?—Yes, I deny your premises. I say, that the civilians had no opportunity of exercising their knowledge, because the disaffection did not manifest itself at first, at least, among the people. I believe all that story about the transmission of the chowpatties was the merest trash; and that the chowpatties had no more to do with the mutiny than they had to do with Jack Cade's insurrection.

1789. Reverting to the purpose of our inquiry, namely, whether there are any difficulties or discouragements now existing to settlers in India; I wish to know whether you consider that there is any inconvenience, or insecurity, or impediment in the holding of land in Bengal, for instance?—No I do not think that the tenure of land offers any serious impediment.

1790. I believe you have stated your opinion that the tax on land does not discourage the capitalist from investing his capital in the products of India?—No: what the Right Honourable Member calls the tax on land is exactly the

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same thing as the rent of land, or a rent-charge in England, which certainly does not interfere with industry or production.

1791. Is that the opinion of the Council now?—That is more than I can say ; it is my opinion.

1792. Then you considered the land-tax is what the man pays for the use of his land?—It is the Government share of the produce, which has always been the Government share, and never, from time immemorial, belonged to the class connected with the land. It belongs just as much to every other class of the community. It is the great national fund for all public purposes.

1793. We will not dispute about terms ; I think you assent to its being pretty much the same as what existed, and does exist still, in many parts of Europe, and till the close of the last century existed here, namely, that the Government took a certain per-centage of the value of the land ; in this country it was 4s. in the pound. You do not mean to distinguish what you call rent in India from what used to be imposed as land-tax in England?—No, not at all.

1794. Does not the amount of that tax, in your opinion, impede the use of capital in India?—Not appreciably.

1795. Is it the opinion of the Government that it would be unwise to allow people to buy land in fee in India?—They cannot buy the land in fee, because all the land, except the rent-free tenures, has this rent-charge upon it.

1796. I mean to purchase the land of the Government, and to hold it as freehold land, or land in fee, as people do in this country ; in fact, to redeem the land-tax?—I have stated to the Committee that a Despatch has gone out, asking the opinion of the Government of India upon the question. I am favourably disposed towards it, as an experiment, if it were carried on within certain limits, and if we could be sure that the money obtained from the sale of the revenue would be applied strictly and no otherwise than to the redemption of debt. I do not apprehend any danger from it ; but I do not see how it would very much alter the state of things. I do not see how a man, having paid down capital and secured that redemption of the land-tax, would be much better off than a man who has to pay the equivalent annually.

1797. Would he not feel a security, that he has not at present, if the Government has no longer any claim or title to the land, either for revenue or otherwise?—I think it is more fancied than real ; he has now only to lodge Government paper, the interest of which is equal to the land revenue.

1798. Have you any doubt but that you could secure the investment of the capital so that the Government should not waste it or spend it in any unprofitable manner?—I think it might be done by legislation.

1799. Would it not be a great advantage if Englishmen should acquire land in India?—I think it would ; I have expressed myself strongly in favour of English settling there.

1800. *Chairman.*] Would not the redemption of the land-tax be in favour of the transfer of land from one individual to another?—No, I don't see how it would. Land in India is just like land in England, subject to a rentcharge.

1801. *Mr. Villiers.*] That is to say, it is a charge on the land?—Yes, land subject to a rentcharge is sold at a lower price, but as freely as land without a rent charge in England.

1802. What has been the great objection to allowing people to redeem their land-tax?—It was thought to be a killing of the goose that laid the golden eggs ; there was a fear, I conclude, that the money might be spent, and the Government might be left without a revenue.

1803. Has not there been rather a jealousy of English settlers?—No, I think not.

1804. When do you think that jealousy ceased?—I believe it ceased in the main with the commercial monopoly of the Company, although after that period there might have been some *remanet* of the old feeling. The trade of India was thrown open in 1813.

1805. I thought colonization could only take place after 1833?—I was speaking of trade. Settlement was not permitted till 1833. Shortly after that date, a law was passed by the Indian Government to give effect to the Imperial legislation.

1806. It was done by legislation here, and it was not in accordance with the opinion of the Company?—It was done by legislation here, but the principle was carried out faithfully by the Company in India, directly after the legislation here.

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1807. I think you had not much experience of India after that law was passed?—Yes, I was several years in India after that.

1808. Sir *Erskine Perry*.] You left India in 1839, I believe?—Yes.

1809. The Bill was passed in 1837, was not it?—It was passed, certainly, considerably earlier than that.

1810. Mr. *Villiers*.] There is some feeling still against Europeans going to India for employment in the public service or residing there, I believe?—No, I think not.

1811. You read as part of your evidence the other day a statement from some missionaries reflecting very severely upon the civil servants; how do you reconcile that statement with your opinion of the service; the missionary says, "If the planter enjoys the friendship of the civil servants, he can oppress, imprison and ill treat the ryots with impunity"?—That was the opinion of the missionary.

1812. Did not you read it as your opinion?—No, I read it for the purpose of showing that there were different views upon the most important point, of the effect of the settlement of Europeans upon the natives, held by persons at least as impartial as the planters.

1813. Do you believe the character of the civil servants is implied by this sentence which I have read?—I stated in my evidence distinctly that I thought it was desirable that the civil servants should not be on very intimate terms with the planters of their districts, because it is very difficult to persuade ignorant natives especially, that there should exist that degree of intimacy between English Sahib Logue, as they call them, without there being a leaning in favour of the planters if they go into court. I think it is desirable that those who have to administer justice should hold themselves, without any want of courtesy or kindness, to a certain degree aloof from very close intimacy with those who may be brought before them in their judicial capacity.

1814. Are you of opinion that the service, as it exists now, is necessary for the protection of the natives?—I am.

1815. And you think it is of importance that the civil servants should have no connexion with the planters?—I think they ought not to be on such intimate terms as would, in the estimation of the ignorant natives, induce the belief that they would be disposed to favour the planter at the expense of the natives.

1816. I presume it was after you left India that the planters were ever charged with oppressing and ill using the ryots?—I have known scores and hundreds of such charges made when I was in India.

1817. Do you think they deserved that character for oppressiveness?—I do not know whether the Committee have received a book which was sent to me yesterday by the book-post upon that subject, taking very strongly this view of the conduct of the planters.

1818. If that is the tendency of the planters in their treatment of the natives, do you believe that the people will be more satisfied when settlement is extended still further?—I said in plain words, I think the first day I was examined, that it would require a very firm and strong administration of justice to protect the natives; that on that ground I rejoiced that India had not been thrown open to European capital and enterprise at a period when that check was weak, and when public opinion in England was also weak; and that I thought great evil would have resulted if such a course had been taken. I also stated, that with all the concomitant evils, I was decidedly of opinion upon the whole that the largest possible resort of Europeans to India was desirable. I do not shut my eyes to the evils. I do not expect from any course in this world unmixing good.

1819. You do not shut your eyes apparently to the advantage of the settlement of Europeans, and amongst these advantages you expect a greater extension of commerce. I presume you will admit that the steam communication and the constant intercourse between India and England may be ascribed to the enterprise of settlers, commercial people, and English capitalists, and not to the Company?—Partly the one and partly the other. The servants of the Company took a very strong part; I am sure that I did, and I know that many took even a stronger and more useful part in promoting communication with India by steam.

1820. Did not that originate with persons unconnected with the Company?—No; I do not think it did.

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1821. You do not know that?—I am likely to know, for I was in India at the time, and I did not keep my eyes or my ears shut.

1822. Did not that enterprise originate with non-covenanted people?—I do not tell the Committee what I do not know; I state what I do know, and I can name individuals in the service of the East India Company who took the most prominent part in that movement. Mr. Greenlaw, for example, who was, I think, master-attendant at the time, was most active in support of the scheme of communication through Egypt, and was one of its greatest and most earnest promoters. Mr. Henry Meredith Parker, a high functionary of the Government, and many others whom I could name, aided the enterprise to the utmost of their power.

1823. Is not your hope of the improvement of India very much founded upon an extension of commerce, and in fact an increase of settlements in India?—Very much.

1824. Do not you look for the contentment of the people as a consequence of that extension of commerce?—Commerce cannot be extended without the people being enriched and benefited, but it will require concomitant measures for the good administration of justice, in order to render those benefits as general and as unmixed as can be.

1825. And those benefits spring from English legislation, I believe?—No doubt all the organic changes which have been made in the administration of India, sprang from English legislation.

1826. In opposition to the opinions of the civil service of India?—Certainly not in opposition.

1827. Resisted by those who represented them in England?—No, I think the opinions of the civil service and those who represented them, have marched quite as fast as the opinions of any persons not belonging to that class.

1828. Do you speak from having referred to opinions expressed before Committees previous to any change?—I speak from my knowledge of the individuals belonging to the classes to which the Right Honourable Member has referred.

1829. Are you referring to the opinions expressed in 1813, with respect to the extension of commerce in India by the Directors of the Company, and persons who had resided in India?—Those opinions with regard to the real truth of the case were very much in the dark. I think I stated on a former occasion, that even the opinions of Sir Thomas Munro, eminent a man as he was, were very erroneous, and I illustrated it by the example of the Corn Laws, with which the Right Honourable Member is familiar, that many men held as strong opinions against the truth—Sir Robert Peel, for example, than whom no man could have expressed stronger opinions in favour of the Corn Laws; there is no more wonder that Indians should change their opinions and become more enlightened, than that such a man as Sir Robert Peel should be so much in the dark, and so long before he came to the light.

1830. You have not alluded to disinterested persons giving those opinions?—No, neither were they disinterested about the Corn Laws.

1831. Are you referring to the opinions which were expressed in the Committee that preceded the change in 1833, by persons connected with the service, as to the impolicy of allowing people to settle freely in India?—I really have not the matter in my memory; I do not know who gave evidence in that sense on that occasion, and who did not.

1832. Do you believe it is possible that persons representing the Company, who were interrogated by Parliament, were of opinion that those changes referred to, would be very dangerous to our occupation of India?—Probably those who represented the Company, or the servants of the Company, did not hold such enlightened opinions as that class of individuals does now.

1833. Do not we trace every improvement for the benefit of the people in India, or for the extension of our commerce or the aggrandisement of the country, to acts of the British Government, in opposition to the East India Company?—No, I think very often the reverse.

1834. Can you mention an instance?—The permanent settlement of Bengal was entirely forced upon the servants of the Company,—Sir John Shore, who was then Senior Member of Council, and others,—by Lord Cornwallis, who came out direct from England with the territorial notions of England, and who made the zemindars landholders, and deprived an enormous class of the subordinate tenants of their rights. Sir John Shore entreated him to pause till we had acquired

acquired more information, but Lord Cornwallis would not so pause; having those instructions from the Government, he insisted upon enforcing the permanent settlement. The consequence was not merely, what is as bad as bad can be, that the rights of the ryots and under tenants of every description were insufficiently guarded and protected, but that an enormous sacrifice of revenue was made by the hand over hand manner in which the settlement was effected. As I explained before, estate A. and estate B. were settled without the smallest knowledge on the part of anybody acting for the Government, where that estate was, or whether it consisted of 1,000, 5,000, or 50,000 acres; all that was known was, that estate A. paid a certain revenue in former years, and estate A. was settled in perpetuity at that revenue, or some revenue hit upon in the most reckless manner.

1835. Was not that done by the advice of other servants of the Company?—I state diametrically the reverse. I have just said that it was done against the advice of the most experienced servants of the Company; Sir John Shore, afterwards Lord Teignmouth, then the senior Member of the Council, entreated Lord Cornwallis to pause before he acted.

1836. Has not the permanent settlement turned out rather an advantage to the people?—Whatever the permanent settlement may have been, the Right Honourable Member will see the distinction between a permanent settlement carefully and cautiously made, with due regard to the protection of the rights of all classes, and a permanent settlement made as this permanent settlement really was, with no element but its permanence; with no inquiry, no investigation, with no protection to the rights of anybody, and with the most reckless disregard of the rights of the Government.

1837. It is a matter of opinion, what the result of that settlement has been. You do not state any instance in which an advantage has been conferred upon India that has originated with the Company itself?—The whole course of legislation and the whole course of improvement. I should say again, if you want another instance, I would take the improvement in the state of the service from the day in which they were paid ludicrously small salaries, and allowed to pay themselves as they could extort money from the people, to the present system of paying sufficiently liberal salaries, in order to insure what they have insured, namely, a pure service. I believe, again, that the whole settlement of the North-west Provinces, as conducted under Mr. Robert Mertins Bird, which was the greatest boon that was ever conferred upon an equal number of human beings by any race of conquerors, was entirely the act of the local Government.

1838. Are you aware that the advantage of Mr. Bird's settlement has been very much questioned before this Committee?—I have heard some minor questions raised, which, no doubt, are still moot points, whether the talookdars ought not to have been upheld, and the like. I think Mr. Bird's course was right; but as to the general benefits of that settlement, and as to its effects upon the prosperity of that part of the country, I think there cannot possibly be two opinions.

1839. With respect to settlers going out to India, would you not say that their best prospect is, that that country in future will be governed from England, that it will be subject still to the same authority that has been the author of all the improvements before, and that, looking at the proclamation that is issued, they may find security in the contentment of the people, if that proclamation is faithfully and fully carried out?—I doubt the correctness of the Right Honourable Member's premises, I doubt whether he is correct in stating that the authorities at home, especially if he means Parliament, have been the authors of those improvements.

1840. I believe the East India Company did not favour railways when they were first proposed for India?—I believe, if the Right Honourable Member will make inquiries, he will find that the movement in favour of railways came from Leadenhall-street, and the opposition came from Cannon-row, representing the Government. The whole matter is upon record in the proceedings of the Committee upon Indian Railways last year.

1841. Was it owing to the opposition at Cannon-row that the time elapsed from the first project being proposed to the Company before it was carried into effect?—I believe it was mainly owing to Cannon-row; the President of the India Board opposed the guarantee as being too high, which was an essential part of the scheme; the parties would not undertake it without a guarantee;

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there was a long delay ; times altered ; and, at last, the authorities were obliged to grant a higher rate than was asked at first.

1842. They did not state that railways were ill suited to India ?—No, nor did the Company.

1843. Were not great doubts expressed that India was a country in which railways could not be laid down beneficially ?—If the Right Honourable Member would exert his own great ability to look into these things, without trusting to the statements of those who were rabidly opposed to the late Government of India, he would find that the administration of the Company has not been so unenlightened as he believes it to have been. The late Mr. James Mill declared his opinion, that no Government had ever done as much for the people, or in so disinterested a manner, as had been done by the East India Company for India ; and that most of the evils that had come upon India had been the effect of listening too much to English statesmen and lawyers at home.

1844. The object of my question was to ascertain whether persons who might be inclined to go out to India now, have not quite as good a prospect, and perhaps a somewhat better prospect than they ever had before, in consequence of the change that has recently taken place. I think you do not state anything in opposition to that view ?—I will not deny it: I think that is the case.

1845. *Chairman.*] You think they have a better prospect ?—I believe that the course of improvement is progressive, and that what has occurred will tend to expedite that progress.

1846. *Mr. Villiers.*] I believe you will admit, whether justly or not, that our name has fallen very much in estimation throughout India, and that we have no longer the character for good faith, justice, and honour, that we once had ?—I dispute the proposition altogether ; I do not believe it, although it has been so said by Englishmen. There are no people in the whole world so fond of fouling their own nest as Englishmen are ; it is a peculiarity of the national character.

1847. Do you think that opinion is confined to Englishmen ?—I believe it is almost entirely confined to Englishmen. Almost without exception, every European foreigner who has travelled in and written about India, has expressed a highly favourable opinion of the administration.

1848. Then you think that wholesale annexations and resumptions, interferences with their religion and interferences with their notions of caste and adoption, have had no effect in producing discontent among the people of India, or in shaking their opinion as to our good faith ?—Those things may have had some effect, but not to the large extent that the Right Honourable Member supposes. He speaks of what are called resumptions ; I do not believe that those resumptions have affected the confidence of the people in our good faith ; we have been far more lenient than the native governments were before us.

1849. Is it not the case that there has been great disaffection exhibited lately where the resumptions are more fresh in the memories of the people ?—No, I believe not.

1850. Is it not the fact that in those districts that have been recently annexed the people have been most disaffected ?—I do not know that ; there has been no insurrection in Sattara, that I am aware of ; Oude has been the scene of great warfare, because it was the home of the sepoys.

1851. *Sir Erskine Perry.*] What has been the case in the North-west Provinces ?—The North-west Provinces had not been recently annexed.

1852. Have not great resumptions taken place there ?—Yes ; but not more than in Bengal. And I do not believe that there has been any notable disaffection in the North-west Provinces.

1853. *Mr. Villiers.*] Do not you think that that part of the Proclamation which assures the people of India that we shall cease to act upon the policy of annexation, and that they shall be secure in future in the enjoyment of their rights, and the titles to their property is calculated to soothe their fears, and to render them more satisfied with our rule ?—I suppose it was so intended. I am not aware that they really needed it.

1854. Is it the opinion of the present Council that there was no occasion for that passage in the Proclamation ?—I do not pretend to give the opinion of the Council: I only give my own opinion.

1855. May we assure the public through you that the Proclamation will be faithfully and fully carried out ?—I have no doubt it will ; but I cannot give any

any assurance beyond my own conduct. I shall certainly feel bound, as far as I am concerned, to carry out what the Queen has declared to be her intentions.

1856. *Mr. Nisbet.*] You were asked whether every improvement in India had not been effected through English legislation; I conclude you mean legislation by the Government of India, and not by the Government of England?—I am not aware that I gave the credit to the Government of England; I think I said quite the reverse.

1857. By English legislation you meant legislation in India?—Yes. I agree very much with the opinion expressed by Lord Metcalfe, that the greatest possible danger to India would arise when Indian questions became the subject of party debates in the House of Commons. When party spirit runs high, and when men are reckless what they raise a debate upon, if they think they can damage an opponent, I think there is the greatest danger that India should be dragged into that arena. I contemplate very great mischief to Indian interests from it.

1858. The improvements you mean were furthered by the local Government in India and not by the Government in England?—Mainly by the Government of India, including the East India Company.

1859. You meant that the improvements which had taken place originated with the Governor General in Council?—Yes, by instructions of the Court of Directors.

1860. Not from the Home authority?—Not from the India Board; but I believe if the Committee were to refer to the letters written to India by the Court of Directors during the last 20 years they would find them a body of wise and benevolent instructions, which could not be surpassed by any State papers in the world, either for their composition or for their spirit and principle.

1861. *Mr. Villiers.*] We have understood you correctly, that you hardly trusted any of those improvements, such as settling or facilitating commerce, until the opinion of England was more alive to the proceedings of the Government of India?—My answer to that is, that the Court of Directors were a body of Englishmen, and they did not stand still; their minds were marching consentaneously with the movements of the people in England.

1862. You attach great importance to the vigilance of the people in this country for the good government of India and the proper treatment of the natives, do not you?—I believe that public opinion hitherto has been most grossly misinformed with regard to India. I believe that all those rabid opinions which have been expressed are as wide of the truth as it is possible to be with regard to the conduct of the Government of India, and in many respects are positively mischievous to the cause of good government of India. For example, I saw in the "Times" that Dr. Guthrie, the great preacher in Edinburgh, had stated as a matter of fact, that the Government officers were exhorted to do everything in their power to promote the sale of spirituous liquors and intoxicating drugs. That statement naturally excited the indignation of the officers concerned, and a letter appeared in the "Times," which quotes Mr. Thomason's circular order on the subject, impressing upon officers a duty diametrically the reverse of that represented by Dr. Guthrie, and recommending high duties upon spirits and intoxicating drugs, with a view as much as possible to check the consumption.

1863. It was stated that the zemindars were encouraged to open shops for the sale of liquors?—It was not so stated. I was asked whether it was so, and I said that as far as I knew, nothing of the sort was done.

1864. *Chairman.*] Do not you think the general vigilance of the public and of Parliament, must have the effect of bringing out the truth on all these questions, and ultimately benefiting the Government of India?—Yes.

1865. Must not that be the consequence of letting in the light eventually?—My political opinions are so well known, that I cannot be supposed to be opposed to have the light let in upon anything. I am sure that the more light is thrown upon it, the more honour will the Government of India up to the present time acquire; and I am confident, if these poor words of mine are ever remembered, the verdict of history, when it becomes impartial, will be in favour of the Government of the East India Company.

1866. *Mr. Nisbet.*] Will you be so good as to state whether it is not absolutely necessary for an appeal judge in India to know thoroughly all the local acts and regulations of the Government to enable him to decide an appeal?—No doubt.

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1867. Is it at all possible that an English barrister going out from here could sit as an appeal judge, having no knowledge of one word of those acts and regulations, never having even seen them?—It would take him a long time to master them; he could master them as the men in the service master them, but they master them gradually, and in the course of a long service; he would have to read them up at once; it would be a work of great difficulty to acquire the knowledge.

1868. Are not the courts in India much more courts of equity than courts of law?—Certainly.

1869. Would English law be of any advantage in those courts?—I do not suppose that English law would be of any advantage; in fact, it would be a great disadvantage in many respects. I believe the English Criminal law, as far as the conviction of the guilty is concerned, is one of the worst laws ever devised; it ought to be called a law contrived for the better escape of the guilty.

1870. Mr. Villiers.] You said that public opinion in this country had been misled upon the subject of India, do you think if our inquiries had been conducted in India, we should have obtained very different results?—I have no doubt you would have obtained different results. Let me give you an illustration of what I mean with regard to public opinion. Take the leading statesmen in both Houses of Parliament, men of calm minds and large habits of investigation, who understand both sides of the question, and who know the difficulties with which the Government of India has had to cope, and compare their opinions of the Government of India with the opinions of gentlemen of the Manchester school for example, or with the opinions of some of those planters that the Committee have had before them: it is the verdict of men of the former class that I desire to see acted upon in regard to the Government of India, and not the wild opinions of those whom you have heard in this room.

1871. Sir Erskine Perry.] I attempted to ascertain as a matter of fact from you the other day the practice and the views of the Bengal Government as to the resumption of lands during the period that you were in India, and you stated that you were wrong in part of the evidence that you had given, and that I was wrong in the assumptions I had made; will you point out to me what those assumptions were that were wrong on my part?—Unless the Honourable and learned Member directs me more exactly to the points upon which he wishes me to give an answer, I cannot recollect them.

1872. I asked you several times this question, whether the Government of Bengal did not apply the doctrine of *nullum tempus*, which you much approved of to instituting suits for the resumption of lands. Your answer was, "No; I think not." I then brought before you a passage from the Government of Bengal's letter of the 23rd of February, 1830, in which they stated that they had acted upon that doctrine and defended it. (Question 1451.) The question I wish to put to you is, whether it was not the practice of the Bengal Government, either from a misconception of the law, or from a belief that they were fully justified in instituting those inquiries, notwithstanding any lapse of time that might have occurred?—It was not the part of the Government of Bengal any more than it is the part of any other prosecutor to plead for the other party the Statute of Limitations. The Government of Bengal established courts in which those cases were to be tried, and they also appointed men very much in the position of public prosecutors to bring those cases before the courts. It was not their business to look out for limitations; it was their business to look out for lands held free from revenue. It was the business of the parties who were defendants to plead the Statute of Limitations. What I say again is this, that I am quite sure that if in any case the Statute of Limitations had been pleaded, the Special Commissioner would have gone into the matter, and would have investigated it, and if it appeared that the suit was barred by the lapse of time, he would have decreed against the Government, and in favour of the rent-free holders.

1873. Do not you perceive that the complaint of the landowners was, that the officers of the Government, and the Government, did not apply the Statute of Limitations, as they ought to have done, to those cases?—I apprehend the Honourable and learned Member is lawyer enough to know that the Government is not bound to find out a plea for the person, as no individual is bound to find out a plea for the person whom he is prosecuting.

1874. You really do not give any answer to my question. Did not the land-owners

owners complain that the officers of the Government, and the Government, disregarded the Statute of Limitations, which ought to have been applied to those cases?—It appears that they did so complain; I have no objection to say that.

1875. Did not the Government, in reply to that complaint, state that they were not bound by any Statute of Limitations?—The Government did, as appears from that extract which the honourable gentleman has read, but which I never, to my knowledge, saw before.

1876. Did not the Government, in this letter which I have read to you, maintain their right to institute those inquiries, notwithstanding any lapse of time?—Yes, it appears that they did.

1877. Was not that view afterwards corrected by the decision of the Privy Council, that the Government were bound by the Statute of Limitations?—The Government of Bengal knew long before that the effect of the law of 1805.

1878. That being so, can you explain to the Committee where I have been wrong in any of the inquiries that I have made of you; what view of the practice have I taken that is erroneous?—If the honourable Member will go back to my former evidence he will find how I explained that he was wrong. He assumes, as the Privy Council assume, that the limitation must be taken to run from the date of the tenure, whereas under the law of 1793, as I explained, the limitation might not actually be beginning to run even now. It is possible that a man of ninety might now be in possession of a tenure that he held in 1793, being a young man at that time. That tenure would not be liable to resumption till the death of the holder in 1793; therefore the origin of the cause of action would not actually have commenced at this moment in such a case.

1879. I wish to ascertain the broad fact, which I take you to answer in the affirmative, that the Government of Bengal did claim the right of resuming rent-free estates, without reference to length of time?—The honourable Member has read a passage from the Government of Bengal's letter, written at a time that I was not in India; what the Government of Bengal there say, no doubt they did say.

1880. Must not you now correct some portion of your former answers to my questions?—I am not aware that I shall need to correct anything.

1881. Mr. *W. Vansittart*.] With regard to the ignorance displayed by the civilians of the origin of the rebellion, were not the officers of the different sepoy regiments equally ignorant of the disaffected state of those regiments?—Unfortunately, in some cases, they were so ignorant that they lost their lives through their honourable confidence in, and persuasion of, the fidelity of the sepoys. There is the case of Colonel Platt, who commanded the 35th Native Infantry; he was an officer of private fortune, but he was so devoted to his regiment, that he would not leave India; when he was told that his regiment had mutinied, he said, "I will not believe that my regiment has mutinied." He rode to the lines with his adjutant, and both he and his adjutant were murdered. There is no question that there was great, although, as the event has shown, misplaced, confidence.

1882. Colonel *Sykes*.] The Right honourable Member for Wolverhampton has pressed you for reasons why cultivators in India do not produce cotton. Are not you of opinion that the cultivator in India is influenced by the same feelings which regulate producers in all parts of the world, namely, that he will produce that which is most profitable to himself. If it were more profitable to produce cotton than sugar or indigo, he would produce cotton; but though it is more profitable to him to produce anything else than cotton, if it were made worth his while to produce cotton, he would do so?—Most certainly.

1883. I asked you, in your former examination, whether the ryot has not the means of redress in cases of over-assessment. Will you look at that Report of decisions against the Government and for the Government (*handing a paper to the Witness*). In all cases of over-assessment, unjustly alienated lands, or other questions affecting the land tenure, has not the cultivator the means of redress, by applying to the courts?—I repeat what I stated before, that I do not think the courts have any jurisdiction in a pure question of assessment. If the ryot were to say, "The collector has assessed my land at three rupees a beegah, when he ought only to have assessed it at two rupees a beegah," unless

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the man could show that it was a tenure that was not liable to have the rent raised, I do not think the courts could intervene.

1884. Are there not proofs to the contrary in that return?—I think not, because these are suits for the recovery of sums unjustly claimed; for the recovery of rents unduly levied; for the recovery of receipts for rent, or for exoneration from unjust demands. I do not believe that the law allows of the interference of courts of justice in matters purely of assessment, when it is merely a question whether the land would bear a rent of three rupees a beegah or four rupees a beegah.

1885. *Chairman.*] Is not the decision of the district collector final?—The decision of the revenue authorities is final. Upon a question purely of rent, whether a man should pay four rupees or five rupees for a certain portion of land, the courts could not interfere, because it is a question in the collector's discretion; but if the man pleaded that he had a permanent tenure for a certain rent, that would bring the case within the confines of the law, and then he could go into court; otherwise he could not go into court any more than a tenant could sue his landlord in England for asking 100*l.* or 150*l.* more rent for a farm.

1886. Mr. *Nisbet.*] Is not there an appeal to the Board of Revenue?—Certainly.

1887. Colonel *Sykes.*] Will you state what number of the suits in that return were decided in favour of the Government and against the Government?—In 1850–51 and 1851–52 the per-centage of cases decided in favour of the Government was 56½, and against the Government 43½.

1888. *Chairman.*] Are those cases of assessment?—They are cases between the Government and individuals.

1889. On what points?—All manner of points. On regular appeals there was 69½ per cent. in favour of the Government, and 30½ against it. In special appeals there were none decided in favour of the Government; the whole of the number instituted were decided against them. In summary appeals 40 per cent. in favour of the Government.

1890. By what courts were those decisions given?—By the *Sudder Dewanny Adawlut* and the *Zillah* or District Courts.

1891. *Chairman.*] I think you have said that cases in the courts in India were decided not only by law, but upon principles of equity; those principles of equity are laid down in the Regulations, I presume?—To a very considerable extent; the Regulations lay down the general principle that they are to decide according to equity and conscience.

1892. Do not you think that is a very absurd latitude to be given, inasmuch as one man's views of equity may differ materially from another; ought not the judges, therefore, to be guided by positive law?—I am very much in favour of what is called codification. The Honourable Member must know that nine-tenths of the law in England is judge-made law.

1893. Is it not the case that this latitude given to each man's conscience is much more objectionable in India than modified as it is in England?—It has only gradually been modified in England, I presume.

1894. In India is it not extremely dangerous to an equitable interpretation of the law to put it so loose as that?—I think it desirable that India should have a code of laws.

1895. You stated that an English barrister would not be acquainted with the local regulations and laws; is it not the case that Macpherson's *Civil Procedure*, which is a text-book in all the Indian courts, was written by an English barrister who had been only two years in India?—I am not aware that it is a text-book in all the Indian courts.

1896. Did you hear an English barrister state before this Committee, that it would take an English barrister but a short time to make himself acquainted with the Regulations?—I am not at all surprised that an English barrister from Calcutta should make a very bold assertion.

1897. You are of opinion, and everybody must coincide with you, that one of the greatest objects to be attained in India is the simplification of legal procedure?—Yes.

1898. Can you inform the Committee, with regard to rent-free lands, whether there are any means of arriving at a just idea of the proportion of lands held
rent-free

rent-free in India in jaghiredars, enamdars, and so forth?—It would be a very difficult matter to arrive at over the whole of India.

1899. Is it a very considerable proportion?—Yes, but I have shown in some districts of Bombay and Madras how large a proportion it is. In Bengal the whole work has been done, and it cannot be begun again; the same has been done in the North-West Provinces and Cuttack; the settlement that was made proceeded *pari passu* with the settlement of the rent-free tenures and finished the work. I believe the cruelty of the process has mainly resulted from the delay in carrying it out; it ought to have been done shortly, sharply, and decisively.

1900. Can you give any idea of the proportion of rent-free land in Bengal?—No.

1901. Is it a very large proportion?—It was, but a great part has been assessed.

1902. There is still a great number of rent-free tenures in Bengal?—Yes.

1903. What proportion are they?—I really cannot say; I believe that no one knows; the smaller tenures the Government never laid claim to. There are very many of those; the zemindars can claim those, as the Government claims the larger tenures.

1904. As the jaghiredars, and enamdars, and others similarly situated, escape the land-tax, has it ever occurred to you that some other tax might be justly imposed upon them?—No doubt; I would impose the tax upon all whose tenures have been confirmed; but it is very difficult to find a tax that you can impose; a property tax would be very difficult to ascertain or levy.

1905. Would you suggest a succession duty, or nuzzerana?—That has been proposed by Sir John Malcolm, and Lord Metcalfe's answer was, "I think it is a very sound plan for those that are proved to be good tenures. I would investigate what are good and what are bad, assessing the bad tenures; and there would be no objection to put the nuzzerana afterwards upon the good ones."

1906. The transit duties have been generally abolished in the parts of India governed by the English, have not they?—Entirely, not only so far as the English are concerned, but we have bought them off in some of the native states.

1907. Can you say to what extent they are retained under the native Governments of India?—They are retained as far as we have failed to get them taken off.

1908. Could I procure that information by moving for a return in the House of Commons?—I think you could.

1909. You are of opinion that it is very desirable, so far as it can be done with the yet unenlightened population of India, gradually to encourage the principle of self government; do not you think you might do that by encouraging the formation of municipalities, and engaging the natives as members of committees on local roads in India, and do not you think by means of encouraging a system of decision by punchayat (or arbitration) you might gradually, though slowly, bring the people of India to something like an approximation to self government?—I think it is very desirable that you should, and I hope that it will be successful in the course of time.

1910. Is it not a wise policy for this country to pursue in regard to the future destinies of India?—Quite so; hitherto they have very much resisted any attempts to introduce by their own means local taxation for the purpose of drainage, roads, and water supply. There is a law which admits any town to be self governing with regard to those matters; the Government has tried very hard to get that system introduced, but the people do not fall into it; they would sooner undergo any amount of malaria or evil.

1911. Mr. Villiers.] Is not that very much the case here?—In some instances

1912. Chairman.] Are there any towns governed municipally in India?—There are a few, for instance Calcutta, Bombay and Simla.

1913. Mr. Villiers.] Are any natives trained in the covenanted service; that is to say, do you take native youths at an early age in order to place them in the different departments?—No, I think not.

1914. Is there any objection to that?—No, I think not.

1915. They would become part of the caste or exclusive service, that you think it is desirable to maintain?—I do not like the service, because it is exclusive; I like it because it is fed from the bottom; I do not see how it is possible

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to reconcile the two systems. Every good appointment that you give to an outside man *pro tanto* diminishes the value of the prize which you are holding out to the *élite* of the youth in England.

1916. Does not that depend upon the age at which you gave the appointment; might not you limit the age beyond which no man should be appointed to any office in India, say 24, or some limit of that kind?—That man might compete and go into the service as they do now.

1917. Does not that system exist in England?—Yes; I cannot imagine how there can be any hardship; our service cannot be justly called exclusive when it is open to the whole world at the bottom; or how any case can be made for the uncovenanted service when the service is as open as the air of heaven.

1918. Could a native compete at present?—He could.

1919. *Chairman.*] Do not you think an extension of the municipal system, as far as it could be introduced into India, would tend to the advantage of the native population by causing them to intermingle more with Europeans, and so enable them to become acquainted with their habits of business?—Very much so.

1920. Would it not be desirable in certain districts to appoint persons in the capacity of justices of the peace as we do in England; do not you think a paternal system of government to a certain extent, with regard to the subordinate offices in the courts of law, might be adopted?—It is so now; in the local magistracy, there are natives as well as English planters and others. It is most desirable on this ground, because the great zemindars do now, without our permission, exercise a sort of jurisdiction; therefore, I think you should sanction and modify what you cannot prevent.

1921. You think it would be a great safeguard to have them established in that capacity under the Government?—Yes.

1922. Mr. *Nisbet.*] Would it not be very difficult to prevent the zemindars from turning such an appointment to their own account?—No doubt there would be a danger of that, but you must choose the most respectable men.

1923. Mr. *De Vere.*] You have been asked by an Honourable Member whether you could suggest any other mode of taxation in case the land assessment were abolished. In case another mode of taxation were substituted for the land assessment, how would you propose to deal with the persons who had established the right to hold their property free from land assessment. Supposing, for instance, that a system of property-tax were introduced, how would you propose to deal with such persons?—I would place them on a footing of equality with the rest of the community with regard to the property-tax. Mr. Lowe asked me a question with regard to the land assessment, and he said upon your theory there must be some land which pays no revenue. I did not think of it at the time, but all the jungle grants in the Sunderbuns, in Gorruckpore, and elsewhere, are held for a certain term of years free of assessment, and that is the nearest case that I know to the hypothetical question that was put by the Right Honourable Member.

1924. Mr. *A. Mills.*] Is the old form of covenant from which the upper department of the civil service takes its name still taken by those who enter the service?—I think so. It used to be taken by the Company, as a corporate body. I believe there is a legal question, how far the Government can take the covenant from an individual; perhaps the practice may be modified on that account.

1925. Do you think the continuance of this distinction in name between the two departments of the service, covenanted and uncovenanted, tends to create any jealousy?—I dare say it may; I have no wish to keep up a name. What I earnestly desire to retain is a service, as it is now, fed from the bottom.

Lunæ, 7^o die Martii, 1859.

MEMBERS PRESENT :

Mr. Baillie.
Mr. De Vere.
Mr. Ewart.
Mr. Gregson.
Mr. Kinnaird.

Mr. Lowe.
Sir Erskine Perry.
Colonel Sykes.
Mr. William Vansittart.
Mr. Villiers.

WILLIAM EWART, Esq., IN THE CHAIR.

Mr. *Alexander Forbes*, called in ; and Examined.

1926. *Chairman.*] WHAT was your position in India?—I went out to India first with the late Dwarknath Tagore, and I lived for a year in his house as his private secretary. I was afterwards an indigo planter, a manager of zemindaries, and the owner of factories. Then I was for six years Secretary to the Dacca Bank, the proprietor and editor of the “Dacca News,” and a member of the Committee of Public Instruction in Dacca College. I was Secretary to the Municipal Committee of Dacca for seven years, and the owner of tea-plantations.

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1927. To what part of India has your attention been principally directed?—To Lower Bengal.

1928. Has your attention been exclusively directed to Lower Bengal?—Yes.

1929. Have you not travelled in other parts of India at all?—No.

1930. How long were you in India altogether?—Sixteen years.

1931. When did you return to this country?—On the 30th of December last.

1932. What was your occupation when you last were in India?—I was editor of the “Dacca News,” secretary to the Dacca Bank, secretary to the Municipal Committee of Dacca, and manager of zemindarees and factories.

1933. Were you a landed proprietor in India?—I never was a landed proprietor; I was agent to landed proprietors.

1934. For large estates?—For estates collecting from 50,000 to 60,000 rupees per annum.

1935. Were you agent for native as well as European proprietors?—Yes.

1936. Therefore, you are conversant with both?—Yes.

1937. Do you consider colonization in the ordinary sense of the word, practicable in the parts of Bengal with which you are acquainted?—I do not think that colonization is practicable with respect to the lower classes; that is, labourers, but I think that European settlement would be practicable, and very profitable, and indeed is very profitable.

1938. Do you mean as capitalists or as skilled labourers?—As capitalists or skilled labourers.

1939. For the purpose of superintending native labour?—Yes.

1940. Do you consider that the tenure of land as at present existing forms an obstacle to such settlement?—I think it is a very great obstacle indeed. I think the cause of the insecurity of the title to land is the original insecurity of the zemindaree, because all other tenures depend upon it. The zemindar is put in danger four times a year of a failure to pay the Government revenue, which may take place without any fault of the landholder himself. For instance, I have known an estate put up for sale owing to the sinking of a boat within sight of the collectory, on board of which was the money to pay the revenue. I think the insecurity of under-tenures depends upon the original insecurity of the zemindaree tenure.

1941. How do you connect that with the sinking of the boat?—The boat was carrying the revenue, and it sank opposite the collectory on the latest date on which the rent could be paid, and the estate was put up for sale in consequence; but that was from no fault of the zemindar.

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1942. You

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1942. You consider that an inherent defect in the collection of a land tax at all, do not you?—Yes.

1943. Would not that objection be general in its application to any land tax?—Yes, collected under the Regulations in force with regard to the land in Bengal.

1944. I understand you to say, that you have never owned land yourself?—No, I never owned it in consequence of that insecurity, and owing to the badness of the courts of justice; one is always involved in law suits if one buys land, and I did not choose to bind myself to India by those law suits.

1945. Why would you be involved in law suits if you bought land?—Your neighbours are always ready to take advantage of the indefiniteness of the boundaries, and the deputy collector is always interfering with your land.

1946. That you think is an inherent fault of the system of the land tax?—Yes.

1947. Had you any estate of your own in India?—I had factories of my own, but they did not involve the possession of land.

1948. Had you any tea cultivation?—Yes.

1949. Had you not land of your own for the cultivation of tea?—Yes.

1950. Have you a good title to your tea estate?—No, it is a very bad one indeed; the land was granted in Cachar under the orders of Lord Dalhousie, for 99 years. We applied for the land and we were put in possession of it merely by a writing of the collector; a survey was ordered to be made, and we were promised our title deeds; we then had to deposit money for the purpose of the survey, and the survey was made; a mistake was made and we were ordered to deposit money again, which we did. Up to this day we have been spending large sums of money upon it, and to this day we have not received our title deeds at all.

1951. To whom do you attribute the fault?—I believe to the Government of Bengal; I believe the whole settlement was sent down to them, and a flaw was found in it; we have spent about 15,000 rupees upon this estate, and we have not a title at all.

1952. Do you attribute the cause of complaint to the delay of the Government, or to the evils inherent in the land tax system?—It is waste land granted in Cachar, which is not under the settlement.

1953. Still you pay land rent upon it, do not you?—We pay land rent after a certain number of years.

1954. Then at present you have it for a certain number of years as freehold?—Yes, on condition of our cultivating a certain quantity of the land.

1955. For how many years do you hold it as freehold?—Ten years, I think.

1956. What is your complaint with respect to this land?—That we have no title such as would allow us to transfer the land; no lawyer in Calcutta would transfer it.

1957. What title do you wish to have?—A sunnud, or a grant from the Government; without that deed we cannot transfer the land.

1958. Do you consider your not having that deed simply arises from the delay of the Government?—Yes.

1959. In whom do you consider the property in the soil vests in the perpetually settled districts, the Government, the zemindar, or the ryot?—The theory of the civilians of the East India Company is, that it vests in the khodkhasht ryot. Lord William Bentinck made investigations as to whether there were many of those khodkhasht ryots in existence, and the report of those who made the investigation was that there were very few indeed in existence. Our operations as zemindars are very much impeded by this theory with respect to the khodkhasht ryot. Dwarknath Tagore wished to erect a sugar factory, and he spent a large sum of money in erecting one on the same model as that adopted in Jamaica; but he was forced to give it up; it would not work profitably; although it was in his own zemindary, he could not get 400 acres of land surrounding it on which to grow the sugar, unless he ousted the khodkhasht ryots, and the collector would not allow him to do so. I consider that the property in the soil vests in the zemindar, because if the land is uncultivated (which it very often is, from the rivers breaking away very large portions and re-forming them), the zemindar can legally prevent any ryot from settling upon those lands; but if he once allow the ryot to settle, he cannot turn him out again.

1960. That is to say, the proprietorship of the land depends upon the occupancy

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pancy of the land, and the first occupant, if I understand you rightly, is considered as the owner?—Yes. If you allow a ryot to squat upon your land for a year and to cultivate the land himself, he becomes a khodkhasht ryot, and the courts will maintain him in possession; this completely prevents the improvement of your estate.

1961. What is the exact meaning of the term, khodkhasht ryot?—Actual cultivator.

1962. Are there many khodkhasht ryots in Lower Bengal?—They are all actual cultivators, but I do not think there are many hereditary khodkhasht ryots; in fact, I think Lord William Bentinck's investigation showed that there were very few.

1963. Do you consider that the khodkhasht ryot tenure is an obstacle to the settlement of Europeans in India?—It is a very great obstacle to the improvement of the land of zemindars.

1964. What would you suggest as a remedy for that obstacle?—I would suggest, in the first place, that an inquiry should be made as to the existence of these khodkhasht ryots—of course, if they have any rights, I should not wish to deprive them of such rights; and, in the second place, a declaration should be made as to who is the actual proprietor of the soil, because then we could spend money upon improving our estates without the fear of the collector interfering, and with a certainty as to what we could or could not legally do.

1965. Are there many of these khodkhasht ryot tenants?—The whole of our zemindaries are divided into little holdings.

1966. I understood you to say there were persons called actual cultivators, and actual hereditary cultivators, what distinction do you draw between the two?—The hereditary khodkhasht ryot is the person who is the proprietor of the soil by the theory I have mentioned. What I meant to say was, that there are a great many more people admitted to that right than are really in existence.

1967. You would not interfere with the original khodkhasht ryot, but only with the person whom you consider a false khodkhasht ryot?—Yes.

1968. Would that be considered to involve an interference with existing special rights of property?—I do not think those rights of property do exist. The zemindars over-ride them, but I do not think that an Englishman would be willing to destroy those rights if he were told that they existed, and might therefore be deterred from buying land in order to improve it largely by any special cultivation. The fault of the existence of this great number of ryots is, that all our estates are cut up into little holdings, and we cannot cultivate any crop on a large scale; we have the greatest difficulty with respect to indigo, much of which is cultivated in little patches here and there.

1969. Would not any inquiry into the right of tenure of those small holders cause discontent?—I do not think it would cause discontent, because the ryot at present looks up merely to the zemindar. Why I would wish the inquiry to be made, is because we often have been accused of ousting ryots improperly; those accusations have appeared largely in the public prints in Calcutta, and we have got a bad name in consequence. The inquiry should be made as to the existence of the right, not into the rights of particular individuals.

1970. Is there any other remedy that you would propose for the existing insecurity of land tenures in India?—I would propose the redemption of the land tax. The last witness who was examined here said that we had the right of depositing in the collector's hands a quantity of company's paper, the interest of which would pay our land tax. Now if we had that right the land would be secure to us, but we have not. It was proposed in Mr. Grant's Bill, but it never became law. What I would propose is that each landholder should be allowed to deposit a quantity of 4 per cent. paper, the interest of which would pay his land tax; that would be 25 years' purchase of the land tax.

1971. Is not that proposed in the 15th clause of Mr. Grant's Land Sale Bill?—I do not remember which clause it is.

1972. Was not that clause giving the power of redeeming the land tax which you have mentioned, very much approved of by a great number of the Government officials who examined Mr. Grant's Land Sale Bill?—I believe so.

1973. Is there any other remedy which you would suggest for the insecurity of land tenures in India?—No if the zemindar's tenure is secure, all holding from him will be safe.

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1974. Is the tenure upon which the ryot holds land such as to induce him to spend money upon its improvement, whether he is a ryot holding directly from the Government or from a zemindar?—No; the theoretical right of the khodkhasht ryot is not such as induces him to spend money upon his holding; but when he gets what is called a “meeras pottah,” which is a perpetual lease from the zemindar, he does spend large sums of money upon the land. I have known a ryot of my own, to whom I gave a grant of three acres of land upon meeras pottah, spend 3,000 rupees upon the three acres.

1975. What would you propose with regard to the ryot's tenure; do you desire him to have a perpetual lease?—No; it is desirable that his rights should be ascertained; then I think these meeras pottahs might be created largely. The ryot with such a tenure would be much more secure, because the zemindar, though he ought not to do so, does oust the ryot from his holding, and can raise his rent.

1976. You think the ryot would be better off if he could hold independently of the zemindar?—He would not hold independently; he holds, paying a certain rent for the meeras pottah. If he improves his land now, the zemindar can by the Regulations raise his rent; but under a meeras pottah he knows that no additional rent can be charged whatever improvement he makes.

1977. If the ryots held these perpetual leases under the zemindars, how could your suggestion that there should be larger tracts of land thrown together for the sake of comprehensive agricultural improvement, take effect?—It would be the zemindar's own fault, or the capitalist's own fault, if he did grant these meeras pottahs; besides which these pottahs would have a saleable value, and he might buy them up. At present the right of the ryot is quite unascertained; the zemindar has the right to raise the rent of the ryot according to the pergunnah neerik, the general rent of the land round about. No one can fix the general rent of the land round about in perpetuity. It rises with the demand for land.

1978. Your first step would be to ascertain the rights of the ryot?—Yes, both for the sake of the capitalist and for the sake of the ryot.

1979. You think those rights being ascertained, the land would be more convertible to purposes of cultivation, whether general or special, by the ryot?—Yes.

1980. It has been stated before this Committee that resumptions have ceased in Bengal with the exception of Chittagong; is that consistent with your experience?—In Chittagong the resumptions are finished now.

1981. How far is it true that resumptions have ceased in Bengal?—The resumptions properly so called of Lahkiraj lands have ceased, but there is a system by which every year resumptions are made; a number of estates diluviate; the river carries them away.

1982. Mr. W. Vansittart.] Are not you speaking of Towfeer lands?—No; a number of estates disappear altogether, by being carried away by the rivers, and cease to pay rent. I do not know whether the members of the Committee are aware of the immense extent to which the rivers in India operate in carrying away land.

1983. Chairman.] Can you give an idea of the extent to which that takes place?—The Ganges, I believe, oscillates about 12 miles in, say, 20 or 30 years.

1984. Do you mean 12 miles from one side to the other?—Yes; it begins going over towards the right till it has gone six miles; then it returns again and goes over to the left six miles more, and this goes on through the whole length of its course in Bengal. An immense number of estates are thus carried away. Those estates, when rent ceases to be paid for them, are put up for sale by the collector. No one will bid for them, because they have been carried away altogether. The collector buys them in at one rupee or a nominal price, and such estates are then transferred in his books as the property of the Government; a great many of those estates never turn up at all.

1985. Colonel Sykes.] You mean that the land is washed away?—Yes; when re-formation takes place, for want of maps and surveys the collector is unable to ascertain exactly where these estates of his are; a great number of those estates remain in the books for a number of years, and the deputy-collectors get a list of them every cold season, and go out to search for them. They come into our lands, and no maps or length of possession will prevent their marking

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marking out our land as such and such a nominal estate; I had an estate that was mapped 25 years ago by the collector of Tipperah; the deputy-collector came into that estate, and in spite of this map, drawn up and signed by the collector of Tipperah, marked out a quantity of land as his estate, so and so; I objected to it, and he asked me if I would take a lease of it; I said it was not his land, and I refused to take a lease of it; he then gave a lease of it to my neighbour, who came with lateals or armed men, and took possession of it, and a good deal of land of mine besides, of which I never got possession again; I appealed to the Sudder Board, but I may say that I hardly ever gained a case in the Sudder Board.

1986. Are you speaking of land that you rented from a zemindar?—I spoke of it as my own land. It belonged to a gentleman for whom I was agent.

1987. *Chairman.*] Had you no means of recovering your land?—I brought a civil suit for it, which is not decided; civil suits last from 7 to 14 years.

1988. Do you mean to state that a civil suit, with regard to the proprietorship of land, lasts 14 years?—Very often much longer; such resumptions are taking place every day in Bengal.

1989. Those resumptions arising from the inundations of the rivers?—Yes, from diluviation.

1990. You have stated that the breadth of deviation in the Ganges is as much as 12 miles; what are the extreme points?—From Raj Mahal down to Diamond Harbour, the whole of Bengal.

1991. What is the distance?—About 300 or 400 miles.

1992. *Sir Erskine Perry.*] You say that the Government of Bengal have ceased to institute resumption suits?—Lahkiraj resumptions.

1993. Different causes have been assigned for the Government ceasing to institute resumption suits under the law of 1828. Are you able to give the Committee any information why the Government have ceased to institute resumption suits?—I believe at the time they did cease an article appeared in "The Friend of India," which was then considered the Government organ, stating that they would not pay; that was the reason.

1994. *Chairman.*] Is the interference of the revenue officers with the land a cause of diminution in its value and distrust in the intentions of the Government?—I believe the universal distrust of Government which exists throughout Bengal, with regard to land, is caused by the interference of these deputy collectors; for instance, a revenue survey is going on at present, which I believe has been instituted with the very best intentions, to put a stop to the quarrels with regard to boundaries, and to define actual estates, and that is looked upon by the people with the greatest distrust. I was trying to sell an estate just before I left Bengal, and I was offered two years less purchase for it than other estates near it had produced, because the revenue survey had not passed over it. The people in that part of the country were not acquainted with the working of the revenue survey, and they suspected that the Government was taking all this trouble in order to resume any extra land that might be found within the estates.

1995. Does such distrust exercise any influence on the production of the staple commodities of the country?—The Government, the year before last, in consequence of something that was said, I think, in the House of Commons, sent for returns of the great staple products of Bengal, indigo, jute, sugar, and so on, on which the zemindars in Mymensing ordered that any ryot that sowed jute should pay 10 rupees a beegah of rent instead of one rupee; that put a stop in Mymensing to about two-thirds of the cultivation altogether, in consequence of the zemindars fearing that the Government had some sinister intention in calling for the return.

1996. That was merely the apprehension of the zemindars?—Yes; but it shows the feeling of distrust which this continual interference with land has created throughout Bengal, and very much diminishes the value of the land.

1997. You mean such interferences as those with regard to lands that have been inundated, and not that an inquiry into the produce of the land would of itself have justified such distrust?—No, decidedly not; I mentioned it as having produced a great effect upon the production of jute, which is one of the great exports of the Mymensing district. I, myself, was a sufferer by it, because I could not buy as much jute as I wished.

1998. Am I to understand you to say that the interference in the cases of the deviation of the river line, has produced a general feeling of distrust of the

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the Government in the minds of the zemindars?—Yes, that and all Government interference.

1999. Sir *Erskine Perry*.] Do you mean to contend that the Government should give up all interference with the land, holding the relation to it that they do, and having a right to assessment?—I think the Government should not hold that relation to the land. I wish for the redemption of the land-tax.

2000. *Chairman*.] Can you give any instance of landholders having been subjected to loss through the resumptions of the Government?—There was an estate of my employer, Dr. Lamb, upon the river Kirteenassa—it consisted of two parts—the river began to cut it away, and one part was completely carried away, the other still remaining; the river still went on cutting it away, and the one-half which had been cut away began to re-form, but it re-formed, at first, of course, as a mere point in the river. The regulations state that an island thrown up in the course of a navigable river becomes the property of the Government, and they seized upon this as an island thrown up in the course of a navigable river. I contested this point, and it was five times decided in my favour, and only once against me; it was so decided by all the best revenue authorities in Bengal. The Government, however, applied for a review of the judgment after a very long period had elapsed, which I see a late decision of the Privy Council has declared to be illegal, and they decided that this land belonged to the Government. Two of the former Commissioners of the Dacca district, in which the land was situated, were sitting upon the bench as judges; two of the men out of the three judges had contested with me in the Mofussil with respect to this land, and sat afterwards as judges in the civil court as to whether it belonged to me. I considered that they could not bring impartial minds to bear upon the question, and I thought I was ill-used in their having obtained this land as an island thrown up in the river. The river subsequently moved on and carried away the second half of the estate, which second half again was re-formed on to the island, and by another law they took that as an accretion to the island, and the consequence was, that my employer, having bought this estate at a sale for arrears of revenue from the Government itself, at the end of 20 years found himself a loser of 10,000 rupees, and still paying rent for land which had altogether ceased to exist.

2001. Did the Government take the island?—The Government first seized the island and then resumed the other half of the estate as an accretion to the island.

2002. Mr. *W. Vansittart*.] With regard to these lands which are washed away by the river and reappear again in another part of the river, is it not the case that the zemindars near whose zemindaries this land reappears, enter a suit before the collector for the occupation of this land, and that the collector takes evidence and adjudicates accordingly?—No, I do not think so; I think an accretion becomes the property of the zemindar without his making any application to the collector.

2003. That being the case how does the Government behave unjustly in the matter?—Because I am at the present moment paying 200 rupees a year of sudder jumma to the collector for land which the collector cannot point out.

2004. On that land reappearing in another part of the river, if you claimed it as belonging to your estate, would not the collector give it you back?—No, he did not give it me back.

2005. You are speaking of the chur lands, that is the large tracts of land that are washed away by these enormous rivers, the Ganges and others, if they reappear in another part of the river, the zemindar near whose property those chur lands appear would claim them, and another zemindar would put in a claim, and then the collector takes evidence and adjudicates accordingly; how in that way does the Government behave unjustly?—As I said just now, I carried this case that I mentioned in appeal before the Lieutenant Governor and showed the hardship of it, and the Sudder Board admitted the justice of my claim, but said that they could not recommend that my land should be given up unless the Government was prepared to give up 33,000 beegahs of land which all depended upon this one case of mine. They acknowledged the injustice in my case, and the only reason which they seem to have had for not giving me the land, was, that the quantity of land to be given up was so very large; I have the letter of the Sudder Board.

2006. Are not the chur cases of which you are now speaking totally different from the resumptions of Lahkiraj or rent free tenures?—Perfectly.

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2007. The Lahkiraj resumptions have ceased for many years, have they not?—They have.

2008. *Chairman.*] The chur lands, then, become an exception from the perpetual settlement tenure?—Yes.

2009. How are those lands dealt with?—The collector takes the place of the zemindar; the deputy collector settles with each individual ryot in the same manner as the zemindar settles with each individual ryot; and then, after the first settlement is made, they generally lease those lands for 10 or 20 years.

2010. Then the Government occupies the place of the former zemindar?—Yes.

2011. Is it not the case that the offices of collector and magistrate have been lately united in the same individuals in Bengal?—Yes, almost throughout Bengal.

2012. What is your opinion of the effect of that measure?—I think it is most fatal to the liberties of both the zemindar and of the ryot, and I was the more astonished that it took place, as I think the Madras Torture Report stated that one great cause of the tortures in Madras was the union of those two offices. The collector has so much to do with finding out his own land and marking it out, that it is to be feared he will exercise his powers as a magistrate in order to take possession of the land that he covets as collector.

2013. You mean that he is judge in his own case, as it were?—Yes, and puts himself in possession by force. A deputy collector once took possession of part of my land, marked it out, and applied to the deputy magistrate to put him in possession by means of his police. I pointed out to the deputy magistrate the regulation which forbade this, and showed the impropriety of the application on the part of the deputy collector, and the deputy magistrate refused it. Now, being the same person, he will be able to use his police to take possession of the land without any application to the deputy magistrate. The reason assigned for the union of the two offices is that the magistrates are generally young men; the collectors are much older, and, as far as I have seen, have very little to do; and I should be very glad indeed to see the collectors made magistrates upon their present large salaries. I think the magistrates who have a smaller salary could very well do the work of the collector; but I think it very fatal to all our liberties and interests that the two offices should be conjoined. There is another thing that we suffer very much from; which is, the union of the magistrate with the policeman. The magistrate has the complete control of the police; he can order them to do anything, and they report all to him. The policeman, therefore, becomes a partizan of the magistrate; if I resist the police in the Mofussil, the policeman-magistrate becomes a partizan against me, and I do not get justice from the magistrate in his judicial capacity in consequence of the feeling that exists in his mind against me for having resisted his police.

2014. Have you had practical experience of the inconvenience of the union of those different offices?—I mentioned one of them just now.

2015. Do you think that union of offices is generally felt in that part of Bengal with which you are acquainted as a practical evil?—I think it is considered a very great evil indeed.

2016. Do you think that the planters generally complain of this union of the offices of magistrate, collector, and police?—Yes; every one that I have spoken to on the subject has done so.

2017. Is it in accordance with your experience that the natives wish to see the power united in the hands of one man, as has been stated by a former witness?—I do not think so at all. I think the natives would wish that the policeman should be one, and the magistrate one; in fact, I had often heard them say that it was in consequence of the rage of the magistrate against them from his policemen having been resisted that a certain decision was given.

2018. Do you mean to represent that the magistrate would be in a rage?—The Bengalee word is "rag."

2019. You are firmly convinced that in the opinion of the natives themselves, this union of the offices of magistrate and collector should not exist?—All with whom I have spoken have expressed themselves so.

2020. We have heard something of the establishment of a summary mode of proceeding in the Punjab; do you think the establishment of such a summary mode of proceeding would be advantageous in Bengal?—I do not think so. I

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think that a summary mode of proceeding acts very well where there are only small interests, and no great commercial interest; but in Bengal we have interests of the very greatest magnitude. We have traders doing a very large amount of business; we have bankers, and we have large zemindars, and I do not think that their disputes could possibly be determined in a summary manner. What we wish for are good legal precedents. We have not a single precedent of this nature in the whole of the decisions of the Sudder. We do not know in our commercial transactions, or in purchasing estates, from the law as laid down by the Sudder how to act, because the Sudder is continually upsetting former precedents. I have seen a precedent upon which an immense deal of action had been taken, upset in three years. The summary mode of proceeding does very well between two men not having large interests, but a man who is carrying on various occupations to a very large extent wishes to have something like law as a guide for himself, and to decide well for him in cases of doubt or difficulty.

2021. He wishes the law to be fixed and permanent, and not to fluctuate?—Yes.

2022. You think it will fluctuate where there are very refined commercial transactions, if it is left to the summary decision of a judge, independently of a precedent derived from the past administration of the law?—Yes; and for the same purpose I would wish that the judges of India should have a legal training, because men who have not had a legal training proceed upon no fixed principles. The precedents of the Sudder alter every day. I have had no less than 62 lawsuits myself, and I have had a great deal to do with consulting the decisions of the Sudder, in order to ascertain what was the law relating to my particular cases, and I could in no instance find any fixed principles laid down, and if I had, most probably in my own case these principles would not have been acted upon.

2023. In the absence of precise precedent, does not the Sudder Court decide according to the regulations?—They cannot decide according to the regulations in cases such as they have to determine as to whether, for instance, the debts and receipts of a factory, what we call the “denna-powna” goes with the factory. They decided that it did in one case, and within a couple of years they decided that it did not in another.

2024. Do not they decide such cases on general principles?—Those things are not laid down in the regulations.

2025. With respect to those cases which are not prescribed for, *totidem verbis*, in the regulation, is not there an equitable power conferred very loosely by the regulations upon each judge of deciding according to what appears to him to be the dictates of justice and conscience, in the absence of any precise regulation which bears upon the point before him?—Yes; but I think equity requires good training to keep it from running wild.

2026. Do not you think that is a very dangerous latitude to be given by the general power of the regulations?—It is a latitude that might be trusted to a professed lawyer who has been trained to know what equity is, but certainly not to the untrained lawyers of India.

2027. You think that a trained lawyer will follow in the certain footmarks of precedent, and the other will deviate from them, and decide according to the uncertainty and possibly the caprice of his own mind?—Yes; and his decisions leave us no rule which we can use as a guide in future transactions.

2028. You think it is of paramount consequence in such cases to have a lawyer whose mind has been trained to an habitual respect for the trodden pathway of the law?—I think so.

2029. The Committee have had certain opinions expressed before them with regard to the use of the English language in the courts of justice in India; have you ever considered that question?—Yes.

2030. What is your opinion upon that subject, from your experience?—I would state that I believe that the judge does not understand the language used in Bengal, and that the people do not understand the language; the language used in the courts of Bengal is Bengalee, studded with Persian and English phrases. The regulations laid down that Bengali should become the language of the courts, but Bengali required to have a number of new words introduced into it for our form of procedure. Persian and English words are therefore mixed up with bad Bengali—for the language of the courts is very bad Bengali—which

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I do not think the judge understands, because he generally speaks Hindostani. The people, certainly, do not understand it; I may mention that a missionary, one of the best Bengali scholars that I ever knew, who had been bred in the country, and who was accustomed to preach in the streets of Dacca every day to very large audiences, and could write Bengali as well as he could write his own language, received a paper from one of our courts, purporting to be in Bengali, and he had to come to me for a translation. This shows that the court language was not one that would be intelligible to the people.

2031. If the missionary had gone into one of the native courts, and heard the legal phraseology used in that court, do you think he would have understood it?—I do not think he would.

2032. Then, if I understand you rightly, you have the technical terms of the English law mixed up with old Persian law, and a certain Bengali dialect, which renders it difficult, perhaps impossible, for a person who understands Bengali to apprehend what is going on in the courts?—I think so, completely; I know that the common people do not understand it; I do not think the judge himself understands it, and therefore I think the English language might advantageously be introduced into the courts.

2033. You think the people do not understand the proceedings in the courts?—No, they do not.

2034. Would you go so far as to say that you think that the use of the English language in the courts would not be much more unintelligible to the people than this spurious mixture of Bengali, Persian, and English, which is used at present?—I do not think English would be unintelligible to the people if they wished to understand it, because I published a paper in Dacca, and whenever there was anything in it of importance to the people to know, they had it translated immediately into Bengali; but I think a great advantage would be this, that the judge himself would understand the language, and that an accurate decision would be arrived at.

2035. Do not the judges or the magistrates understand the language used in their courts at present?—I do not think so; in fact, there was a magistrate rebuked the other day by his judge for the number of discrepancies between his English orders and the Bengali translations of them.

2036. Is that a solitary case, do you think?—No; I do not think so. I have heard the magistrates and the judges make the most ridiculous mistakes.

2037. Have you ever known a magistrate who thought it would be better to have the English language used at once than incur the risk of mistakes?—I met a magistrate in London the other day who said he hoped that I was going to advocate the use of the English language in the courts before this Committee. He said it was impossible that he could understand what was going on in his court.

2038. Was that in Bengal?—Yes.

2039. How long is it since he gave up his magistracy?—About a year and a half.

2040. Colonel Sykes.] Did he understand Bengali?—He was one of those men who had passed the examinations that have been mentioned.

2041. Then he did not understand Bengali, you think?—He did not understand Bengali.

2042. Chairman.] Did he understand Hindostani?—Better than Bengali.

2043. Then some of the educated judges who understand Hindostani do not understand Bengali?—Yes.

2044. Mr. Villiers.] Something is learned as Bengali, but that is not the same as the language spoken in the courts?—No.

2045. Chairman.] There is the legal language superadded to the Bengali, which a man must acquire if he intends to follow the proceedings in the courts?—Yes.

2046. Are there interpreters attached to the civil courts in Bengal?—To all the civil courts, and the pleadings are translated by those interpreters for the judges. And this being the case in civil suits, I think it would be much for the advantage of the people that it should be done in criminal cases also.

2047. You would have the system of the supreme court adopted of interpreters, if I understand you rightly?—Yes. I should wish that the magistrates should understand as much as possible of the native language, but I think that more justice would be done if the English language were used in the courts.

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2048. You would not absolve the magistrates from the full extent of the knowledge of the native language which they are required to have at present, but you would think that they would form a better judicial decision by having the case put into English?—Yes.

2049. Does the Board of Revenue receive petitions in Bengali?—No; it receives no petitions on matters concerning the revenue, and they passed an order that no letters on those subjects were to be sent to them in the native language; thus showing that where the pecuniary interests of the Government are involved, the higher officials themselves are of opinion that the English language should be used, in order to their better understanding the matter before them.

2050. Then the petitions sent to the Board of Revenue are in English?—Yes.

2051. Have you been much engaged in law suits?—I have had at least sixty-two.

2052. From your personal experience, should you say that the judges understood your cases when they came before them?—No, I think they did not.

2053. Mr. Villiers.] Did they always decide against you?—Sometimes for me and sometimes against me.

2054. Colonel Sykes.] Do you think the judges did not understand the case whether they decided for or against you?—I believe not. The reason I say so is, that the barrister I employed in Calcutta told me that whenever he gained my case in the sudder court he did not feel satisfied, because he knew that the grounds upon which it was decreed in my favour were wrong.

2055. Chairman.] Do you think generally, in those numerous cases that you had in the courts of law, the judges did not understand the language or the cases?—They did not understand the cases, and many of them did not understand the language. Of course, some are very excellent linguists; but the generality, I believe, do not understand Bengali; for instance, we had a judge at Dacca who had been all his life in Behar, where only Hindostani is spoken. He never heard Bengali spoken. The pleadings are all in Bengali in Dacca, so that this judge depended completely upon his omlah.

2056. Colonel Sykes.] Are not the cases which are referred to the appeal judges all in English?—No.

2057. Are they in Bengali?—Oordoo is the language of the Sudder Dewany.

2058. Chairman.] Do the judges give the issues in English?—The issues are given by the pleaders; they are given in Oordoo.

2059. Mr. W. Vansittart.] Does not the judge translate them into English when he transmits them to the Sudder Dewanee and Nizamut-Adawlut in Calcutta?—The judge himself writes his decision in his own language.

2060. Chairman.] In the case of those magistrates whom you have mentioned as being well acquainted with Bengali, should you prefer their giving their decision in English, and having the case translated into English, even though they were competently acquainted with the native language?—I think so, for this reason: I know Bengali pretty well myself, but I have never been able to decide on a thing that I was very anxious about, such as drawing up the pleadings of a case, until I had translated the whole of the Bengali papers into English with my own hand.

2061. Do not the civilians undergo examination in Bengali?—I have reason to believe that those who pass through that examination are not very good Bengali scholars. I have known many of them intimately, and have heard them make the most ridiculous and fatal mistakes.

2062. You do not seem to think that passing an examination necessarily qualifies a man for the extreme nicety of the questions that may come before him as a magistrate?—No; the magistrate who was rebuked the other day was one of those young men who had just passed an examination.

2063. Colonel Sykes.] Do you write and read Bengali?—I read it, but not write it.

2064. Mr. W. Vansittart.] Are you aware that a young civilian must be able to write an order to a darogha in Bengali?—I have seen it done; I know that that is the case.

2065. Must not he know the Bengali language if he can write an order in Bengali?—I only mentioned the fact, that those who pass the examinations are not competent in the languages.

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2066. *Chairman.*] Are the attornies and barristers in your courts competent men; do not you think it would be an advantage to the suitors to be able to obtain the advice of English lawyers and barristers?—Our barristers and lawyers are of the very worst class; they know nothing of law, and they do not stick to the interests of their clients; one of the best pleaders in Dacca told me that he always looked to the temper of the judge, and not to the law of the case; that he would not plead the law of a case if he saw the judge was angry.

2067. *Mr. Villiers.*] Are you speaking of an advocate?—A barrister.

2068. *Mr. Kinnaird.*] A native or an European barrister?—A native; the natives who have been educated at the college will not become barristers.

2069. *Mr. Villiers.*] Why?—Because it is such a low calling.

2070. Who are the judges that those barristers and attornies practice before?—The principal sudder-ameen and the judge of the district.

2071. Are they Europeans?—The principal sudder-ameen is a native, and the district judge is a European.

2072. *Chairman.*] In both cases you object to the *morale* of the native barristers and the native vakeels?—Yes.

2073. *Colonel Sykes.*] Those are in the Mofussil courts?—Yes.

2074. *Chairman.*] You cannot rely upon their integrity, as you can upon that of an English attorney or barrister?—Not only their integrity, but their law and education; I never was able to trust native vakeels to draw up any pleadings from their want of knowledge of law, and also from the tricks they play.

2075. What remedy would you suggest for this want of professional capacity, as well as moral character in the native officers?—One of the reasons why I wish the English language to be introduced into the courts is, that we could apply to English attorneys and barristers, and we could get them up from Calcutta to the Mofussil courts to practise; we do sometimes get them up at very great expense.

2076. You think if the English language were used in the courts, that English attorneys and barristers would follow?—Yes.

2077. Are you sure of that?—I am certain. We now get them at a heavy expense.

2078. If Europeans led the way, you think that their moral character and intellectual capacity would be gradually imitated by the natives?—The natives would be forced to study, because they could not compete with them, and would lose their practice.

2079. You think the infusion of European superiority in morals and intellect would have its effect in time upon the native character?—Yes.

2080. *Colonel Sykes.*] Would the result be as cheap to the clients?—It would be cheaper, because, although we should have to pay 7,000 or 8,000 rupees perhaps to a European barrister for coming up to Dacca, we should not have the chance of being, as I was once, non-suited at the end of 14 years' litigation, and have to begin the whole again, which was a very great expense.

2081. *Chairman.*] You think that even higher priced, but speedier justice, would be cheaper than long-delayed decisions at a low price at first?—Yes.

2082. Several witnesses have spoken on the subject of the examinations described to be undergone by the judges. Are those English judges as competent, or less competent, than has been stated in the languages in which they are required to administer the law?—I think I mentioned before that I did not consider, from the fact of their passing the examination, that they were necessarily good scholars. I remember one young man, who took the very highest honors in Calcutta, who, when he came up to Mymunsing, declared that the omlahs could not speak their own language.

2083. Do not they undergo a training in the courts of law previously to being magistrates, or filling a judicial office?—I have known a magistrate at Dacca, where there are 50,000 inhabitants in the town, and 400,000 in the district, who had been only three years in the country.

2084. Do not you think it is desirable, whether the English or the native language is used as a medium of communication in the law courts, for the magistrates to undergo a practical training in the courts before they are appointed to any high office?—Decidedly so.

2085. Do you think that a man may pass a good examination, and yet be very far from competent to deal with cases in a court of law?—I think so.

2086. Some evidence has been given before the Committee as to the Legislative Council in Calcutta and the Councils of India; do you think that the

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interests of non-official Europeans are adequately represented in the Legislative Council and Councils of India?—I do not think so. The members of the Councils cannot understand us. The present members of the Legislative Council do not know our wants; they do not know the working of the laws which they pass themselves; for that reason many laws of importance do not work at all, such as the Breaches of Trust Act. In the Dacca district it has been declared that the Breaches of Trust Act will not work, and no magistrate or judge decides upon it. In the Mymensing district it is found to act very well. I think members of the Legislative Council who could represent those things and watch over the working of the laws in the Mofussil, would be a very great advantage. I know that almost every European in Bengal is disaffected towards the present Government; and I think that if the non-official classes were represented in the Legislative Council and in the Council of India, such disaffection would be removed. Now they have no means of expressing their wishes; and willing as the members of the Legislative Council may be, they cannot understand the wishes of the planters and merchants.

2087. You think that there should be some members of the Legislative Council who are practically acquainted with the localities for which a law is proposed to be passed?—Not only with the localities, but with the interests of the localities.

2088. Both with regard to agriculture and commerce?—Yes.

2089. Do not you think it would be desirable to have a representation of the natives in the Legislative Council?—Yes; the natives have a society just now called “The British India Association,” which is absolutely hostile to the Government, and publishes papers that ought not to be published. I think that this would be removed if a couple of the great zemindars of Calcutta were in the Council. The Indigo Planter’s Association need not continue to exist if a couple of indigo planters were in the Legislative Council. All these societies that oppose the Government and publish what the civilians call “rabid articles,” have I think the very worst effect upon the natives generally, because they see us in opposition to the Government. The natives would not consider that we were in opposition to the Government if we could speak in the Legislative Council, and represent our wants there; but when they see us forming conspiracies, as it were, as these associations must seem to them to be, they must regard us as hostile to the Government.

2090. Not only are the interests of the planters, the zemindars, and others, unrepresented, but it causes a great misunderstanding of the relations between the Government and those parties in consequence of the want of representative power in them, in your opinion?—Yes.

2091. We have heard a good deal of the condition of the ryot in Bengal; you have had great opportunities of observation in Bengal; what is your opinion of the condition of the ryot there?—I believe that the condition of the ryot is better than that of any poor man in any country that I ever was acquainted with; I never knew a case of absolute destitution; I never knew a case of a man dying for want. I will allow that zemindars and even some planters, if you like, are oppressive; but that oppression falls upon a very few people out of the whole number. I think that the ryot, especially since the Russian war, is in a very prosperous condition indeed. I was making inquiries the other day, before I left India, and I hear that now they eat three times a day instead of once, now they have brass vessels instead of earthenware, and now they burn lights to take their dinner by; they used to dine in the dark before. When the ryots are very much oppressed, as they are sometimes, by a combination of the landlords, they also form societies for mutual protection, such as the ferazees. There were about three millions of men banded together, chiefly to resist the oppression of the zemindars; when they are very much oppressed, they rebel, as the Santhals did, when oppressed by the Government.

2092. Do not the ryots complain of being obliged to attend at the call of the zemindar even at the distance of a great number of miles from their dwellings, if he orders them?—I have managed a great many estates, some collecting 70,000 or 80,000 rupees a year, and have dealt with perhaps 35,000 or 40,000 ryots, but I never summoned any but the head men of the village, unless it was for other purposes than rent; such as any breach of the village regulations.

2093. Is the power such as you have described, complained of?—It is absolutely

lutely necessary that it should exist as long as estates are liable to sale four times a year for arrears of revenue.

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2094. Do you think that there might be a reduction in the rate of assessment of the ryots' holdings?—I have seen those reductions attended with the greatest advantage.

2095. Have those reductions taken place on the part of the zemindar?—Yes. I did it myself. I had an estate that was over assessed, and we had immense balances every year; the balances were about 6,000 rupees; the collection realised was about 15,000 rupees, and I made a reduction in the rate of assessment, and I very soon brought up the collections to the full amount without any balances.

2096. You think it is for the interest of the zemindar to diminish the assessment?—Yes, where it is too high.

2097. Is the assessment very frequently too high?—Sometimes it is. Upon that depends the difference between the good and the bad zemindar.

2098. Is the assessment more frequently too high on the part of the native zemindar, or on the part of the English zemindar?—I think the English zemindar can get more from the ryot than the native zemindar, because he generally manages the estate himself; he can make the proper remissions at the proper time, and also he is more strict in his management; but there are very few European zemindars in Bengal.

2099. You seem to think that a European zemindar is more equitable in his consideration of remissions than the native zemindar, although he gets more by a strict attention to his interest?—Yes.

2100. Has increased cultivation of the waste lands taken place in the parts of India where you have been?—Yes.

2101. Has that been in consequence of the reduction of the assessment by the zemindar?—In one estate on which I made this reduction there was an immense increase in the cultivation of the waste lands in consequence of the reduction. If the ryot at the end of the year had a little money remaining, he bought another cow, or another bullock, and he had another plough to use, and brought more land into cultivation.

2102. Would the cultivation of waste land be promoted, do you think, by the settlement of Europeans?—Decidedly.

2103. Is there much waste land in the district of Bengal with which you are acquainted?—There are about 40 miles square of waste lands between Dacca and Mymensing.

2104. Is that land capable of cultivation and being made productive?—Yes, it is excellent land.

2105. Are the ryots gradually invading this waste land in consequence of their improved condition?—Yes.

2106. Is there any proof of the existence of a feeling on the part of the people for the old proprietors who have been ousted by money lenders, such as have been mentioned both in Parliament and in this Committee?—I think not; I think that the money lenders are better zemindars than the old zemindars. The old zemindars were given to poojas or religious ceremonies, and other things for which they required a great deal of money from the ryots; they never thought whether the ryot could pay it or not, while the money lending zemindar encourages the cultivation of their crops in order that he may buy them himself, and also he is not so needy a man as the old zemindar; I think the feeling is quite the contrary, and is in favour of the new zemindar.

2107. Did the old zemindar require presents to be given by the ryots on the occasion of marriages and at other customary times of levying contributions upon them?—Yes.

2108. Does the more modern zemindar demand as many of those tributes?—He may demand them; but I think he is a more timid man, and he will not enforce them.

2109. Perhaps you think he has not the right of ancient usage to rely upon?—I do not think it is that; I think it arises from the timidity connected with commerce.

2110. Mr. Kinnaird.] Are the religious exactions, of which you have been speaking, legal?—No.

2111. Yet they are exacted, are not they?—Very extensively.

2112. Practically the ryots are obliged to pay them?—Decidedly.

2113. Do not you consider it a very serious act of oppression that the ryots should

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should be subjected, owing to the power of the zemindar, to have these exactions made?—Yes; I consider it an act of oppression.

2114. How do you reconcile that with the happy state of the peasantry that you have just described?—The man who raises matoots, as we call them, frequently does not get the same rent for his land as a man who does not; I myself have bought an estate where I found the rent of land was five annas, but from matoots and one thing or another the whole payment was one rupee a beegah; I immediately consolidated the whole of that payment into one rupee of rent, and declared that I would take no matoots; the native zemindar could only get five annas, because the ryot knew that he would take the matoots.

2115. Does not the land held by Europeans bear a very small proportion to the land held by native zemindars, so that you can hardly compare the two as to the non-oppression of the natives?—What I meant to say was, that the land would bear a rent of one rupee per beegah.

2116. That is, were it not for the oppressive exactions?—Yes; and that the rent adjusts itself to the amount of the oppressive exactions.

2117. Are not the most cruel means had recourse to in order to get those exactions paid?—No, I do not think so; in Bengal, in the perpetual settlement, the way in which it is done is, the zemindar says, "I must have a certain sum of money," and the naib distributes that over certain villages; each village distributes it over its own inhabitants. The Bengalees are a very charitable people; and the richer ryots will pay for the poorer.

2118. Are not these exactions, of which you have spoken, and which these happy peasantry are obliged to pay, entirely without the sanction of law?—Yes.

2119. *Chairman.*] You think the ryots are advancing, although you freely admit the oppressiveness of those exactions?—Yes.

2120. What is the state of the roads in Lower Bengal, where you have been?—We have one road eight miles long, and we have another road from Dacca to Mymensing, which has been made at a very great expense, but which is covered with jungle the whole of the year; a jungle of about 14 or 15 feet high grows up every year over the road, therefore it is not used at all; those are the whole of the roads in the district.

2121-2. What district is that?—In Dacca and Mymensing; we have no road between Calcutta and Dacca, which is very much required.

2123. What is the distance between Calcutta and Dacca?—One hundred and eighty-nine miles, I think; it takes nine days to go to Calcutta, on account of our having to go by boat round by the Sunderbunds.

2124. Have you complained of the want of roads to the Government?—Yes. I was a member of the Ferry Fund Committee at Dacca; we should have made those roads if we had had the money.

2125. What is the ferry fund applied for?—The ferry fund goes to making the roads.

2126. Has that fund been intercepted, as you have not made the roads?—We had the fund, but it was in such small quantities that it was impossible to commence making the road.

2127. Is it not proposed to make a railway from Calcutta to Dacca?—A railroad has been sanctioned, and a guarantee has been sanctioned upon it, but I do not believe it is coming to Dacca.

2128. Mr. W. Vansittart.] Does not it go to Jessore first?—I do not think it goes to Jessore; I think it passes Jessore; it goes to Koostiah. It is said that it is to go to Dacca, but I think it is going quite the wrong way.

2129. How far is it from Jessore to Dacca?—About 100 miles.

2130. *Chairman.*] Then you are 100 miles from the projected railway?—Yes. The prospectus of this railway, was, I believe, made up chiefly upon returns of trade given by me; I do not know the reason that the line was altered to Koostiah; it was done very secretly. I was a proprietor of shares myself, and I was told, as a great secret, that it was to go to Koostiah and from thence to cross the Ganges to go up to Serajgunge, and then to cross the Jaboonah, another very large river, and to come back to Dacca, instead of going from Dacca to Fureedpore, and from Fureedpore to Jessore, and from thence to Calcutta. I do not believe that a single bale of goods will ever go from Dacca by the proposed line; besides, it will be very many years before it is constructed.

2131. What

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2131. What is the state of Dacca now?—Dacca has been improving ever since the Russian war; there was a great demand arose for hides, jute, linseed, hemp, and a great many other productions.

2132. Fibres generally?—Yes; the prices of those fibres rose very much.

2133. Was there a demand also for oil seeds?—Yes, rape and others; the price of jute in 1848 was 5 annas a maund; it is now 2 rupees 12 annas.

2134. Do you think that that stimulus which was given to trade by the Russian war, is likely to continue in a time of peace?—I believe it will; I know that manufacturers in Dundee and other places have altered their machinery so as to spin jute.

2135. Mr. Villiers.] Is it not in consequence of the price having risen that those articles are able to find a market here?—Yes; I believe there never was a demand for linseed from Eastern Bengal before, but when the demand was made an immense quantity of linseed was produced, and that immediately; the question of price was not considered before, because no European agent asked for the article.

2136. Do you know what the price was before the Russian war and afterwards?—No, I do not know.

2137. Chairman.] The European agents went for those productions because they could get a good price, I suppose?—They went because they were absolutely required by England during the Russian war.

2138. Is Dacca a healthy place for European settlers?—I think so; I was nine years there, and I was never unwell.

2139. I presume Dacca is not a place where European families could be brought up and educated?—No, they could not be educated.

2140. Could they be brought up in health at Dacca?—I think they could.

2141. Have you ever known an instance of an European family being brought up at Dacca?—No.

2142. Something has been said in this Committee with regard to forced labour, or impressment; have you ever suffered any loss in your mercantile transactions from forced labour or impressment?—I have; for six weeks I could not get a single boat, because the instant the magistrates began to impress boats for the Government, the natives sunk all their boats, and the men themselves ran away. Boats were perfectly unprocurable, and the products of the country that I had purchased were forced to lie six weeks in my godowns rotting, as they always do in Bengal, if kept any time.

2143. For what purpose did the Government require this forced labour?—For the movement of troops and also for the erection of electric telegraph posts; in fact, for anything that had to be done on the part of the Government.

2144. Were not those special occasions; have you not suffered from forced labour on less important occasions than those which you have mentioned?—Those are not properly important occasions, because the labour or the boats could have been procured if a little longer notice had been given, and there were better servants in the Commissariat; but it is well known, whenever a detachment of troops is to be moved from Dacca, that the servants in the Commissariat look upon an order of that sort as a means of exacting bribes from the poor of the country.

2145. Mr. De Vere.] Have you had to complain of forced labour, except in the cases of the movements of troops and the erection of telegraph posts?—I have had to complain of it in every case when the magistrate impressed the labour, which he generally did whenever he was required by the Government, because it always had the effect of raising the price of labour, and in fact of driving labour from the market altogether.

2146. Have there been instances in which you have suffered from that impressment of labour different from those which you have enumerated of putting up the telegraph posts or the transmission of troops?—I do not remember at present any other causes for which the magistrates did impress labour extensively.

2147. Chairman.] Would you have forced labour given up entirely on the part of the Government?—Entirely.

2148. Do you think it is unjust?—Yes.

2149. Do the natives think it unjust?—Decidedly.

2150. You think that the Government ought to go into the labour market and pay fairly for their labour?—Yes. I believe they would get the labour much better, cheaper, and sooner.

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2151. And

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2151. And much more willing labour?—Yes. They very often suffer themselves by these impressed boatmen running away.

2152. Have you known any danger or difficulty arise to the State from the practice of forced labour?—There was a relief of troops during the mutiny, and we were very apprehensive that the two companies that were to be relieved were on the verge of mutinying, and two companies came down to relieve them. Four hundred men were rather more than we cared to have in the city at a time. Two hundred of them were plainly disaffected. The Commissariat set to work to seize boats, and the Commissariat omlahs rejected every boat that was brought, in order that they might get bribes; and those 400 men were kept in Dacca, in the midst of the mutiny, for a whole week in consequence of this. It was considered very dangerous at the time; and the consequence of seizing these boats was, that all the men who were bringing in rice for the consumption of the city ran away and left their boats. There was no rice brought into the city; and the price of rice rose as high as 13 seers for the rupee, and the people became disaffected in consequence. The two relieving companies came down in boats from Jummalpore. The Commissariat condemned those boats, and said that the two companies that were going back could not go back in them, which was a pretence of theirs, for they could very easily have done so, and they set to work to seize other boats to supply their place.

2153. It has been stated before the Committee that there is a feeling of antagonism between European settlers and the civil servants in India; do you believe in the existence of that feeling?—I am sorry to say that I do.

2154. Why do you believe it?—A barrister that I employed in Calcutta told me that he did not like to accept a brief in any of the cases of my employer in the Sudder Court; because the prejudice against my employer was so great on the part of the judges. I may also mention, that the civil servants in Dacca sent a deputation to cut me formally, in consequence of an article in the "Dacca News," merely stating what has been stated before this Committee.

2155. Colonel Sykes.] What do you mean by "cutting" you?—Excommunicating me from their society.

2156. Mr. Villiers.] From whom to whom was the deputation?—From the civilians to me; it consisted of the additional judge and the collector. The greatest outrage that I ever knew to happen in Bengal took place in consequence of this antagonism. A magistrate who was just appointed to a district called upon the sheristadar, or head native officer, to state who was the European budmash, or bad character of the district.

2157. What place are you referring to?—Pubna.

2158. You say that the magistrate who had just come to the place asked the chief man, "Who is the worst European in the place?"—Yes; the gentleman's name was mentioned, and the magistrate immediately sent a tomtom, or a proclamation, by beat of drum, through the whole of this gentleman's estates, saying that the darogah had orders to conduct to the station any one who had any complaint to make against this gentleman, and the gentleman did what I think was perfectly proper; he immediately sent lateeals, or armed men, to every ghat on every road into the station, and prevented any man from going into the station; but this proceeding on the part of the magistrate encouraged the gentleman's enemies so much, that his house was afterwards besieged, and when the magistrate went to try to undo what he had done, the darogah was murdered in his presence. I know that Lord Dalhousie, who was the then Governor of Bengal, took great notice of this case.

2159. Colonel Sykes.] By whom was the darogah murdered?—By the lateeals who had besieged the house of this gentleman.

2160. Chairman.] By whom were the lateeals sent?—By the gentleman's enemies who had been encouraged by this proceeding on the part of the magistrate.

2161. If the natives thought that the Government of India, whatever it might be for the time being, looked unfavourably upon any settler there, do you think it would be the case that the natives would be inclined, either from a feeling of disrespect or otherwise, to take advantage of that feeling?—I think it would raise up enemies to him on every side.

2162. Is it not the peculiar characteristic of a long-subdued people to have the tendency of interpreting the conduct of a man through the feelings of the Government towards him?—They would think that they could rob him with impunity, because he would not be protected.

2163. Not

2163. Not by his own Government?—Yes, when they see that the superior authorities look coldly upon him.

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2164. Was not this proceeding on the part of the magistrate at Pubna to which you have referred, rather an uncommon proceeding when he advertised for the European budmash in the district to which he came?—I know another case of a magistrate who went out to the estates of a very large proprietor, and pitched his tent in the middle of the estates, and said that he would receive petitions from anyone who chose to complain against this gentleman on plain paper, instead of stamped papers of eight annas each, and if they could not afford plain paper, they might write upon plaintain leaves. I also know a case of a superintendent of police in Lower Bengal having complained that a magistrate was not severe enough towards a planter with whom, I believe, the superintendent of police had a personal quarrel.

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2165. You think the magistrate ought to be in a district for the purpose of administering justice, and not for the sake of advertising for grievances?—I think so. I think he ought to wait till those grievances are brought before him.

2166. Are civilians who are guilty of gross misconduct severely punished by dismissal from the service?—No; I have known only two cases of civilians having been dismissed the service during my residence in India. I know that there are men in the service who are habitual drunkards. One man I know is drunk from 12 o'clock in the day; he is not in a very high rank, but is receiving 800 *l.* a year at this present moment. Whatever complaint is brought against civilians is not punished with dismissal, but with mere removal.

2167. Have you known many cases of that kind?—I have known many cases, at least many in proportion to the number of civilians that I have known.

2168. Mr. Villiers.] What are those persons who have 800 *l.* a year?—The man I have referred to is a joint magistrate.

2169. Colonel Sykes.] Do you mean that the man you have spoken of as being constantly drunk belonged to the covenanted civil service?—Yes; he is frequently drunk in the day by 12 o'clock.

2170. Chairman.] Do you mean that the present civil service is to be complained of owing to many instances similar to the one you mentioned?—I mean to state that this man, for instance, is in his present position. It is only the other day, just before I left India, that a collector who had half ruined the commerce of a district died of *delirium tremens*, having been reported by a commissioner who was sent up to report specially upon him, as one of the best collectors in Bengal.

2171. Mr. Villiers.] In what year was this?—About a year and a half ago.

2172. Chairman.] Are the civilians much improved now?—I believe that the younger men are improved; but this fact, that they are never dismissed from the service whatever they do, is very prejudicial even to themselves.

2173. Mr. Villiers.] Is that the case?—Yes; they are never dismissed the service whatever they do.

2174. Their promotion, probably, to other departments does not go on?—They generally make judges of the worst of them. When a man fails as a collector or a commissioner, he is made a judge.

2175. Chairman.] Do you state from your own knowledge, that a collector who has failed is made a judge?—Yes. Mr. Tayler, the commissioner at Patna, was immediately made a judge when he was considered to have shown want of judgment as a commissioner; and Mr. Brown the commissioner of Bhaugulpore, when he was declared, during the Santhal rebellion, to be unfit for service, was made a judge.

2176. Mr. Villiers.] Was it after the rebellion broke out that these appointments took place?—One was before the mutiny and the other was after the mutiny; Mr. Tayler fell under the displeasure of the Government of Bengal for his conduct at Patna during the mutiny, and he was made a judge afterwards.

2177. There has been some statement made with regard to the general conduct of the planters in a paper purporting to be the proceedings at a missionary conference, and a portion of it was read to this Committee; do you know anything of that paper?—That paper was read by Mr. Schurr, a missionary, as an essay of his own upon indigo planting; it was not approved of by the

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general members of the conference; and it called forth replies in the Calcutta papers, and in some of the religious publications themselves; I was the writer of one of those replies. I saw a communication from Mr. Schurr to a brother missionary stating that the worst passages in that paper were not Mr. Schurr's own writing, but had been interpolated by some one else while it was passing through the press; I know that many of the missionaries were ashamed of it; it was not published by the conference as the general opinion of the missionaries, as quoted.

2178. *Chairman.*] Have you really reason to suppose that there was an interpolation?—I saw Mr. Schurr's own handwriting, stating that an interpolation had taken place.

2179. Mr. *Villiers.*] Are you aware that this report of the missionary conference has been published in this country, and that this passage appears in that published report?—I think it was published in Calcutta.

2180. It is now in circulation in this country as the report of a conference of the missionaries, is it not?—Scarcely as a report, because you will see in the publication, after that paper, the remarks of other missionaries, some of whom disagree with what has been said by Mr. Schurr.

2181. Those passages appear in what they have published as having occurred at their meeting?—As an essay read by Mr. Schurr.

2182. *Chairman.*] Evidence has been given before this Committee on the question of the employment of English barristers as judges and magistrates in the courts of Bengal; are you favourable to the employment of such judges and magistrates?—Certainly.

2183. Why?—As I have stated before, I think that a knowledge of law is absolutely necessary in civil suits, both for the decision of the case that is before the judge, and that the law once well laid down may form the precedent upon which we may act, so that we shall know what the law in a case is.

2184. You wish for uniformity of decision?—And equity and reasonableness of decision.

2185. You want a legal mind on the bench; is that the case?—Yes.

2186. Are there not barristers employed as magistrates and judges in the small cause courts in Calcutta, and what satisfaction do they give?—Mr. McLeod Wylie is the first judge of the small cause court in Calcutta, and I believe he gives the very greatest satisfaction; the result of the court shows that it earns a great profit. Mr. Hume is the magistrate of Calcutta, and I believe that his decisions, except that they are too favourable to the natives, generally give satisfaction.

2187. What is the proportion of the salary of the first judge of the small cause court in Calcutta, compared with that of a covenanted judge in the Mofussil?—Mr. Wylie's salary is 1,500 rupees a month, and the salary of a covenanted judge in the Mofussil is 2,500 rupees a month.

2188. Which has the hardest work of the two?—The judge of the small cause court decidedly, because the Mofussil judge may go to court or not, as he likes; he may work hard or not, as he pleases.

2189. Mr. *Villiers.*] What is the meaning of that?—He goes to the court or not, as he chooses.

2190. *Chairman.*] The Mofussil judge is not obliged to attend at any particular hour, is he?—No.

2191. Whereas the small cause court judge is?—Yes he is, because he has the bar, the press, and the public watching him.

2192. Then you could get a European judge for 1,500 rupees a month?—Yes.

2193. Has the judge in the small cause court, who is an English barrister, passed the examination in the native languages?—Mr. McLeod Wylie has passed the examination in Bengali.

2194. Do you think, then, that such appointments as the Mofussil judgeships, where it was necessary to have counsel before them, as the civilians now have, would be desired by English barristers?—I think so. I think 2,500 rupees a month when a man was thirty years of age, with a prospect of 4,000 rupees a month when he rose to the sudder, and 8,000 rupees a month when he got into the council, would be sufficient to induce an English barrister to go to India.

2195. Do

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2195. Do you consider that the natives are fit to hold such appointments?—No; the experiment was made of appointing a native magistrate in Calcutta, and he was dismissed within the last three or four months for altering his case-book. That is the only experiment that has been made, and it has failed.

2196. Do you conceive, if, as you propose, more English barristers were introduced into the administration of justice in India, that they would prepare the way for the natives making better judges than they are at present?—I know that the natives who now are judges are not of a good rank of life; I refer to the Mahommedan Principal Sudder Ameens, and I think that you must begin lower with the natives than by making them judges at once. I think you ought to make them honorary magistrates, and teach them to govern themselves, and to act in public in petty sessions and quarter sessions, and at the same time that you do so you would bring under control the courts that they actually do hold at present, for each zemindar holds a court in his own zemindary; if you were to legalize his power, and make him an honorary magistrate, you would give him a status of which he would be very proud, and you would educate and teach him to rise upwards to the highest offices. I think our great mistake has been by beginning to raise the natives too suddenly.

2197. Colonel *Sykes*.] Do not they commence as moonsiffs, and rise to ameens, and subsequently to sudder ameens, after careful examination with regard to their qualifications?—Yes.

2198. Could they commence on a lower scale than as moonsiffs?—A moonsiff is a very important judge.

2199. He can only decide to a certain amount, can he?—But upon that decision may depend great things.

2200. *Chairman*.] Do you think the native officials, the moonsiffs and sudder ameens, are sufficiently paid?—I do not think the moonsiff is sufficiently paid; he gets only 100 rupees a month.

2201. Do not you think they should be better paid?—Yes.

2202. Have you ever had occasion to consider the mode of transmitting the revenue from one Government treasury to another?—Yes.

2203. Do you consider that any evil arises from that mode?—Yes. As secretary of the Dacca Bank, I had a good deal to do with the transmission of the revenue; the revenue is collected in the Mofussil treasuries, and there is no means of remitting it; the former means of remitting it was, with every lac of rupees to send 100 soldiers, but that was very objectionable, and the money was allowed to lie for a long time in the Mofussil treasuries, and in the mutinies those Mofussil treasuries were looted or plundered. Since then the Government has begun to pay a little attention to the wants of traders, that is, to take advantage of our requiring to have money in the Mofussil while they require to have money in Calcutta, making the interchange in this way, we paying to Calcutta those sums for which we wanted to have a draft on the Mofussil treasury, where it is lying; the Government wishes to have money in Calcutta, and we wish to have it in the Mofussil.

2204. Therefore it is done by a mere transfer without the conveyance of the money, I presume?—Yes.

2205. Have you any other observations to make with regard to the transfer of the Government revenue?—What I complain of is that I am not understood in Calcutta, that the civilians who have passed through the various grades of magistrate, collector, and so on, are not aware of the requirements of commerce; they do not understand what you mean by a bill of exchange; they do not understand the action of a bill of exchange; how it will pass from one hand to the other without the passage of money. I have experienced the greatest difficulty in getting arrangements made even with regard to the requirements of the Dacca Bank; what I would wish is, that that department should be taken out of the hands of the covenanted civilians altogether, and placed in the hands of practical financiers or accountants; men whose business it should be to collect the revenue in the best possible manner; to understand the wants of commerce, and take advantage of them, so as to benefit the Government by getting rid of the great expense of these treasure parties, and by getting the revenue paid much sooner without the chance of loss at the very spot where it is required, and at the same time benefit commercial men.

2206. How would you propose to secure the responsibility of those agents?—In the same way as that of the covenanted servants is secured at the present time.

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2207. Is there any law with regard to security for costs in civil suits, of which you complain as operating disadvantageously to the settlement of Europeans?—Yes; whenever a European leaves India he has to deposit security for costs in every law suit in which he may be engaged; and if he is a landowner, he must be engaged in a great many suits.

Jovis, 10^o die Martii, 1859.

MEMBERS PRESENT.

Mr. Baillie.
Mr. Campbell.
Mr. De Vere.
Mr. Ewart.
Mr. Gregson.
Mr. Kinnaird.

Mr. Arthur Mills.
Sir Erskine Perry.
Mr. John Benjamin Smith.
Colonel Sykes.
Mr. William Vansittart.
Mr. Villiers.

WILLIAM EWART, Esq., IN THE CHAIR.

Mr. Alexander Forbes, called in; and further Examined.

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2208. *Chairman.*] I THINK in your last examination you were mentioning some disadvantages with regard to security for costs in civil suits which Europeans are subjected to when they leave India for a time; will you further explain that subject?—I mentioned that the proprietorship of land involves a great number of law-suits; when a European has land and is engaged in law-suits he has, on leaving India, to deposit in court security for the costs of all the suits in which he may be engaged, and in default of so doing the case is decided *ex parte* against him; and when he gains a case even, in the lower court, if his adversary should appeal, he has again to deposit security for costs; that security for costs must be in money or Company's paper. The consequence is that a person who, like my employer, has large estates, and is living at home, has very large sums of money lying in the courts for five or six years that he can make no use of at all; this state of the law alone I think would be a reason why a person would not choose to have landed estates which might bind up such a large quantity of capital.

2209. Are you aware of such a usage in any other country; does it exist in this country?—I believe it is founded upon English law; but the consequence of it is, that one cannot come home for a single year without depositing this security for costs in cash. I believe in this country that other security besides cash is admitted.

2210. It locks up so much of his capital?—It locks up a very large portion of his capital.

2211-12. Is that a general subject of complaint amongst the English residents in India?—It is not general, because there are so few European zemindars. Among European zemindars it is a subject of complaint.

2213. Is it among all of them?—Among all of them who have law-suits; and I believe that all zemindars have law-suits.

2214. You were editor of the "Dacca News," were not you?—Yes.

2215. Did you ever come into contact with the Government in consequence of any freely-written article in your paper?—Yes; I received a warning under the Press Act, in consequence of having written an article merely stating the facts of several cases in court connected with land. The object of that warning, I think, was to prevent complaints in the public papers of the state of the courts and of the conduct of the authorities.

2216. What was the nature of the article which appeared in your paper?—It stated the facts of several cases, chiefly of those of my own employer and Mr. Wise, who was a witness before this Committee, in which I thought the courts had decided wrongly, and the consequence was that I received a warning for bringing the Government into "hatred and contempt."

2217. Are

2217. Are you sure that you did not exceed the limits of proper free discussion?—I do not think so. I merely stated the facts of the cases, and drew an inference from them as to the fitness of the courts and of the revenue system.

2218. Not going further than would be done in England by a moderate newspaper?—I do not think going so far.

2219. Was that under what has been called the "Gagging Act"?—We called it the "Gagging Act;" it is the Press Act.

2220. Has that Act been introduced since the occurrence of the mutinies?—Yes.

2221. We have heard a great deal from witnesses before this Committee about the great absorption of silver in India; what has your experience as manager of a bank led you to believe to be the cause of the great demand for silver in India, and what do you think becomes of it?—I believe that the cause of the demand for silver is the immense increase in our commerce that has taken place lately. I believe that the silver is all required for current coin. It has often been said that the natives hoard a great deal of silver; now my experience is, that they do not hoard silver; they hoard gold; and that the silver is actually required for the commerce of the country. Then another cause of the great accumulation of silver is the want of means of transit in the country. The silver gets accumulated in one district: it is perhaps required in Calcutta, but it cannot be conveyed there; then at another season of the year the silver all accumulates in Calcutta, when it is required in the Mofussil, but it cannot be conveyed there; that is a great evil that the want of communication gives rise to. I have had as much as 30,000*l.* or 40,000*l.* for months in Calcutta, and not a single rupee in Dacca. We had no steamer, or I might have brought the money up by it.

2222. India not being in a very advanced commercial state, silver is required for the half-civilised state of society there far more than in a society like this?—I think one of the great faults of the Government is, that it has not increased the circulation of notes of the Bank of Bengal; in fact it discouraged their use till lately by refusing to receive them for rent.

2223. You think that India requires greater facility of monetary intercourse, if I may use the phrase?—Yes, I think the collectories might with very great advantage be converted into banks; that is, the Government looking to its own interest as to the place where it requires money, might take advantage of the commercial requirements of the country. While I was secretary to the Dacca Bank, I had a friend in the treasury in Calcutta, the assistant accountant to the Government of Bengal, with whose help I transmitted very large sums of money to Calcutta by making the bank work for the Government and for our own interests; this process, if extended, I think, would save a great deal of the money that is required for circulation. Money gets into corners all over India, from which it cannot be taken out by steamers or roads. Why, even just before the mutiny the practice was to convey a lac of rupees always with 100 soldiers as a guard. There is a firm about 80 miles from Dacca, at Serajgunge, who deal very largely in produce, and they carry a lac of rupees in a small paddle-boat with a guard of four men and a European. Why could not Government do so also?

2224. You have stated that there is a tendency under the present system for silver to accumulate in different parts of India; do not you think that that tendency to a congestion of silver will disappear when there is more free communication by various means in different parts of the country?—When there are railroads and steamers all over the country, of course it will, but I think it would disappear greatly if the wants of commerce were attended to by the civilians of the East India Company, in whose hands its management is just now, and that great advantage would accrue to both commerce and the State from an intelligent attention to this matter.

2225. Will not the increased settlement of Europeans in India tend very much to promote the circulation of coin, and give greater monetary facility than existed previously to any large settlement of Europeans?—The Europeans cause a great deal of trouble to the Collectors in that way; they demand such very large sums that they very soon empty the local treasuries.

2226. Will they not also be likely to find means of taking those large sums where they are wanted, and so become the means of circulating as well as amassing the coin?—Yes, I think so. I am not political economist enough to know the reasons against a double standard, but I think that a great deal

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might be done by the introduction of gold into India. If I have to pay 5,000 *l.*, I have to get either a cart, or a boat, or 50 coolies to carry those 5,000 *l.*, because it is all in silver. I think that gold might be introduced, and as our sovereign represents 10 rupees, you might with the greatest ease have a decimal coinage if you divided the anna into 100 pice instead of 64; you would then have a sovereign, a rupee the tenth part of that, and an anna the hundredth part of the rupee. The pice at present is a great deal too large for the wants of the population, where a man buys his dinner for the third of a pice.

2227. Mr. *Arthur Mills.*] What is a pice?—Four pice are an anna; an anna is three-halfpence.

2228. Colonel *Sykes.*] Are there not gold mohurs?—No, they are not in circulation; they are not received at the treasury; they are used by the natives for hoarding.

2229. *Chairman.*] Might you not have gold and silver as we have in this country without a double standard?—Yes.

2230. Colonel *Sykes.*] Might not the gold be used as a token?—Yes; I think the demand in India for a circulating medium is so very great that it could receive a great deal of gold merely as a token,—as a ten-rupee piece.

2231. *Chairman.*] You have a kind of excise in India, have you not?—Yes.

2232. Is that what you call the abkaree?—Yes.

2233. Is that abkaree ever complained of?—Very much indeed.

2234. For what reason?—The abkaree is a tax upon spirits and upon opium, and the Government has been very anxious to increase the revenue from this tax, by increasing the consumption of liquors, by establishing shops all over the country where they never were before, and we had to complain, as planters, very much of that system. An abkaree shop was put down beside one of my factories against my own remonstrances, and against the remonstrances of all the ryots and coolies. They prophesied that they would become drunkards, and they did become so. This system is carried on to a very great extent all over Bengal.

2235. What has been the increase in Lower Bengal within your own recollection of those abkaree shops?—When I first went there, there were none at all.

2236. That is about 16 years ago?—About 13 years ago I am speaking of. At that time there was an abkaree superintendent appointed to the Dacca division; not only the town and district of Dacca, but a large circuit round, and he appointed the best young men he could get from the Dacca College, as abkaree deputy collectors. They were ordered to increase the amount of revenue from this source in the district that they were appointed to, and they established those shops at distances of six miles, where there were none before. I have seen letters from him to those young men threatening them that they would be sent to a lower grade if they did not get more revenue from the tax in their districts, and most objectionable modes were used to increase the consumption. At one place which I know, when the abkaree shop was established they could get no one to go to it, so the abkaree deputy collector, at his own expense, imported some prostitutes and put them down beside the shop, and thus introduced both prostitution and drunkenness into the district.

2237. Was that deputy collector a native?—Yes; acting under the orders and the influence of the threats of the abkaree superintendent.

2238. Who was the abkaree superintendent?—A very high civilian.

2239. Mr. *W. Vansittart.*] What is the actual amount of the abkaree tax raised in Bengal?—I am not sure; it has greatly increased latterly, from the great efforts that have been made with regard to it. There was an order from the Government before I left India, calling the attention of all the collectors to it, and informing them that they were not to neglect it as they had hitherto done.

2240. Are you aware that it is, as a source of revenue, diminishing?—I am aware that it is not very large, but it is increasing, and the attention of the collectors has been called to it.

2241. *Chairman.*] You say that the revenue from the abkaree tax has much increased of late years?—Yes, during the last thirteen years it has very much increased.

2242. In the district with which you are best acquainted, or generally?—Both in that district and generally. I had the statistics before me shortly before I left India. I cannot mention the exact sums.

2243. You have been settled a long time in India; from your own experience of

of India, as it is at present governed, would you advise settlers to go there?—No; I have relatives who have nothing to do in this country, and who wish to go to India, but I have advised them not to go because I think that one is involved in the law courts in practices that a European ought, if possible, to avoid.

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2244. What practices do you mean?—Winking, at any rate, at bribery and perjury, even if you do not employ them, and false complaints.

2245. What do you think is the best remedy for those evils?—A complete change of our courts, and a great increase of magistrates.

2246. Do you mean Europeans?—Both Europeans and natives.

2247. And better paid magistrates?—The chief man of a district, like the magistrate of Dacca, who has a city with 50,000 inhabitants, and 400,000 in the district, ought, of course, to be well paid; I think he is very ill paid on the 900 rupees a month which he gets.

2248. You think a large increase in the quantity of those magistrates is required, and you also wish the quality to be improved?—I would wish both quantity and quality improved; I think quantity alone would do a great deal of good, because a man now cannot go to the magistrate's court, the distance is so very great.

2249. Is that the only cause why you discourage friends of yours to settle in India?—No; I do not think that an Englishman feels himself a free man in India; he feels that he has no connexion with the government of the country, and that he cannot rise in any way. When a man makes money he becomes ambitious, and wishes to have something to do with the government of the country, or at least of his own district, or the town in which he lives.

2250. In what way would you give scope to that ambition?—I would give the inhabitants an interest in the management of the affairs of the district.

2251. Do not you think it is very possible to encourage what we may call the municipal spirit in India?—I think so; as secretary of the municipal committee of Dacca, I know we did a great deal of good; that committee has been destroyed for any useful purpose lately.

2252. How is that?—By the Commissioner of the district refusing to give us any funds; we had not the power, unfortunately, of raising our own funds.

2253. Could not you levy a rate?—No, that was left in the hands of the magistrate.

2254. Do you not think it desirable that municipal committees should have the power of levying a rate for purely local purposes?—Yes, for the guarding, lighting, and cleansing of a town. The chokeedaree tax as it is now raised by the magistrate produces a very great deal of discontent; I think if the municipal committee had the power of raising that fund, that the people would be better able to judge as to the amount, and the means of raising it.

2255. Colonel Sykes.] Has not the failure of municipalities been owing to the indisposition of the natives to come forward?—In Dacca, I think, it was very successful; we had the management of the town since 1840; the roads are very good, the town is very clean, and an immense deal has been done with very inadequate funds.

2256. Have the natives taken part in it?—The natives who spoke English took a part.

2257. Chairman.] Do you not think the management of roads and various other local matters of that kind might very well be left either to natives, or to Europeans mingled with the natives?—I proposed a scheme to the Government of Bengal, which has been partly acted upon, about five years ago, that the zemindars, who now hold local courts, and decide nine-tenths of the cases that occur between ryot and ryot, should be made into honorary magistrates, and should have their powers legalised and controlled; that they might have the power of fining up to 10 rupees, and that two of them should commit to the deputy magistrate; that the honorary magistrates of each thannah should meet together once a month and hold petty sessions; that those in each zillah should meet once in three months and hold quarter sessions; and that those honorary magistrates should have the whole management of roads and improvements throughout the country. I mentioned this to a great many natives, who were very much delighted with it, and the scheme has been partially carried out since. Mr. Halliday has appointed a large number of honorary magistrates.

2258. Do not you think that this system of making the landowners magistrates

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trates is very well suited to the primitive state of society in India?—It is absolutely necessary: they are magistrates at present, but illegal magistrates.

2259. You think, as there is a species of natural formation of landowners into magistrates, that that is a reason why we should give them power legally?—Yes, we should then legalise them as magistrates, bringing them under our own control.

2260. You think then that the best way of improving India for future political development is to create local institutions like municipalities, and other means of self-government of a local character?—Yes, I think so; I have reason to believe that it would be highly appreciated by the natives themselves, because rich natives have now no object of ambition; they spend all their money either in poojahs or in debauchery, or in fighting their neighbours; they cannot spend their money in any other way, and I think that if they had those objects of ambition presented to them, it would prepare them afterwards to be able to govern themselves.

2261. Colonel Sykes.] Under the native government did not a municipality exist in every village in India?—In the North-west Provinces; I do not think it did in Bengal.

2262. And in the Deccan and Madras also?—Yes, I believe so.

2263. Chairman.] Do you think also that a system of calling in the natives to settle their own disputes by punchayat (or arbitration) is also a very desirable thing, in order to make them familiar with the administration of justice?—That is adopted in all the zemindary courts at present. Of course, the zemindar cannot decide every case himself; he is a sort of appellate authority; his naib decides the cases in the first instance.

2264. Who is the naib?—He is the zemindar's agent.

2265. Is he assessor on the bench with the zemindar?—No; he is the first court; both small and large causes go to the naib. He wishes, of course, to continue popular; or at least, not to offend the natives around him.

2266. You think all those means you have mentioned are the most natural and most politic means of developing the character of the natives, and preparing them for self-government in future?—Yes.

2267. You rather advocated the use of the English language in the courts of justice; would you have the judge or the barrister put the questions in English, and then have them translated to the witness or the parties into their own language, and then answers re-translated for the English judges and English barristers; is that the course you propose?—Yes.

2268. Do you think that that system would create much discontent amongst the native population?—I do not think it would create any discontent at all. I think what the native looks to is the decision; the native very seldom sees his own case tried in court.

2269. Would you have any apprehension of rebellion in consequence of such a system being introduced?—Decidedly not.

2270. Do you say that from your intimate knowledge of the country?—Yes. With reference to my own ryots, I have explained that I must judge a great many of their cases, and whenever they want me to understand the case, they get it translated into English, because they are afraid that my omlahs may pervert their statement in passing through them, and they put it into my own hand; even poor common cultivators manage to get a case translated into English.

2271. Do you think it would be an advantage to India if, instead of the various alphabets, the Roman letters were introduced there generally?—Yes, I think it would be a great advantage, because you can write much faster in the Roman character for one thing, and it would greatly simplify the connexion between the European and the native.

2272. Are you of opinion that it would be a good thing for European settlers in India, and for those amongst whom they settle, and would bring both parties more easily together?—Yes; I can speak perfectly well to my own head man, and he understands everything I say; I once tried to write to him in the native characters, and he came to know what they meant; but if I could use the English character, I could write to him in Bengalee from this country. There are about 50 letters in Bengali, and those again are compounded so as to add a great number of other characters, and it is impossible for a man who is working for his bread in India to sit down to master the native alphabet.

2273. From your practical knowledge, you do not think that there would be any

any real difficulty in the substitution of the Roman letters for the ordinary native letter?—I think in a week any Bengali scholar could learn the English letters.

2274. Then you approve of the suggestion which was made by Sir Charles Trevelyan upon that subject?—Yes.

2275. Your transactions have been very extensive with the natives, I believe?—Very much so.

2276. What opinion have you formed of the commercial character of the natives of India?—The very highest; almost the whole of our transactions were by word of mouth, even for 10,000 £., 20,000 £., 30,000 £., or 40,000 £.; and bills of exchange were drawn upon plain paper, which rendered them worthless in any court of justice; I never had reason to complain of the native bankers; in fact I found them exceedingly easy to deal with; they are called podars in Bengal, and in the North-west Provinces, shroffs.

2277. In fact, you entertain a high opinion of the commercial integrity of the native?—Yes, very much so.

2278. Mr. *Mills*.] You mentioned in the course of your evidence the case of an incompetent collector who had been appointed a judge; have many cases come to your knowledge of that kind?—Yes, several; I mentioned two.

2279. You know of others?—Yes.

2280. When you say that an incompetent civilian was never dismissed, did you mean to say that there never were any cases of dismissal from the civil service of India for incompetency?—No, never; I believe there have been three cases since I went out to India; one was a gentleman, who offered a bribe to the Governor General's private secretary; another was a judge, who was guilty of great immorality.

2281. Mr. *Villiers*.] You are talking of civil servants?—Yes; and the third was a young student at college; and it was said that Lord Dalhousie had to write to the Court of Directors that he would resign his own appointment if this young man were not turned out; those are the only three cases I have known, during sixteen years, where men have been turned out of the service: they are generally, when very incompetent, removed to a remote district where there are no Europeans, and where nothing will be heard of them.

2282. Mr. *A. Mills*.] Do you know whether at the present time the old form of covenant is taken by the members of the civil service?—I understand it is.

2283. Does your experience lead you to think that the distinction in name between the two departments of the service, covenanted and uncovenanted, leads to jealousies?—Yes; but the distinction is very great, not only in name, but in everything else. The covenanted service are, as it were, the nobility of India.

2284. Could you suggest any practical means by which that jealousy could be obviated between the two departments of the service?—There exists not only that jealousy between the two departments of the service, but every man in India is jealous of the civil service; the military are, and the planters are, every man is. I think it is the consequence of their being an exclusive caste, so very highly paid, and with rank so very high above that of other men. For instance, a young civilian seven years in the country ranks as a captain, who perhaps has been 15 years in India; and if he has been 15 years in the country, he ranks as a major, when perhaps the major has been 28 years in the country. Every European in India is jealous of the civil service.

2285. Do you think it would be possible, and if possible desirable, that natives should be in the Supreme Council of India?—Perhaps not yet; they might be admitted to the Legislative Council.

2286. Do you think that having what have been called open councils in India would be desirable?—The Legislative Council is at present with regard to debates an open council.

2287. Do you think that councils of the same character as the councils in our Australian colonies, if you know what they are, would be desirable in India?—They are like Houses of Commons, I think.

2288. They are in a certain sense partly representative and partly nominative; do you think such a council as that of Ceylon would be useful in India?—Yes.

2289. I observe in your evidence you mention the case of a man who was in the covenanted civil service who was of intemperate habits, and who was still retained in the service; do you mean to say that those habits are characteristic

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2290. *Chairman.*] You did not mean to illustrate the habits of the class, but rather the neglect of the Government in the individual case?—Yes.

2291. *Mr. Campbell.*] He is removed to a remote district, where European society and European public opinion do not exist, and where that imprudence will be tolerated?—Yes.

2292. *Mr. Villiers.*] With regard to the purpose of our inquiry, I collect from you, there are laws and regulations existing in the presidencies which are calculated to deter and discourage prudent men from going out there and settling, as they might otherwise be tempted to do?—Yes.

2293. I think you stated that one of the first things that a settler would require would be facility in acquiring land and facility of transferring it?—Yes.

2294. That is to say that he should be able to obtain a good title to his land?—Yes.

2295. You state that at present is not possible?—No, it is not possible.

2296. It has been stated here by one witness, that when a man acquires land in India then his trouble begins?—Yes.

2297. I think you have stated, or some other witness has, that he is often deterred from laying out money upon his property because he is liable to have it sold four times a year, owing to its liabilities with respect to the public revenue?—Yes.

2298. There is a statement you have made which is very strikingly at variance with one which was made by a member of the Council here; he has denied very deliberately that there is ground of complaint in the mode in which the tax is levied on land, because every man has the power of depositing Government paper to the amount of his liabilities for rent, and that while that remains in the hands of the Government, he has nothing to apprehend on account of his land; that being stated, you have stated that there is no such power?—Up to the 23d of November last, when I left India, there was no such power, or I am certain I should have heard of it.

2299. *Colonel Sykes.*] In your district?—Throughout the permanent settlement in Bengal; and I am certain I should have heard of it, because I am continually anxiously writing to arrange that the Government revenue is paid at least a month before it is due.

2300. *Mr. Villiers.*] I think you have been in Bengal 16 years?—Yes.

2301. You never heard of this liberty being given to persons holding land in order to relieve them from all anxiety about their title?—It was proposed in Mr. Grant's Sale of Land Bill; I know it has never existed during my time.

2302. If it did exist, it would be a great relief to persons holding land?—Yes; it would, in fact, be the redemption of the land in fee-simple.

2303. Did I understand you to say that no legal adviser would counsel anybody to transfer their land, or he would not advise any person to purchase land, receiving it from the proprietor or receiving it from an English settler, having acquired it as he alone could acquire it while you were there?—I do not think I have stated that.

2304. I thought you said that no barrister or lawyer would advise you to transfer land?—I think you are referring to my title to my tea plantation; I said, as I had no title deeds, no lawyer would transfer it.

2305. Can you then give us any further account of what seemed, according to your statement, to have been a great injustice to you with respect to your tea grounds, that you never to this moment had a title to them?—I cannot explain it in any way.

2306. Is that the land you had to make a deposit for first, and then a further deposit for the survey?—

2307. To this moment you never have had a title?—Yes; those lands were granted in accordance with Lord Dalhousie's policy, which has been very much at variance with the policy of all the civil servants of the East India Company. Ever since the day that Lord Cornwallis's settlement was made, they have looked upon the increasing value of the land from the improvements of the zemindars with

with a jealous eye; they have always wished to resume them; and I think there is a great feeling against granting any land in India in fee-simple.

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2308. But this seems to be a feeling against granting a title after receiving the money for it?—They received no money for it; they received the money for the survey.

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2309. Your statement was this: "We applied for the land, and we were put in possession of it merely by the writing of the collector; a survey was ordered to be made, and we were promised our title-deeds; we then had to deposit money for the purpose of the survey, and the survey was made. A mistake was made, and we were ordered to deposit money again, which we did. To this day we have been spending large sums of money upon it, and to this day we have not received our title-deeds at all." In what year was it that you first acquired this land?—Three or four years ago.

2310. You can give no reason why they did not give you a title?—No reason at all, except, I think, that jealousy against granting land which prevails.

2311. I understand you, your money was paid with a view to receiving a grant?—Yes.

2312. They have received the money, and have not fulfilled their part of the contract?—The money was for the expense of the survey; the land was granted to me for 99 years, under Lord Dalhousie's order, free for the first 10 or 15 years, and then at a progressive rent.

2313. Do you think that many people would not be disposed to follow your example, in doing what you call spending large sums of money upon property, if they could not receive title-deeds to it?—I know an estate upon which 28,000 rupees were spent, and it was sold in Calcutta for 2,500 rupees; no buyers came forward, and a very speculative gentleman gave 2,500 rupees for it. It was reported to be the best tea plantation in that district.

2314. How did the Assam Tea Company get their grant; have they titles from the Government to what land they occupy?—I believe so; I do not know very well. I believe they have sunnuds from the collector, which is all the title that is required.

2315. They have no exclusive privileges; other people may receive grants for ground to grow tea upon?—Yes.

2316. You do not object so much to the mode of raising a revenue by taxing land, but you want to have the sum to be paid certain and the title secure?—I object completely to the land-tax.

2317. Do you object to it on principle, or to the mode in which it is assessed?—Not to the mode in which it is assessed under the perpetual settlement; I think, as the estates were originally settled they were pretty fairly done, although some gentlemen state that the Government did not know what they were about when they made the settlement. I had occasion to investigate the settlement of a neighbouring district, and I found the collector, a man of very great experience, writing to the Board of Revenue, saying that he did not think he could raise the rent of a certain estate much higher, because he had had the zemindars in prison for the last six weeks, and they would not promise to give any more than they had given.

2318. What is it that you object to in the land-tax?—I object to the land-tax altogether, because we have no security of tenure.

2319. You do not object to the Government having a revenue; and if a land-tax could be made compatible with the security of the tenure, you will not object to it?—No.

2320. If that scheme was carried out which Mr. Mangles stated had been carried out, that would give the kind of security of tenure that you and other settlers require?—Yes. I think in my former examination I have not very well explained my proposal for the redemption of the land-tax; I think I could do so better by reading what I have written on the subject.

2321. Mr. Campbell.] Is that what you wrote to Lord Stanley?—Yes.

2322. Mr. Villiers.] Have you ever considered in what manner the system of land-tax could be redeemed consistently with the Government not losing the revenue?—Yes. "The remedy for this state of insecurity which operates as a great drawback to improvement even on the part of the natives of the country, is the sale of the land-tax by the Government in perpetuity. This can only be a partial measure at present, for the debt of India is not large enough to redeem the whole; but the plan I propose, while it would render secure a great quantity

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of land, would not leave India with a farthing less of available revenue than it has at present, while the Government, which is now borrowing money at the rate of $5\frac{1}{2}$ per cent., would certainly be able to borrow at four per cent. if not at three per cent. I would propose that the Government should declare that every zemindar depositing with the collector a quantity of four per cent. Government promissory notes, the interest of which should be sufficient to pay his yearly revenue, should receive a title to his land in fee-simple. This would be a price equal to 25 years' purchase. Suppose the revenue derived from land in India to be 15,000,000*l.* (I have no statistics to refer to, but this must be much within the mark), and the debt to be 100,000,000*l.* at four per cent.; if the whole of this hundred millions were paid into the treasury for redemption of land-tax it could redeem only so much as produces a revenue of 5,000,000*l.*, which sum has now to be paid yearly as interest, leaving the 10,000,000*l.*, which are now available for other purposes, still intact. But the whole of the debt would not be paid in redemption of the tax. The immediate effect of such a proposition on the part of Government would be to raise four per cent. paper first to par, and then to a premium, making the price to be paid by the zemindar equal to 30 or perhaps 35 years' purchase. But this would greatly assist the financial Minister for India, who would, by an issue of stock exchangeable for redeemed land-tax, be able to raise future loans probably at 3 per cent. instead of $5\frac{1}{2}$ at which latter rate a sufficiency of money cannot be had in India at present. It will be said that this does not remedy completely and at once the uncertainty of the tenure of land; perhaps it is better that such a scheme should be carried out gradually; but one effect it will have will be a large increase in the quantity of lakhiraj lands,—lands paying no rent,—which will become available to the capitalist wishing to improve, and as the progress or wars of the Government will certainly call for new loans, an opportunity will be continually occurring of converting rent-paying into rent-free land, and men will give higher prices for unredeemed land in the hope of soon being able to redeem it, thus raising the value of land throughout the country. If to this be added an inquiry into, and a determination of the proprietary right in the soil, whether it vests in the zemindar, as I believe it does, or in the khodkhash ryot, whose very existence I doubt, there is no reason why land in India, so fertile and so improvable, should not become a tempting investment for British capitalists. With regard to lands at present held by the collector as zemindar, either in consequence of diluviation or other causes, I think they should be sold outright by public auction at an upset price of 25 years' purchase."

2323. Is that your opinion only, or do you know that that opinion is entertained by other persons, who have had experience like yourself?—I believe that when Mr. Grant's proposition for the deposit of four per cent. paper, which is equivalent to what I have said just now, was made, it was received with great approbation by both natives and Europeans.

2324. *Chairman.*] Are you aware whether this part of Mr. Grant's Land Sale Bill met also with the approbation of many of the Government civil officers too?—Yes, of many of the civilians.

2325. Mr. *Villiers.*] Do you know why it did not pass?—In consequence of the mutinies, I believe.

2326. Mr. *A. Mills.*] Do you think there would be any objection now to that part of Mr. Grant's Bill?—No, and there was not then.

2327. Mr. *Villiers.*] Have you any doubt that if there was perfect security in the tenure of land, and British capital was further attracted to India, that the revenue of India would soon be rendered more productive?—Yes; I think it would be very easy to raise the revenue of India by direct taxation, we do it every day in our zemindaries.

2328. Have you any doubt that settlement might be extended very much further than it is now?—None.

2329. Have you any doubt that the wealth of the country would increase if more capital was employed there?—No doubt.

2330. Is not that the real source of taxation to look to; the more you increase the wealth, the larger the revenue would be that might be collected?—Yes.

2331. If India then were properly governed under the English, do not you think that a much larger revenue might be collected?—Very much larger; the customs would increase very much.

2332. You have no doubt then that, subject to those conditions, namely, of security,

security, and the proper administration of justice, which are the essentials of good government, existed, that the wealth and productiveness of India would very much increase?—I have no doubt they would.

2333. You have stated that a difficulty is experienced by settlers in India with respect to the small portions of land occupied by the ryots?—Yes.

2334. Is it not possible always to buy them out?—I do not think it is.

2335. Are they unwilling to sell their lands or their rights?—I will state a case from which you will understand the matter better. A native friend of mine wished to build a house in the town of Dacca; he was a vakeel practising at the bar, and he made sufficient money to buy the site for a house; he got the site that he wished for, and was able to buy it. If he had waited till he was able to build the house the site would probably have been sold. After he had bought the site he went to work to make more money to be able to build the house. He thought that this land need not remain idle for the next three or four years, and he allowed a ryot to put up his house, taking a rupee or two a year from him for rent; he allowed this man to settle without any agreement, and when he required the land again, in order to build his house, the man refused to go, and said that he was a khodkhast ryot. A suit was brought in the collector's office to oust him, and the collector declared that he was a khodkhast ryot, and could not be ousted from the place, and my friend had to give the ryot about 100 rupees in order to get him to move off the land.

2336. That was because he did not look sharp enough, knowing that to be the custom of the country. If he had made an agreement, would not the man have been bound by that agreement to have moved off when he was required to do so?—Yes. The decision in the collector's court would not have been the same. The term "khodkhast" means "actually cultivator;" but this was in a town, and there was no cultivation at all.

2337. You go so far as to say that if these particular ryots are allowed to squat in any place, and are left undisturbed, the property in the soil is supposed to be in them?—Yes. The zemindar has merely the right to raise a revenue from them at a certain rate, called the pergunnah neerik.

2338. Does that extend generally through Bengal?—Through the permanently settled districts.

2339. Do you propose that that right should be modified in some way or other?—I think it should be investigated whether such a right exists at all.

2340. It is represented as existing apparently by the collectors?—In the decisions that the collectors give; I do not think it exists.

2341. What is this process of ouster of which we have heard, by the zemindars and planters, and which you seem to admit is very oppressive to the ryot; do you mean that they turn a man out of his land which he says he has a right to, and pay him nothing for it?—There are two processes, huftum and punjum; the one means Regulation 7 and the other Regulation 5. These are the laws under which a zemindar levies his distraint for rent; he attaches the man's house and all his cattle (I believe the ploughing cattle are excepted from it), and then a native officer, called the furosh ameen, comes on a certain day, and puts it up to sale. The real hardship is, that the furosh ameen is never an honest man; he is a native official, paid a very small salary, and receiving a small per-centage upon the amount of the sales that he makes; but for a small bribe from the zemindar he will knock the property down for next to nothing, and it is bought in by the zemindar's own people, and the man is practically ruined. It is not that there is fault so much in the regulations themselves, but in the way in which they are administered by these ill-paid officials.

2342. You say that these officers, corresponding with brokers in this country, are generally dishonest; but that they only act upon distraint put in when rent is due. It seems to be the same kind of operation that takes place in any other country, England or Ireland?—The zemindar very often forges the document by which the rent is proved to be due. The punjum is very often used as a means of oppression.

2343. How does a planter oppress the ryots, because the planter is charged with oppressing the ryot?—I deny that the planter oppresses the ryots. I say that the planter could not exist in the country if he oppressed the ryot. The planter lives alone, in a large district, with landed proprietors all around him, who are his enemies, and he also lives in the midst of the ryots. If the ryots were his enemies, I do not see how he could exist.

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2344. You

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2344. You have admitted yourself that the planters have a bad name as regards their treatment of the ryots?—I say that we have a bad name, and it may be as regards the ryot; but I think that is owing to a long course of misrepresentation on the part of the civilians, in the first place, who quarrelled with individual planters in the Mofussil, and to the missionaries, in the second place, with their imperfect information, relying upon the statements of some of their native converts. Without a knowledge of the people or of the country, they have listened to what those native converts said, and they have written a great deal upon it; but I have reason to know that the opinion of the missionaries has altered very much within the last two or three years.

2345. They have put on record their opinion that the ryots experience very harsh treatment from the planters?—Yes.

2346. Why are the planters at variance with the missionaries, and, as you say, with all the surrounding landed proprietors; an English planter ought to be regarded as a benefactor to the district?—The planter is at variance with the zemindar because he does not choose to be plundered. If he is a zemindar himself, he is not easily plundered; if he is not a zemindar, he has to make advances for boats, for land, for coolies, and so on, in the villages of the zemindar. The zemindar allows him to do so during the cold weather, when money is very scarce in the Mofussil; and then at the moment that he requires to employ those labourers and boats that he advanced for some three months before, the zemindar gives notice in the village to the ryots that, under pain of fine, they are not to fulfil their agreement with the planter; and thus he reduces the planter to the necessity of paying to himself a bribe or salami of three, or four, or five thousand rupees, and sometimes ten thousand or twenty thousand, in order to be able to save the crop of the factory.

2347. Do you think that is the general character of the zemindars, because that is making them out to be extremely dishonest?—I say that they are very dishonest; that is their character in the district where the greatest plantation is going on, in Jessore and Kishnagur.

2348. Is there no law or remedy or power on the part of the Government to meet that?—I believe there is not; the greatest zemindar in Jessore was the result of the antagonism on the part of the civilians to the planters. He commenced by taking up a quarrel between a zemindar and a planter, under the promise that if he gained he would get a certain share of the zemindary. He carried it through, and then he set to work to make this his trade, and he got different properties by continual fights with planters. The prejudice of the civilians, the magistrates and judges, was so great against the planters, that they wrote articles in the "Calcutta Review" against them. One gentleman expressed his intention of putting down planting altogether in the district of Jessore.

2349. Can you give the Committee any intelligible explanation of this kind of hostility between the civil servants and the planters. Why should the civilians take part with dishonest zemindars against the planters?—I do not accuse them of taking part.

2350. Can you explain why they should have any special sympathy with the zemindars?—The reason of their dislike to the planters, is that the moment a planter settles in a district, the life of a civilian becomes not quite so easy as it was before the planter came. If he should be absent a week from his cutcherry, out pig-sticking, or anything else, the planter writes to the "Englishman" newspaper, and he has to attend much more to his official duties. One of the best magistrates in India told me that he had not enough to occupy him all day in his cutcherry, but he went there every day from ten till four because some of the blackguard planters would be writing to the "Englishman" about him if he did not.

2351. How do the planters fare in any of the courts when they get into collision with the zemindars?—I think very ill.

2352. Between the civil servants, the zemindars, and the courts of justice, the planter has not much encouragement to settle, according to your account?—No, he has not; and he only gets on by being very quiet indeed, and by bribes judiciously applied to the zemindar. We do not call them bribes; we call them salaami, or presents.

2353. And that is a system not merely confined to the zemindar; I judge from what you said before, that if you have a quiet life, you must carry that system of bribery much further?—Yes; if you are not a zemindar you must bribe;

bribe; and if you become a zemindar you must have law-suits: as a planter I have escaped all law-suits.

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2354. Colonel *Sykes*.] I thought you said you had 62 law-suits?—That was as a zemindar. 10 March 1859.

2355. Mr. *Villiers*.] Some planters have done very well, have not they?—Yes.

2356. Do you think the planters are increasing?—No, they are decreasing.

2357. Do you think, as the result of the experience of the last 20 years, they are so much discouraged and deterred, that they are not now settling as much as they were induced to do at first?—The class that settled at first was a very inferior one compared to those that settle now. The planters formerly were any Europeans that the houses in Calcutta could get,—Frenchmen, ships' carpenters, and ships' cooks; but now the class is superior, and I think that men of that superior class do not encourage their relations to come out.

2358. I conclude from what occurred to yourself, and from what you now state, that the planters have been almost under a social ban from the civil servants?—If the planter has good pig-sticking ground round his factory, he is not under a social ban, but he is very often very ill-used.

2359. You say that the planters have no social position?—They have no social position.

2360. You think that the civil service is considered an aristocracy, or exclusive caste?—Yes.

2361. The planter must devote himself entirely to his business, and if he acquires a fortune, he has no social inducement to remain in India; is that your view?—Yes; I know many planters who will not visit the civilians, because they are so ill-treated, and made to feel their inferiority so much.

2362. Are we to understand that the planters do not appreciate very highly the service of the civilians?—No, I think not.

2363. Therefore, there is, in fact, quite a bad feeling established between them?—Yes.

2364. I think you have stated the inconvenience to the commercial classes from not being able to make payments in gold; are we to understand you to say that payment in gold is not a legal tender in India?—It is not a legal tender.

2365. Is there any reason assigned for that; what is the policy for not allowing payments to be equally made in gold?—The reason was, when the gold discoveries were made in Australia, it was feared that the gold might flow in so largely as to flood the Government treasuries.

2366. Do you mean that the Government were afraid of having too much gold?—Yes, instead of silver, as silver is the standard.

2367. Has that fear continued, do you know?—I do not think there is any one in Calcutta competent to judge of the question.

2368. Was that regulation made about 1849 or 1850?—Yes.

2369. Is gold actually prohibited as an import to India?—It is not received as a legal tender at all.

2370. May it be imported?—Yes; and it is imported, and was when I left India rising in value.

2371. You state that it would be a great convenience in the transmission of money for payment if you could use gold?—Yes; so that instead of having to pay five rupees, we should be able to pay half a sovereign.

2372. What paper is it that circulates in Calcutta?—The Bank of Bengal notes.

2373. Does that paper circulate in the country?—It does to a very small amount; generally the notes are at a discount in the Mofussil.

2374. From what does that arise?—From their not being required, and from the rate of exchange being against them.

2375. Are they convertible?—No Government official will change them at the Government treasuries.

2376. The bank itself is obliged to convert them, I suppose?—Yes, in Calcutta, and in Calcutta they are very much used.

2377. Will the Government take them in payment of revenue?—Yes.

2378. Do you think that a circulation of paper could be extended in India?—Yes, very much, and with great advantage.

2379. Is there any restriction upon the establishment of banks in India?—No, but

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but the failure of the Union Bank brought banks issuing notes into discredit; that was a bank issuing paper.

2380. In what year did the Union Bank fail?—In 1847, I think.

2381. Mr. *Gregson*.] You have stated that a much larger revenue might be raised in India; in what form would you recommend additional taxation to be imposed?—I would add to the customs upon exports, and perhaps upon imports; and I think that a capitation or poll-tax might be imposed.

2382. *Chairman*.] A succession duty or nuzzerana has been suggested; do you think that could be adopted?—I think the amount of wealth would be very greatly concealed, so that no one would be able to discover it, and that would give rise to the interference of native officials, who are very oppressive indeed.

2383. Mr. *Gregson*.] Would you recommend a property tax or an income tax?—I think an income tax would be liable to the same objections; you could not ascertain a man's income.

2384. Could you not ascertain the income of the principal rajahs or zemindars?—No, I do not think you could.

2385. Then you do not recommend any other mode of increasing the revenue except by some additional duty upon imports and exports, and a poll-tax?—No; but in order to make any recommendations, one must have some statistics; we have no statistics of any value at all in Bengal, not even the public accounts.

2386. Mr. *Villiers*.] Are there any stamp duties in India?—Yes, very large.

2387. Are they not very much complained of?—Yes.

2388. *Chairman*.] Is not every page of the proceedings in a suit at law stamped?—Not in all cases.

2389. Mr. *Villiers*.] Is there any stamp duty upon newspapers?—No; there are some stamps as high as a thousand rupees.

2390. Mr. *Kinnaird*.] With regard to taxation; are you aware that there were several hundred articles taxed before we simplified the collection of the revenue?—Yes.

2391. Do you think any of those taxes could be resumed with any advantage to the State?—They were upon articles of very small export or import.

2392. Then you would not recommend a recurrence to any of the previous modes of taxation as a means of getting a revenue?—No; we have no statistics upon the matter, nor anything but theory.

2393. In your answer just now to Mr. *Villiers*, you stated that the planters, as you graphically described them, had been originally ship's cooks and others; to what class of men do the planters generally belong now?—The sons of planters, who have had a good education at home; clergymen's sons from England, and the sons of officers.

2394. Those who have had a previous connexion with India?—Not always; for instance, I had no previous connexion with India at all.

2395. Are they capitalists?—No; a man seldom enters upon planting as a capitalist; he must save and rise; the factories are carried on by the houses in Calcutta chiefly.

2396. They provide the capital?—Yes; and then, if a man does well, perhaps he gets a share.

2397. How have the estates which are now in the hands of planters, as a rule, been generally acquired?—There are very few estates in the hands of planters; but all that have been acquired, have been acquired chiefly by purchase from the zemindars, or by taking putnee talooks from them, or purchased at sales for arrears of Government revenue.

2398. Is there much difficulty in obtaining land by capitalists?—There is a good deal of difficulty; for land under the perpetual settlement, you can get about 15 years' purchase for land paying rent, and you can get 23 or 24 years' purchase for lakhiraj land, or non-tax paying land.

2399. That is higher than the price of land here, is it not?—I do not know what it is here.

2400. What is the system of dealing between a planter and a ryot?—That is a very large question; you have a separate bargain with every individual ryot; one ryot furnishes you with land, another with cattle, another cuts indigo, and, in fact, you deal with some 6,000 or 7,000 people, and you have separate bargains with each man. There are two modes of cultivation; the one, which is the only one I think that the missionaries know of, and upon which they have founded all their complaints, is, where you advance for land, and the ryot has the

the risk of the crop; but a very great quantity of indigo is cultivated by the planter himself, who buys ploughed land at the rate of so many ploughings for the rupee, say 14 ploughings for the rupee.

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2401. Why does the ryot object to your indigo?—I do not believe that the ryot does object. I never heard of a ryot objecting to grow indigo at the season of the advances. The season of our advances is about the cold weather; we advance to them then to plough for us when the first shower of rain falls in March or April. The ryot then wishes to sow his rice, and he will try to avoid his contract if he possibly can, and at the sowing season no doubt you will hear complaints.

2402. Is there not a feeling on the part of the ryot that an indigo crop is not so good for him as other crops?—That depends upon whether he loses or gains by the crop; but so far is that from being the case, I can state that I have seen ryots receive very large sums of money at the end of the season. Indigo is often a more advantageous crop than rice.

2403. If the ryots are at all in arrears to the zemindar or planter, are not they, whether they like it or not, obliged to grow crops of indigo?—Of course they must work off arrears.

2404. Are not these arrears often kept upon the books for the purpose of getting the indigo grown?—Decidedly not. I have remitted immense sums of arrears.

2405. Have you ever heard of that being done?—Never.

2406. Did you ever hear of an indigo factory being closed, and the ryot asking to have that factory opened?—Yes. Close to a zemindary which I was managing a large concern was closed, in consequence of law-suits that the planter had got into with the zemindars, and for three or four years there was no indigo grown in that part of the district, and the whole of the indigo land was thrown into rice. The consequence was, that the ryots had no hard cash, because the factory had ceased to circulate it, and the zemindars themselves and the ryots came in a body to me, and went to every other European residing there, and begged that the factory should be opened again.

2407. Who was the owner of that factory?—The owner was ruined; I do not remember his name.

2408. Have disputes frequently occurred between owners of factories?—Yes; but where they are Europeans they are generally settled by arbitration.

2409. Have you not heard that fights have occurred between different parties?—Seldom between two Europeans.

2410. Do you mean to say that you never heard of fights between the people of two European factories?—Not whilst I was in Bengal, as between Europeans; between the native owners of a factory and a European owner of a factory I have heard of fights.

2411. Has not there been sometimes loss of life in those fights?—Yes.

2412. Are the parties always punished?—No.

2413. What is the reason that justice is not administered in those cases?—You can murder any man in Bengal for about 3,000 rupees.

3414. Will you explain how that is managed?—I mean to say, that if I, as a zemindar, were to wish that a man should be murdered, it would cost me about 3,000 rupees, as bribes to the police, to have it done.

2415. Mr. W. Vansittart.] Is 3,000 rupees the fixed sum that you would have to pay for a murder?—No, about that.

2416. Mr. Kinnaird.] How do you account for such an event occurring under any good government?—There is no government in India; we all govern ourselves, and fight for ourselves.

2417. Chairman.] You are referring to Lower Bengal?—Yes; I have always justified the taking the law into my own hands, on the plea that the Government or the magistrate had refused to protect me.

2418. Mr. Kinnaird.] Then you do not consider that the statement made in Parliament with respect to the condition of Bengal was an exaggerated statement?—I do not think it told nearly the whole of the truth.

2419. If a ryot be dispossessed of his lands by any unfortunate circumstance, what means of livelihood remain to him?—In many parts of the country the ryot is at a premium; in the parts where my employer's estates were, we pay two rupees to every ryot who comes to settle on the place, and we put up his house for him.

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2420. Then

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2420. Then the ryot has other means of obtaining a livelihood?—Yes.

2421. Do the ryots ever attain to the possession of wealth?—Some of them grow very rich indeed.

2422. Can you name any instance, in your own knowledge, of a man becoming rich?—Yes, many.

2423. Are they ever able to procure anything that may be termed the luxuries of life?—Yes; some of our greatest zemindars in Dacca have risen from being mere ryots, mere shopkeepers.

2424. I am referring to ryots in the Mofussil?—They were shopkeepers in the Mofussil.

2425. Can a ryot easily obtain redress for injuries done to him?—He obtains that from the zemindary courts; and I think, generally speaking, the justice he gets there is good. But he cannot get justice from the magistrate's court, because a case of simple assault costs about 25 rupees, and occupies about six weeks or two months. Of course he will not pay eight months' wages for a case of simple assault, and besides that, be kept from his work all that time.

2426. Is there not a system of appeals that defeats the ends of justice?—I think the ryot very seldom appeals.

2427. Because it is too expensive a process?—Yes, the zemindars appeal.

2428. Do you mean that the ryot gets no justice because the zemindar appeals, and he cannot follow it up?—No; I am not for the abolition of appeals at the present moment, because I think the judges and magistrates are so little to be relied upon, that it would be injurious to take away the power of appeal.

2429. In your evidence the other day you stated that the ryot was subject to exactions for religious ceremonies that he was not entitled to pay; has he any protection against those illegal exactions?—He has theoretically protection, but practically none.

2430. Do you consider that the ryots have confidence in the police giving them efficient protection?—No; I have laid it down as a rule that no policeman is ever to be admitted into our estates at all, they are so often guilty of robbing the people.

2431. What wages do the village police receive?—Three rupees a month.

2432. How do they live?—They are generally ryots themselves, and have little holdings, and three rupees a month are very good wages for a man in India.

2433. Are the village police bribed like the other police?—No, they have no power; they are the servants of the villagers themselves.

2434. Have you ever heard of the police having recourse to rather cruel means of extracting a confession of guilt?—Yes.

2435. Is it not rather a common practice?—I believe it was; I think I was one of the first to state it in the public prints of Calcutta.

2436. That has been the indirect means of calling the attention of Parliament to it?—Yes; when Mr. Theobald made the first statement, the Government laughed at him, and I then corroborated his statement in a letter which was published in the Transactions of the Indigo Planters' Association.

2437. You think it has been the means of putting a check very much to that practice?—It has; I have heard darogahs complain that they could not catch a thief now because they dare not torture.

2438. Mr. Campbell.] Does the dry rice-eating system prevail?—No; I think methods more severe than that prevail.

2439. Mr. Kinnaird.] Can you be surprised that the missionaries, who are the only persons who may be called entirely disinterested, should represent these things which you have just described?—I do not think they are entirely disinterested, or that they have represented facts; I think they themselves have been misinformed.

2440. You have been admitting that the police torture the people; you have been admitting that the people are obliged to pay a great number of exactions, for which they have no redress, and you have admitted various instances of the sufferings of these people; is it to be wondered at that the missionaries should represent those grievances?—My answer is, that the planters were the first to make these things known.

2441. Is it not natural that the missionaries should represent these things?—Yes.

2442. Why do the zemindars keep club men on their staff?—For their own protection;

protection; I kept 50 of them for four months, for my own protection, because the magistrates refused to protect me.

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2443. Does not the possession of club men give the zemindar very great power? —Yes; and bribery gives them power in another way.

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2444. Is that favourable to the ryot?—The zemindar does not kill the goose which lays the golden eggs.

2445. Does not he kill his neighbour's goose sometimes?—No; he cannot touch his neighbour's ryots, because it is a principle of honour among zemindars to defend their own ryots.

2446. You have admitted that there are fights between the European planters and the zemindars, and that in these fights human life is lost; whose life is it?—Those of the lateeals.

2447. Are not the lands of the ryot damaged by the hostile fights between planters and zemindars?—A hundred men passing over a field would not do it much damage at the season of the year when the fights take place, which is the ploughing season.

2448. Are the lateeals kept for the purpose of fighting?—Yes.

2449. *Chairman.*] What are they when they are not fighting?—Dacoits and ryots.

2450. Budmashes, in fact?—Yes.

2451. *Mr. Kinnaird.*] Are very considerable numbers of the population engaged as fighting men?—Yes, in some districts; in one district I quarrelled with a zemindar one evening, and before 24 hours were over 400 of these men had offered their services to me.

2452. What cognizance does the Government take of these proceedings?—They know that they take place; but a single magistrate, in a district of 80 to 90 miles square, cannot take notice of these fights.

2453. *Mr. A. Mills.*] Is there any scale of wages paid to these lateeals?—It depends whether they are in demand or not. I used to pay for a head man nine rupees, a second man six rupees, and a third man five rupees.

2454. *Mr. Campbell.*] Are they paid according to their fighting powers?—Yes.

2455. *Mr. Kinnaird.*] Has it ever come to your knowledge that a zemindar has allowed his rent to get into arrear in order to have his land sold, and thereby get rid of under tenures that he did not consider favourable to his own interest?—I think those cases are very few indeed.

2456. Do they occur?—Not to my knowledge.

2457. Have you examined the working of the system of secret trusts; are they not often resorted to by zemindars?—Yes, and the consequence is that you cannot execute a decree. You may get a decree against a native, but you never can execute it, because his property is transferred benami (or under secret trust). You must have a civil suit, which lasts some 14 or 20 years, to upset the benami transaction.

2458. You say that the zemindar has considerable power over his ryots?—He must have under the perpetual settlement.

2459. Cannot the zemindar throw serious obstacles in the way of a ryot becoming a Christian?—I hardly think that he does so; he can, certainly.

2460. I understood you to say something in disparagement of the missionaries. Do not you think that they have been very useful in India?—I have the very highest respect for missionaries, and have many friends among them. What I object to is, that these statements which have been so much believed at home are not statements made from their own knowledge. The cleverest writers among the missionaries are the men who live at Calcutta, and in a state of society which is very different from the Mofussil, and they hear exaggerated accounts from their native converts, of such matters as the advances for indigo, and so on. I also stated that I was happy to say that the missionaries have a much better opinion of the planters and their dealings now than they had formerly.

2461. May not it be owing to the fact that the planters themselves have, as you have said, very much improved?—Yes, but not in the three or four years that have elapsed since the publication of the missionary conference, the document that was read by Mr. Mangles.

2462. Upon the whole, you think that the missionaries have been of great use in India, and they have your cordial approval?—Most decidedly.

2463. *Colonel Sykes.*] You were employed in India as an agent for estates, you say?—Yes.

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2464. Were the owners of those estates Europeans or natives?—I have managed estates both for Europeans and natives.

2465. Did those parties, whether they were Europeans or natives, rent lands or own them?—They both owned and rented them.

2466. From whom did they rent?—From the zemindars.

2467. When they owned land, from whom did they buy it?—The zemindaries were bought, either under decrees of the court, at sales for arrears of revenue, or from private parties who wished to sell their estates. I have managed a great number of estates, and they have been acquired in almost every way in which property can be acquired.

2468. Then your employers did buy land as well as rent it?—Yes.

2469. I understood you to say, in your former evidence, that you did not buy land, owing to the insecurity of the tenure?—I also stated that when I used the word “I,” I was speaking on the part of my employers.

2470. What do you mean by the insecurity of the tenure; when you have paid the land-tax or rent which you have agreed with the zemindar to pay, are you not secure of the land for the term of your agreement?—I mean to say, when my employer is in Calcutta, having an estate in Tipperah, the land-tax has to be paid by an agent, who must be a native. Those natives are very trustworthy, but they are very careless, and you cannot be sure that your land-tax is paid at the proper day; if it is not, the estate is put up for sale.

2471. It is your fault if the land-tax is not paid; but if you fulfil your agreement you are sure of possession of the land for the period of the agreement, are you not?—Yes; but there is a period of insecurity four times a year.

2472. Why is there insecurity four times a year?—Because there are four times when the tax has to be paid.

2473. Then you have nothing to do but ensure payment on those days, and you are secure in the possession of your land, are you not?—I cannot ensure the payment on those days. If, as Mr. Mangles said, we could deposit Company's paper, then I could ensure payment, but there is no means of ensuring payment at present.

2474. Not by paying in the money?—The money must be paid in four times a year; you cannot deposit with the collector a sum which he will use to pay the revenue.

2475. You said that when sales of land took place the agreements that had been made with other parties upon those lands fell to the ground; do not the agreements go with the sale of the land?—No; the property sold for arrears of revenue is freed from all encumbrances except those it bore at the time of the perpetual settlement.

2476. Then all the agreements that have been made fall to the ground?—Yes.

2477. Do you know of any cases of that sort?—Such cases always occur on the occasion of a sale for arrears of revenue, in consequence of what is called the hypothecation of the land to the Government for the revenue.

2478. In the lands upon which you were employed, who gave the title, the zemindar, the cultivator, or the Government?—When I buy an estate at a sale for arrears of revenue the collector gives me possession by issuing an advertisement, calling upon the ryots to pay me the rent. When I buy under a decree of court the principal sudder ameen or judge of the court gives me possession in the same way, by proclamation.

2479. From your personal acquaintance, do you know whether those titles were obtained, in the purchases you made, or the lands that you rented, from sales of court, or from zemindars, or from cultivators?—I never derived a title from a cultivator; I have had titles from both the others; a cultivator cannot give you a title.

2480. Then it would be quite competent to any European whatever, with means in his hands, to tread in your steps, and obtain lands by purchase or rent in India?—Yes; but I should not advise them to do so; I never did so.

2481. It is competent to any European whatever going to India to tread in your steps, and for himself or his employer to buy lands, or rent lands?—Yes; but those opportunities seldom occur.

2482. Not with the constant sales of lands which take place by the courts?—Very few purchases of lands sold by the courts are made by Europeans. Few

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men would buy under a decree, on account of these secret trusts that Mr. Kin-naird mentioned. You do not know what you are buying.

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2483. Still any Europeans whatever could do as you have done, and as many others have done, and obtain possession of land for the cultivation of anything that they choose?—I do not think they could, if they had any regard to the security of their money. There was a case, for instance, in which my employer bought an estate at a sale for arrears of revenue, and after 11 years, 11 months, and 29 days a civil suit was brought to upset the sale; 12 years gives a title from limitation, and this sale was upset in consequence, not of any fault of his, but from an error in the advertisement having been committed by the collector, the person who had sold the estate; so that even the purchase of an estate for arrears of revenue, which is the best title you can get, is not an advisable purchase.

2484. But generally speaking, planters have been successful in their operations, have they not?—No, I think not; I think upon the whole, they have not been successful.

2485. Have not many planters made fortunes and come home?—I think very few in comparison to the great number who have been engaged in planting.

2486. How do you account for that?—From the great insecurity of the lands, and from their being forced to fight the zemindars.

2487. Is it because they are overtaxed?—No.

2488. What is the average land-tax per beegah, or per acre, in the lower districts of Bengal?—I do not know; but the amount of cultivated land has very much increased since the perpetual settlement.

2489. You do not know the amount of land-tax?—I do not know the amount of the land-tax.

2490. When you rent certain beegahs from a zemindar, do not you agree to pay so much per beegah?—Yes, I know the amount for each separate beegah.

2491. What is it?—It depends completely upon the quality of the land.

2492. What is it for the best quality of land?—It differs in different districts.

2493. What is the greatest amount that you have ever paid on account of your employers?—One rupee four annas.

2494. How much is that in English money?—Two shillings and sixpence for the third of an acre.

2495. Upon that land you could grow sugar, indigo, oilseeds, condiments, or anything else that you wished, could not you, without the interference of the Government or anybody else?—I could, but the ryot could not.

2496. I mean that the owner or renter of the land could do so?—Yes; but the owner does not rent the land at such a rate as I was talking of to the ryot.

2497. He does not pay so much?—No.

2498. You have spoken of ryots, whom you called by the name of khodkhash ryots; how do you distinguish them from any other cultivators?—The khodkhash ryot is supposed to have a right to perpetual occupancy at a certain rate, which is determined by the rent of the surrounding lands, called the pergunnah neerik.

2499. Is that ryot separate and distinct from other ryots?—Yes; other ryots hold land under leases from the zemindars.

2500. *Chairman.*] May that right be either hereditary or acquired?—Yes.

2501. It is not limited to hereditary occupancy?—I am not sure.

2502. *Colonel Sykes.*] How does the ryot obtain that right?—By long occupancy.

2503. Can the zemindar turn him out?—Not according to theory; it is different in practice.

2504. Practically, the zemindar does turn him out if he likes?—Yes.

2505. What is the difference between the meeras ryot, of whom you spoke, and khodkhash ryot?—The rent of a khodkhash ryot may be raised, but a meeras pottahdar cannot have his rent raised.

2506. What is the meaning of meeras?—Perpetual.

2507. Does not it mean patrimony of inheritance?—I do not know.

2508. Within your knowledge, have zemindars granted any meeras pottahs?—I have granted them often myself.

2509. How could you grant them if meeras means an hereditary patrimony?—I have done so, whether I could or not.

2510. You say that you had 62 lawsuits; with whom had you those suits?

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—With zemindars ; or they were boundary disputes ; or disputes with persons from whom I had bought property, and who tried to upset the sale.

2511. Natives or Europeans ?—Natives ; I never had a suit with an European.

2512. Into what courts did you carry your plaints ?—Into every kind of court.

2513. What do you mean by every kind of court ?—Moonsiff's, Sudder Ameen's, Principal Sudder Ameen's, Judge's, Commissioner's, Magistrate's, Sudder Dewanny, and Board of Revenue.

2514. Was there any difficulty in appealing to the law at once in any case ?—There is great difficulty from the amount required for stamps in appealing to the law.

2515. Have you any moonsiff court in your neighbourhood ?—Yes, moonsiff courts are established every 20 or 30 miles.

2516. Could not you, simply by a bit of stamped paper, have the power of going into a moonsiff's court with your plaint, and have the case determined at your own pleasure ?—The stamp was often very heavy ; it might be a thousand rupees.

2517. Is it not fixed by law in proportion to the amount in litigation ?—Yes.

2518. If the sum is very small it may be two annas, or if large it may be a thousand rupees ?—Yes.

2519. Mr. W. Vansittart.] Is it not the case that only the actual petition requires a stamp ?—There are also stamps required for exhibits and lists of witnesses.

2520. Colonel Sykes.] What has been the longest duration of any one of your suits in the moonsiff court ?—There is a case which has been going on for 21 years ; it has gone up to the sudder and been sent back.

2521. Have you ever seen the returns of the administration of civil justice in India in all the Presidencies ?—I have seen them.

2522. Are you not aware that the average duration of a suit in a moonsiff's court is under four months ?—No ; I do not believe one of those returns. I know, in the district where I was, that they were all misstated.

2523. In the returns, which have been published by myself, of the administration of civil justice for 12 years in every court in India, there are some millions of cases altogether ; the average duration of a suit in a moonsiff's court (there being exceptional cases, no doubt) is under four months ; do you dispute the accuracy of the returns ?—I am certain that that is wrong with regard to Bengal ; I am certain that a decision in four months is very exceptional.

2524. Do you mean to say that the returns which have been made to the Government are false returns ?—Yes.

2525. Mr. Campbell.] You mean, as regards Bengal only ?—That is all.

2526. Colonel Sykes.] Would you have all these native judges, moonsiffs, ameens, and sudder ameens, who are so thoroughly acquainted with the language and habits, and who cannot obtain their office unless they have gone through an examination as to the regulations and the principles of law, displaced and superseded by English lawyers ?—What I complain of with regard to all the judges who have passed these examinations is, that they have never seen any practice, they do not know how the witnesses are prepared, they never had the conducting of a case themselves, as our barristers in this country have, and I believe that unless a man has that experience, he cannot be a good judge, because he cannot tell what is cooked and what is not cooked ; a very great deal of cooking of witnesses goes on in India.

2527. Do not you suppose that a native judge would be much more capable of appreciating the value of testimony of a native than any European whatever ?—No, I do not think so.

2528. Sir Erskine Perry.] Am I to understand you to argue that all the native judges, moonsiffs, ameens, and principal ameens should be superseded by Englishmen ?—No.

2529. Chairman.] Did not you say that it would be better to have European barristers and attornies to practise in court ?—Yes ; I mean only in the superior courts.

2530. Sir Erskine Perry.] The extent of your evidence, I apprehend, is this, that those places which are now filled by Englishmen in a judicial capacity, shall in future be filled by trained lawyers ; you do not go further than that, do you ?—No.

2531. Colonel Sykes.] Do you propose that these trained lawyers should be as well

well acquainted with the native languages, or better, if possible, than the present European judges?—I think it is desirable; I do not think it is impossible, for an English barrister in Calcutta translated Macpherson's Civil Procedure into Hindostanee.

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2532. Are you aware that those European judges of whom you are speaking do not decide original suits at all?—Yes.

2533. They are taken up, in the first instance, by native judges?—Yes.

2534. And Europeans only decide in cases of appeal?—Yes.

2535. You have said that you have not seen a case of absolute destitution in your district; are not there destitute poor in every village?—I never saw one.

2536. Then there is no necessity for a poor-law?—No, decidedly not.

2537. You spoke of a case in which club-men were employed, which ended in the death of a darogah; were the parties who employed those club-men Europeans?—No; they were natives. The men were employed by natives to besiege the house of an European planter, whose wife sent for the magistrate to protect her, and when the magistrate came, the darogah was murdered in his presence.

2538. You have said that you were compelled to take the law into your own hands on more occasions than one?—Yes.

2539. How often have you had occasion to take the law into your own hands?—Very often.

2540. What were the causes?—I was at one time situated in a place 70 miles distant from any magistrate, or from any European, and a neighbouring zemindar sent me word that she was going to kill me, and I believed it very possible that she might do something of the sort. I wrote to the magistrate in English, and the magistrate passed an order in Bengali across the face of my English letter and sent it to the darogah; the darogah, not understanding English, came to me to know what the meaning of my letter was; the magistrate's order was that he should act as he thought fit according to the contents of the letter, which he could not read. I translated the letter to the darogah, and he said that he had no men to spare, and very soon after that the darogah called upon me to protect him. In that case I engaged 50 lateeals and kept them for three months.

2541. Was that a solitary case?—No, I had many others.

2542. Are we to understand that you could not obtain protection for yourself or your property?—Yes.

2543. Have you ever had any damage done to your property under any of those circumstances?—I mentioned that 400 men offered me their services. In that case the whole of the rice of my estate was cut and carried off by a neighbouring zemindar.

2544. Have you ever had your person attacked?—I have been threatened with murder.

2545. Have you been attacked?—A man came with a drawn sword to kill me.

2546. What means of defence had you besides your own people?—I had no means of defence but a stick, then.

2547. Was there any personal motive?—It was purely personal; he was one of my own burkendazes.

2548. If there were this general insecurity to person and property, do you suppose that Europeans would live in the district at all?—I do not think that there is insecurity for Europeans, for even the Thugs respected them, because they knew that the blood of a European would cause a very great noise, but for natives there is the very greatest insecurity to property and life.

2549. So that in fact a European settler is better off than a zemindar would be?—Not than a zemindar, but better than an ordinary native.

2550. Therefore, no European need be deterred from settling in India from the prospect of personal danger?—I do not think that any European fears a Bengalee, or any number of Bengalees.

2551. Mr. J. B. Smith.] You have lived for a long time in the neighbourhood of Dacca?—Yes.

2552. Are you able to afford the Committee any information as to the cotton which is grown in that neighbourhood, from which the beautiful India muslins are made?—The cotton from which the very finest muslin is made is a plant that grows in Dacca itself, and is peculiar to Dacca. A great quantity of the cotton from which the inferior muslin is made is spun in Manchester.

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2553. What is the peculiarity of the cotton from which the finest muslin is made?—It is a very long fibre from which those finest muslins are made.

2554. Is it not peculiarly fine?—Yes.

2555. Is it produced in any quantity?—It is not produced in great quantity, because there is no great demand for it; mulmull khas is not made except for crowned heads, and there are very few of them now to buy it; perhaps there is one web made in the year.

2556. Do you know what is the value of that cotton, compared with our own cotton cloths?—I do not know; I never dealt in cotton.

2557. Is there any capability in the district of producing that fine cotton in large quantities?—Yes, there is a large quantity of land fit for it.

2558. Has it ever been sent to England?—I do not think it has.

2559. Sir *Erskine Perry*.] Would it not be too expensive for the Manchester market?—I do not know; there is a large district called Capassia, the name being derived either from Capas cotton, or Capas from it, which is almost depopulated now; but that is the district where the cotton which was mentioned by Pliny grows.

2560. Mr. *J. B. Smith*.] Did not this district formerly supply the cotton for the native manufacturers?—Yes.

2561. What is the peculiarity of the land in that neighbourhood; is it moist?—It is a very high red clay, and is a very peculiar soil to be in that district. The climate of Dacca is peculiar; the temperature never rises above 87°, and it is always very moist, because there are about 10 very large rivers meeting close to Dacca.

2562. Mr. *W. Vansittart*.] How long has the Dacca newspaper been in existence?—Two and a half years.

2563. Its circulation is almost entirely dependant upon indigo planters and merchants residing in the neighbouring districts, amongst others Furreedpore, Mymensingh, Sylhet, Jessore, and Pubna, is it not?—No; it was circulated very largely in the Punjab, in the Upper Provinces, and in Madras.

2564. Do many natives take it in?—Yes.

2565. It has always expressed itself in favour of the interests of Europeans, has it not?—Yes.

2566. In fact, might I not say that it advocates the policy of doing everything for the Europeans and nothing for the natives?—No, decidedly not.

2567. Is it not more in the interest of Europeans than of natives?—No; I think I have advocated the interests of the natives; in fact, the "Dacca News" expressed my opinions; it did not belong to any one but myself, and it has been appealed to by a greater number of natives, I believe, than any newspaper in India.

2568. With regard to the khoodcasht ryot, how could we interfere in his behalf without disturbing the perpetual settlement?—I think that the khoodcasht ryot's claims are set up against the perpetual settlement just now, and that it is desirable those rights should be investigated as to what they really are.

2569. With regard to that scheme you have read to us about the redemption of the land-tax, you state that a zemindar depositing a sufficient amount of four per cent. Government paper, the interest of which would be sufficient to pay his yearly revenue, should receive a title to his land in fee-simple, and this would be a price equal to 25 years' purchase; do you think that natives could be found sufficiently wealthy to avail themselves of this boon?—Not at first, but a very great number of them would, I think, even mortgage their lands, in order to raise the necessary sum.

2570. Are you aware that Lord Canning has granted the Jugdespore estate in the district of Arrah in Behar, and which belonged to the rebellious Koer Sing, to Mr. Boyle, the civil engineer of the East India Railway, for his gallant defence of Arrah?—No; I heard that Jugdespore was granted to Messrs. Burn and Company for a certain time, on condition of their cutting down the jungle, which the Government were not able to do.

2571. That is really a grant of a jungle, called Jugdespore, to Messrs Burn, and Messrs. Burn are connected with the East India Railway?—They are, as contractors, but they are a separate firm in Calcutta. I think it is in another part of the country that Mr. Boyle has got an estate.

2572. What estate has he got?—Some of the confiscated estates in Arrah. Jugdespore was a jungle, of some thirty miles long.

2573. That

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2573. That is in the Arrah district, is it not?—Yes; but it is a jungle, and it would not be a great present to give Mr. Boyle.

2574. What grant of land has Lord Canning given to Mr. Boyle?—I believe one of the forfeited estates there.

2575. Of Koer Sing?—Yes.

2576. That is a move in the right direction, is it not?—Yes, I believe so.

2577. You object to the union of the offices of magistrate and collector, do not you?—Yes.

2578. Are you aware that it has been found to answer very well in the North-Western Provinces, and in Bombay?—In the North-Western Provinces a revolt has been the result of the policy that was pursued there, and in Bombay there was nearly a rebellion.

2579. That is, presuming that it was a national revolt?—Yes, which I think it was; in Bombay there are no independent Europeans to tell us what the state of the country is.

2580. Are you aware that Mr. Halliday has appointed very recently ninety indigo planters as honorary magistrates in the Mofussil?—I do not know how many.

2581. If that system is extensively adopted, and a district is mapped out in a corresponding manner amongst the indigo planters of the district, would it not be desirable that the magistrate at the Sudder station, to whom they are subordinate, should be a man who has been some time in India?—Yes.

2582. Would you not obtain this desideratum if you were to carry out the system of uniting the offices of magistrate and collector together?—No; I would make the collector the magistrate and the magistrate the collector, and give the higher salary to the magistrate.

2583. Are you not aware that the collector has the responsibility of the collectorate treasury, in which there are sometimes many lacs of rupees, and therefore is not his responsibility much greater than that of the magistrate?—In the Dacca Bank a lac of rupees a day often passed through my hands, and I got only 400 rupees a month.

2584. You wish the judges to have a legal training, I think?—Yes.

2585. Do you not think the experience that a civilian has acquired as an assistant to the magistrate and collector, then as deputy collector and joint magistrate, and then as full magistrate and collector, is an admirable training to qualify him to be a civil and sessions judge of a district?—I think the training of a civilian would ruin any nature; he comes out to the country a mere boy, and he immediately has a very high salary, and is adulated by every one.

2586. Do you call 500*l.* a year a high salary?—I do call 500*l.* a high salary for a youth of 21; he has before him the prospect of 3,000 rupees in 15 or 16 years.

2587. Do not you know that very few civilians are made judges until they have been 15 or 16 years in the service?—Yes.

2588. Do not you think that when a man has passed through the gradations of assistant-magistrate, deputy-collector, joint-magistrate, full-magistrate, and collector, that he has had a very good legal training?—No; I think he never sees people, either Europeans or natives, as he would do if he were not in that position.

2589. You prefer an English barrister to a civilian?—I prefer a man who has had a legal training to a civilian.

2590. Do you know Mr. Freeman, an indigo planter, who gave evidence before this Committee last year?—No.

2591. Mr. Freeman acknowledged that he had bought an estate in the Hooghly district for two lacs of rupees, and which he sold in a few years for three lacs and 3,000 rupees, thus clearing something like 50 per cent.; how do you reconcile that statement with your view with respect to dissuading Europeans going to India?—I do not say that they could not reside in the Mofussil, or reside anywhere.

2592. These were your words, "In consequence of the incapacity of the magistrates, I have dissuaded my friends from settling in Bengal"?—Yes.

2593. How do you reconcile that statement with the fact of Mr. Freeman clearing something like 50 per cent. upon an estate which he bought in the Hooghly district?—Because Mr. Freeman was a lucky man.

2594. And you have been a very unlucky man?—No, I have no reason to say so.

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2595. Do you know Mr. Mackenzie, an indigo planter in Jessore?—Yes.

2596. With regard to the introduction of the English language, he said to this Committee, in answer to Question 3818: "In the mofussil courts the proceedings should certainly not be carried on in English, because the natives would have no reliance upon the decision. If the Appellate Court in Calcutta were a mixture of civilians and English lawyers of ten and twelve years' standing, it would be advisable to have the proceedings in English. But I do not think that it would be advisable to have the proceedings in English in the Mofussil courts, because the natives would have no confidence in the decisions." You do not agree with that, I presume?—I read Mr. Mackenzie's evidence while I was in India, and I had a great deal of correspondence with other planters about it, and the feeling was very much against Mr. Mackenzie's evidence in every way. We thought that it was not to be depended upon in a single fact that he stated.

2597. Then I suppose you will not allow to be true what he says in reply as to the civilians in general, as to their ability to conduct the proceedings in the native languages. "For the first four or five years as magistrates they do it very imperfectly; afterwards as judges, collectors, and commissioners, they do it efficiently." I suppose you would hardly allow that praise to be awarded to the civilians?—No.

2598. You have mentioned cases in which civilians are guilty of gross misconduct, and even of being habitual drunkards, and you say, in answer to Question 2167, that you have known many such cases; do you mean to convey to the Committee that these cases represent the normal condition of the civil service in India?—No, decidedly not; I complained that the men were not removed, and that there were no means of removing them.

2599. The fact of a civilian being guilty of gross misconduct of that kind, or of being corrupt, is very quickly known to the Government, is it not?—Yes.

2600. In fact, he cannot escape notice, and is immediately suspended from office, and put on his trial?—No, he would not be suspended at all; there was a case happened just before I left India; when a collector was dying of *delirium tremens*, a commissioner was sent up to report whether he was in a fit state to carry on his duties.

2601. As a general rule, if a man is accused of gross misconduct, is not he suspended from his office, and other civilians employed to officiate for him pending his trial?—No.

2602. I suppose you have had great opportunities of judging of the character of those classes called half-castes, East Indians and Eurasians. What is their moral character?—I have not known many, and those I have known as planters I have liked very much.

2603. You do not deny that indigo planters are very much in the habit of keeping latteeals or bludgeon-men to coerce zemindars and ryots?—I say that they keep them only for self-defence.

2604. Not to coerce their ryots?—No.

2605. With regard to the ryots, do you agree with Major-general Tremanheere, who gave evidence before this Committee, that the most profitable manner for an European capitalist to deal with the land is to purchase the crop from a native, not only with respect to indigo and sugar, but also with respect to cotton; and the natives are so tractable and so alive to their own interests, that if you advance money to them they will grow any product you like, and to any extent?—I do not agree with that with regard to indigo. I agree that a trade in country produce is very profitable sometimes, and that if you make a demand upon the ryots they will grow those crops, but I am certain that you could not grow any great quantity of indigo in that way.

2606. Then you do not agree with Major-general Tremanheere?—I agree with him partly, but not on the whole.

2607. An Honourable Member of the House of Commons, on Monday, said that the duty on indigo was only three rupees per maund, and it might be raised so as to give us a revenue of 2,000,000 *l.* or 3,000,000 *l.* sterling a year; do you agree with him?—No.

2608. Is not the duty upon indigo very light?—It is five rupees a maund, I think.

2609. Could not it be raised higher?—Yes, I think it might; I have advocated the imposition of customs duties.

2610. In

2610. In point of fact, if England repudiates all responsibility for the public debt in India, should not India, in common fairness, be allowed to impose duties as she pleases?—I think so, most certainly.

2611. You have advocated a poll-tax?—Yes.

2612. Are you aware that it was tried many years ago in Benares and Bareilly, and that it caused a most serious disturbance; that, in point of fact, the whole of the inhabitants left the city and went out into the Maidan, which is a huge plain, and could not be induced to return?—I think if Mr. Gubbins had been the magistrate that would not have taken place.

2613. Mr. Campbell.] I suppose you are in favour of European settlement in India?—Yes.

2614. Do you think that India has suffered materially from the want of encouragement for the extension of that settlement?—Yes.

2615. You would measure, I suppose, the productiveness of India and the power of the millions of its population to pay taxes by the extent of European settlement?—Yes; the more Europeans are settled, the greater will be the amount of production and the taxing power of the Government.

2616. You say that you are in favour, as a means of raising the revenue, of a tax upon exports and imports?—Yes; in the absence of statistics I say so.

2617. In the absence of statistics, would you not say that a tax upon exports would be more just towards the millions of people in India than a tax upon imports; the one being on articles from which they can derive little or no benefit, seeing that the money-lender or usurer receives almost everything which the land produces short of the labour, and that all the gains of production go into the pocket of the usurer; consequently, a tax upon that produce could be well paid by the usurer, who derives all the profits; but a tax upon imports, where you desired to encourage the consumption of cheap articles of apparel and other European commodities, would not be so easily paid by the poor ryot, would it?—In the first place, I do not think that the usurer does get the whole of these profits. I think that in districts most removed above poverty, the people get out of the hands of the usurer as they have in many districts, in consequence of the increase of trade.

2618. Is it not the habit in most parts of India to advance for the production of almost all commodities, and is not the reward of the man who advances, the entire crop, less the absolute wages paid to the ryot?—I do not think that the mahajuns (they ought not to be called usurers) charge more than from 30 to 40 per cent., and the ryot very often makes 70 or 80 per cent.

2619. Would you not think that a tax upon exports might more easily be raised, and with greater benefit to the people of India, than a tax upon imported articles?—No. In the matter of the Dacca muslins, they are, when they are worked, exposed to a tax of five per cent., which operates very much against production altogether; and those men, by being kept poor, are unable to buy imports from England.

2620. My question has not reference to fancy commodities, such as Dacca muslins, but to the staple commodities of the country; are you not aware that in the last six years linseed, jute, hemp, and all other commodities, have risen from 50 to 100 per cent. in value; and is there not a large margin, therefore, for an export tax?—Yes; and I think that imports have increased equally in price. In the absence of statistics I cannot say anything of the ratio of increase.

2621. I believe you heard the evidence which was given by Mr. Mangles, one of the Council for India?—Yes.

2622. Do you concur in that evidence generally as regards roads and other facilities of communication, laws, and everything bearing upon the settlement of Europeans in India?—No.

2623. In what respect does your experience differ from the evidence that Mr. Mangles has given; first, as regards the facilities of communication by roads, canals, or railways?—We have no facilities of communication in the parts of India that I am acquainted with, and the Government have always obstructed us in trying to make them; for instance, in Jessore, when the planters wished to make a road in the Jessore district, the Government delayed the remission of funds, and so the road was for a very long time delayed.

2624. As regards the administration of laws; do you agree with Mr. Mangles?—I say that there is no law in India.

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2625. Have all these matters militated against the settlement of Europeans?—Yes.

2626. You mentioned the case of a sale of land being upset within 12 years after it had been sold at a Government sale?—Yes.

2627. I suppose the Government are not responsible for the sale of lands made for arrears of revenue, if they can reverse any sale within 12 years?—You have not understood me correctly; it was the party whose estate was sold who brought a civil suit to upset the sale, in consequence of a fault having been committed by the Government officer, the collector.

2628. Then the Government is not responsible for that sale?—The Government was not held responsible for that fault committed by their own officer.

2629. So that if a man buys an estate, occupies it for 11 years, and at the last day within the 12 years, having laid out double the money that he paid for it at the Government sale, that sale may be reversed, and he may receive nothing for compensation for what he has laid out?—Nothing at all.

2630. That is the law at the present time?—Yes; that case occurred within the last two years to my own employer.

2631. You have not given us any defined reason for the hostility of the civil servants generally to the planters; may it not arise from the European element in India being the only one that expresses the public opinion of India, and the only check upon the civilians?—I think I so stated.

Lunæ, 14^o die Martii, 1859.

MEMBERS PRESENT.

Mr. Campbell.
Mr. De Vere.
Mr. Ewart.
Mr. Kinnaird.
Mr. Arthur Mills.
Mr. Nisbet.

Sir Erskine Perry.
Mr. John Benjamin Smith.
Colonel Sykes.
Mr. William Vansittart.
Mr. Villiers.

WILLIAM EWART, Esq., IN THE CHAIR.

Lieutenant-Colonel *Hamilton Vetch* (Bengal Army), called in; and Examined.

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2632. *Chairman.*] WITH what parts of India have you been principally conversant?—Principally with the eastern frontiers, Assam in particular.

2633. How long have you been in that part of India?—I have been nearly 30 years upon the frontier.

2634. In what capacity?—I served as a military officer for a good many years; then I was employed partly in military and partly in civil duty, in the Cossya Mountains, in putting down a rebellion there. I was employed for a couple of years there; and from 1834 to 1857 in a civil and political capacity.

2635. What situation was the last you held?—The last situation I held was sessions judge for the whole of Assam, and political agent in Upper Assam.

2636. Then, I presume, you are very well acquainted with Assam?—Yes, I have been all over it.

2637. Do you think there is a very great opening for European settlers in Assam?—I think there is a very considerable opening for tea planters, and tea planters only.

2638. Is that opening for tea planters to a great extent?—Just to the extent to which labour and seed can be procured.

2639. Is there any opening for coffee planting?—Although indigenous coffee grows in all parts of Assam, I should not say that it would be profitable for European speculators to embark in that culture, because sufficient labour could not be obtained.

2640. Is

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2640. Is cotton grown at all successfully?—Cotton is grown successfully in Upper Muttack, about Sackwah, and in the forest clearings made by the Meeres in that neighbourhood.

2641. Is the cotton of a good staple?—It is very substantial cotton, not particularly fine; the cotton that grows in Upper Assam is considered the best.

2642. Have the qualities of the cotton ever been tested by European manufacturers?—It has been sent home to this country; we have also had a gentleman sent up there to experimentalise upon the introduction of other cottons.

2643. Has that experiment succeeded?—The experiment succeeded so far that the cotton grew very fairly indeed, but the expense of planting was very great.

2644. Is that in consequence of the dearness of labour?—Yes, the scarcity.

2645. Is not the dearness of labour the great impediment to cultivation in Upper Assam?—Yes, scarcity of labour.

2646. What is the population of Assam?—About a million.

2647. What is the general temperature of Assam; is it favourable to European life?—It cannot be said to be favourable, but considering the immense tract of jungle and forest in Assam, I think that it is far from so bad as many other parts of India, and is decidedly superior to Bengal in respect to temperature.

2648. Is not Assam a country abounding peculiarly in rivers?—Yes, it is intersected its whole length by the Bramahpootra, joined by the Dehong, which is the Sampo of Tibet, besides many tributary rivers.

2649. Of the million of inhabitants of Assam, what portion are Hindoos?—A very large portion are Hindoos.

2650. What portion are Mussulmen?—A very small portion.

2651. Is there one-sixth Mussulmen?—No, nothing like it.

2652. Do you consider that Assam will be a valuable acquisition to the British Government?—I consider that it is a most valuable acquisition, it promises better than any part of India with which I am acquainted.

2653. Was not Assam formerly under the Burmese?—Yes; the Burmese came in to aid one of the native princes of Assam, and usurped the dominion, but still maintained the native rajah upon the throne, who was a mere puppet in their hands; there they remained till they were expelled by the British Government in the year 1825.

2654. In what state did we then find Assam?—It was in the most deplorable condition possible.

2655. Has it been much improved by us?—Certainly.

2656. In what respects?—From a state of anarchy the country has been reduced to order, and the people have been secured in the possession of their lands. Slavery and vassalage have been abolished, and the ryots have been put in possession of their lands under good titles.

2657. Are there any zemindars in Assam?—No, none, with the exception of those who hold estates under lakiraj tenures; there are no zemindars, I may say, in the usual acceptation of the word, as applied to great native landholders.

2658. Is there direct communication between the ryot and the Government?—So far a direct communication, that every ryot who has a piece of land, whatever it may be, whether an acre, or 10 or 20 acres, has it surveyed, told off and registered, and he is furnished with a detailed statement of the lots, and the rents to be paid upon those lands; he gets a document to that effect, and he holds it as his title-deed to the land; that is to say, it may be renewed at every lease; but still all the land that he holds is considered to be his own, provided he pays the Government rent.

2659. Mr. J. B. Smith.] Is that a fixed perpetual rent?—No, it is not a fixed rent. When we took possession of Assam, the whole system was what they called khel-wuree; that was, the country was divided into tribes, and those tribes did service to the State at the rate of one in three, or one in four, of the male population. They were considered to be at the disposal of the State, and were called out, not only as soldiers, but as boatmen, labourers, and house-builders; in fact, every department had its particular class, and each class furnished one man in three, or one man in four, according to circumstances, and of that the revenue of the country almost entirely consisted.

2660. Colonel Sykes.] It was a species of feudal service?—Yes.

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2661. Chairman.]

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2661. *Chairman.*] Is the field assessment system adopted in Assam?—No; wherever cultivation takes place the land is measured, and the holders of it get a tenantry right.

2662. Have any of the ryots in Assam large properties of their own?—No; when the khel-wuree system was in force every three persons had an allowance of six poorahs, which is equal to seven acres English, allotted to them for the support of themselves and their families, and two of them remained at home to cultivate the lands, whilst one was employed upon Government duty, being relieved every three or four months, as the case might be. Then, when we took possession of the country, we could not make use of this labour, and the consequence was, that a commutation took place, and the ryots, instead of giving labour, were allowed to pay at the rate of three rupees a head, and were allowed to hold the two acres of land, besides whatever garden lands or highlands they possessed; those were free; but the confusion was so great, in consequence of the Burmese oppression, and the anarchy which had prevailed for 30 years before, that the khels were broken up and dispersed throughout the country, so that it was resolved to do away with the khel-wuree system altogether, and substitute a land rent, based upon the rate that they had been paying in commutation of their service.

2663. In fact, leaving them proprietors of the land which they had held before?—Yes; for instance, a man who held two acres of land paid at first one rupee four annas, or thereabouts, for each of the two poorahs of rice land, and eight annas an acre for his garden lands, which theretofore had been unassessed, and that made up nearly an equivalent of three rupees a head.

2664. Colonel *Sykes.*] Do you mean acres or beegahs?—An Assam poorah is equivalent to about a Scotch acre, or as four to five English acres.

2665. *Chairman.*] Under such a system would not there be a great subdivision of the property, where all the children inherit according to the Hindoo law?—In some places where the population is dense, but there is such an immense quantity of waste land that they send out colonies in different directions, and thereby relieve themselves of the effects of that system.

2666. Mr. *J. B. Smith.*] For what time is the rent fixed?—As the lands have increased in value, and wages have risen, there has been an increase of assessment, and the highest rent does not exceed one rupee eight annas an acre.

2667. Have the Government the power to raise the rent at any time they think proper?—The Government retain that power in their own hands; it is, generally speaking, a settlement for from three to ten years, and during the time of that settlement no rise takes place.

2668. *Chairman.*] Do those who take new land, which was formerly waste, come under new terms with the Government?—The whole country is told off into divisions, into mouzahs and pergunnahs, and head men are placed over each of them; whenever a new settlement takes place, or during the term of a settlement, a return is made of all fresh cultivation, which is allowed to remain unassessed till the close of the settlement, or assessment is put on; there is always a remission of a year or two's rent in order to pay for the cost of first cultivation.

2669. Are the leases in perpetuity with the assessment raisable from settlement to settlement?—Yes, but there has been very little change made.

2670. You said that the state of the country had been much improved by the British Government; do the people appreciate the improvement, and feel that they are much better governed than they were?—I have no doubt they do so far, but people generally do not duly appreciate things of this sort, yet they would not like to go back to their former condition. After a certain period benefits are forgotten.

2671. They are unquestionably very much better off, you think?—The peasantry are, but the upper classes are decidedly worse off, because we abolished their slaves without giving them compensation; they were deprived of the assistance which they received from the Government by getting their labour supplied to them without wages; they were able to get on much better with the labour than with the money payment.

2672. What has become of this kind of feudal aristocracy?—It has fallen to the ground; it still exists, but completely impoverished.

2673. What is the system of administering justice in Assam?—A code of rules was drawn out for the province.

2674. Was

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2674. Was that a peculiar code drawn especially for the province of Assam?—Yes; and I believe it has since been introduced into several other of the non-regulation provinces.

2675. Is it an improvement upon the old regulation system?—It is a great simplification; it is founded upon the regulations, whenever we are at fault in our code, we fall back upon the regulations for points that are not explained, or not provided for.

2676. When a case arises which does not come under the code of rules, how is that decided?—We take the regulations as our guide, when the rules do not meet the case.

2677. How do you decide a case in which the regulations fail?—Then we adopt our own views, but it is not likely that they will fail, because they are exceedingly comprehensive.

2678. Have you in Assam the union of the offices of magistrate and collector, or are they separate offices?—The country is divided into five districts; two in Upper Assam, two in Central Assam, and one in Lower Assam. In each of those districts there is a principal officer and his assistant, who holds the power of collector and magistrate.

2679. Then there is a union of the two offices?—Yes.

2680. Is that union of the two offices found to be a benefit or a disadvantage?—I consider it an advantage, so far as it prevents the double government, which, I think, is extremely injurious.

2681. Do you think that system of government is peculiarly suited to the people of Assam?—Putting the two offices into other hands so as to separate them would be only creating disturbance in the local Government.

2682. Do you consider that the assessment is a light assessment?—Exceedingly light; but it does not fall equally upon all parties; those who have the benefit of having their land near towns and villages do not pay any more than those who have it at a distance, so that the price of commodities raised from the ground varies greatly, and those who live nearest to the towns have a great advantage over those who live at a distance.

2683. Therefore, those who live nearest to towns have a greater surplus remaining after paying the assessment than those who do not?—Yes.

2684. You have stated that there were great capabilities for the settlement of Europeans in Assam, almost exclusively for the cultivation of tea?—There are great capabilities for the settlement of Europeans on the condition that labour is forthcoming.

2685. What encouragement has been given to the settlement of Europeans in Assam?—Almost every encouragement that the Government could give; grants of waste land are given liberally, and upon exceedingly good terms.

2686. Can you state the terms upon which those grants are made?—They vary according to the nature of the tract of country taken up.

2687. Are there not specified terms which the Government have issued?—The Government gives the land in perpetuity, with a remission of one-fourth of the whole grant free of rent; but that one-fourth cannot be separated from the other; so that if a man takes up 400 acres of land, he gets 100 acres of that land free, but he cannot part with that 100 acres as rent-free tenure, and hold the other 300 himself.

2688. Mr. A. Mills.] When was that arrangement of which you are speaking made with regard to the terms upon which the land was to be held?—It was made as far back as 1838 or 1839; the matter was under discussion as far back as 1835-36, but I do not think the rules were thoroughly promulgated until later than that; I speak under correction as to the date.

2689. Mr. Villiers.] Are you quite correct in saying that the land is granted in perpetuity; it is for 99 years, is it not?—The grant is for 99 years, upon conditions prescribed, but after that the grant continues for ever, subject to rent on three-fourths.

2690. Mr. A. Mills.] Is not the land granted upon pain of resumption if one-fifth be not cultivated?—Yes, it is under that penalty if one-fifth is not brought under cultivation within a certain period.

2691. Within ten years?—Within five years or ten years; the object of that was to prevent people taking up larger tracts of land than they have the means of cultivating.

2692. Chairman.] What was the object of not allowing the one-fourth held rent-

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rent-free to be separated from the rest, which was not held rent-free?—It was granted rent-free for roads and watercourses, and to meet contingencies of that character.

2693. I understood you to say, that a person could not part with his rent-free land unless he parted with the other land which was not rent-free; what was the object of that?—The object was to prevent people from taking up a large grant of land, and then separating the one from the other, parting with that which was subject to rent, keeping the other themselves as a rent-free tenure.

2694. In fact, the object was to attach a certain amount of rent indirectly with the rent-free land?—It was.

2695. Are you of opinion that it would be advisable to allow settlers coming to Assam to purchase the land in fee-simple?—I think it would be very advisable to do so to a certain extent.

2696. Do not you think that English settlers have a great desire to possess the fee-simple of the land?—I can well suppose that it would be so. I should consider it one of the greatest drawbacks to taking up land if I had not the privilege of improving it as my own.

2697. Mr. *Campbell*.] Do not you think the extension of that privilege would have encouraged a far wider development of settlement of Europeans in Assam?—I think, at all events, it would encourage a far greater development of the resources of the particular holding.

2698. *Chairman*.] Does the code of laws to which you have alluded work well, in your opinion?—Yes. Until within the last seven years the regulations had been almost universally brought into use, and the code had fallen into disuse. When I was put in charge of the sessions office, it was not only reverted to, but there were several extensions authorised by the Sudder Court, and the code was made more imperative than it had been. Formerly it was optional with the magistrates to follow it; it was not compulsory to adopt the rules.

2699. Are the people or the settlers in Assam kept waiting long for decisions in the courts of justice?—No, they are not. Formerly they had to undergo the same lengthy process that exists in Bengal, but within the last seven years the time of disposing of cases has been reduced.

2700. Then you think the people of Assam are much better off than the people in Bengal with regard to the administration of justice?—Yes, I should certainly say so. All petty cases, and in fact nearly all fouzdaire cases coming within the cognisance of the magistrate have been taken almost entirely out of the hands of the omlahs and vakeels; the record is entirely in the handwriting of the magistrate in all cases up to six months' imprisonment; the substance of the evidence is entered in the case book of the magistrate or assistant magistrate and no other record is kept.

2701. Mr. *Campbell*.] In the native language?—In the language of the presiding officer; if he is an English judge it is in English, but if he is a native judge he takes it down in Assamese. In the case of appeal this book is referred to.

2702. *Chairman*.] What language is used in the courts?—The language laid down by the code is Bengali; but Assamese is the language which the people understand.

2703. Mr. *Villiers*.] What is Assamese?—It is a disputed point whether it is not Bengali; there are a great number of words almost similar, but it is a provincialism. If you were to take a Bengalee into Assam, or *vice versa*, they would not understand each other at all, but they can very soon acquire each other's language.

2704. Colonel *Sykes*.] Do you mean that Assamese is a dialect of Bengali?—So far, it is founded upon the Sanscrit, but it is mixed with the native dialects and that of the conquerors who have invaded the country.

2705. *Chairman*.] Has a European judge great difficulty in acquiring a knowledge of Assamese?—I think it is a simpler language than Bengali, and Bengali was the language which was required formerly in the examinations, but Assamese is the really useful language.

2706. Do you think the judges are well acquainted with the language?—It is necessary that they should be so.

2707. Are they so?—I think they are.

2708. What is the state of the police in Assam?—There are police thannahs in every district; there is one at the principal station, and a few scattered through the district; but as few as we can possibly have.

2709. How

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2709. How does the police system work?—I cannot say much for it. I believe the people themselves catch nearly all the thieves, and hand them over to the police.

2710. Is there a European superintendent of police?—There is a superintendent for the province. The police are directly under the magistrate, or joint magistrate.

2711. Is the police vigorous and effective?—No, I cannot say that it is.

2712. Does it want improvement?—Decidedly.

2713. In what way might it be improved?—That is a question almost beyond me. I believe it is almost as good as can be expected from a native police; it does as little mischief as may be. We must have a police for the apprehension of criminals and transferring them for trial.

2714. What are the defects of the police, as you say it is complained of?—The police are, I should say, open to bribery; the darogahs and the underhands in the thannahs.

2715. Have you known any bad cases arising from the openness of the police to bribery?—No, there are no very bad cases, because there are no large sums of money to be had. Petty douceurs are given.

2716. Are the people unwilling to prosecute in consequence of the corruption of the police?—I think latterly they have been much more inclined to prosecute since the cases were so much more rapidly decided at the Sudder stations. The police have acted better the last few years with regard to not detaining cases in the Mofussil. There has been a decided improvement the last four or five years.

2717. Do you think the police would be better for a greater degree of European superintendence?—I do not think so at present.

2718. Mr. A. Mills.] A witness who was examined before the Committee said that the effect of higher pay upon the darogahs was only to make them demand higher bribes; do you believe that to be the case?—I believe if the darogah does not take the bribe, some of his people do. If it does not go into the hands of the darogah, it goes into the hands of some of his kinsmen who are hanging about the police station.

2719. Chairman.] Do not you think the infusion of a greater number of European superintendents would give greater moral power as well as greater efficiency to the police?—I look upon a European in the position of a darogah as worse than a native; the superintendents are as numerous as they can well be with regard to Assam; the magistrate or the assistant magistrate go round the thannahs and visit them as often as they are able.

2720. Then the people do not complain much of the present state of the police?—No, they do not.

2721. Justice is done to them, you think?—Yes, as far as it is possible for the people, and I think it is well done by the magistrates.

2722. Have any schools been established in Assam?—There have been schools established at all the Sudder stations; there is also a Government school at every station, where there is a European assistant; within the jurisdiction of almost all the thannahs there is one school or more.

2723. How have those schools succeeded?—They have been fairly successful, I think.

2724. Is English taught at those schools?—At the Sudder station schools; at almost all the principal stations there is an English class.

2725. Do you think the people lean too much on the Government for education?—The great inducement that the people have in sending their children to the schools is the expectation that, if they go to school, they are to be employed by the Government. If after a year or two they find that their boys are not to be taken into the courts, or have some rewards for attending the schools, they relax sending them, and then leave it off altogether.

2726. Mr. A. Mills.] Do you think any schools would be established if they were not established by the Government?—The missionaries have got schools wherever they are.

2727. Chairman.] Are the missionaries numerous in Assam?—They are not very numerous now; some years ago there was scarcely a station without them; I believe there are not many stations without a missionary now.

2728. Mr. A. Mills.] Are there any other schools besides the Government schools and the missionary schools?—In some cases the people have got schools; here and there men have started schools themselves, but it is merely, I believe, with a view to get into Government employ as schoolmasters afterwards.

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2729. *Chairman.*] Are there any American missionaries in Assam?—We had a great number at one time, but they are reduced by one half.

2730. In consequence of what?—In consequence of the want of funds.

2731. Have the missionaries done much good?—They have done good certainly, with regard to enlightening the people.

2732. Has the press any organ in Assam?—The American mission has a press attached to it.

2733. Have they any newspaper?—They publish a sort of monthly journal.

2734. *Mr. Villiers.*] What do you mean by enlightening the people; converting them?—The missionaries have the people about them, preach to and instruct them; besides, the newspaper that is circulated amongst the people gives them information with regard to European science and progress.

2735. Is there any account of the British Government in India in those papers?—Yes; the general heads of intelligence of events and the progress of inventions; those sort of things are all stated.

2736. Are the American missionaries favourable to the British Government?—I think they are; they have no reason to complain.

2737. *Mr. A. Mills.*] So far as your experience goes, which schools, the Government schools or the missionary schools, are best attended?—The Government schools, unquestionably.

2738. Are not the Government schools the most numerous?—They are much more numerous than the others.

2739. *Chairman.*] You have said that tea is almost exclusively the subject of cultivation in Assam; is not tea of indigenous growth in Assam?—It is supposed to be; I think there can be no doubt that it is.

2740. Will you give us what information you possess as to the commencement and progress of the cultivation of tea in Assam?—When the British first drove the Burmese out, we advanced to Sudiya in 1825, and tea was brought to our notice by the Sing Fo chiefs, who were in communication with our officers; and Mr. Scott, in 1825, sent specimens of the leaf and seed to the superintendent of the botanical gardens.

2741. I believe, about that time, the first intimation with respect to the cultivation of tea was communicated to Parliament by a return moved for by Mr. Canning, was it not?—Very probably.

2742. *Colonel Sykes.*] Did the Sing Fo chiefs send down specimens of manufactured tea?—No, it was merely inquired after by Mr. Bruce, who was afterwards made the superintendent of the Government tea gardens; his brother was in the province before we entered it, and he is stated to have got information respecting the tea, but it lingered for several years without any progress whatever. Although known and used by the tribes at the eastern end of the valley long prior to our occupation of Assam, the leaves and seeds were first sent down to the superintendent of the Government botanical gardens in June 1825 by the late Mr. David Scott, Commissioner of Assam; yet it was not until the reports of Colonels Jenkins and Charlton, in 1834, removed all doubts of its being genuine tea, and practical proof given of its quality by samples prepared by the latter officer, that Mr. C. A. Bruce was placed in charge of some Government tea nurseries, and a commission appointed to report; that was in 1834–35.

2743. Mr. Bruce made a report?—Yes; there was the commission sent up from Calcutta: Dr. Wallack, Dr. Griffiths, and Dr. McLean. In 1837 some boxes of the Assam tea were forwarded by Mr. Bruce; in 1839 the Assam Company was formed; in 1840 two-thirds of all the Government nurseries, and their appliances, were made over to that company. The produce in that year which the Assam Company derived from their share of the tea nurseries was 10,000 lbs. and upwards. I estimate the Government portion yielded about 9,000 lbs. that year. In 1841 the Assam Company's tea had risen up to 29,000 lbs. weight, in 1850 to 251,633 lbs., and in 1858 it amounted to 770,000 lbs.

2744. *Chairman.*] Is it going on increasing at present?—Yes.

2745. *Colonel Sykes.*] All from private enterprise?—Yes, this is all the Assam Company's; several attempts at planting were also made by private parties, but it was not till after 1851 that much was done by individual planters.

2746. *Mr. Campbell.*] If those nurseries had remained in the hands of the Government as long as the nurseries in the Himalayas have been in their hands, would such an amount of development have been possible, in your opinion?

opinion?—It would have depended entirely upon the energy with which it was pursued; I do not think it would, certainly not; for it was not intended, as it was merely undertaken as an experiment.

2747. The proof exists in the fact that the nurseries upon the Himalayas have not attained anything like such an amount, although, in temperature, climate, and soil, they are better adapted than Assam for the growth of tea?—I cannot admit that.

2748. Are you acquainted with the Report of Dr. Jameson?—That is a matter of party spirit; there is an emulation between the two countries; the proof will be, the produce. In 1853–54 a considerable extent of land was laid down in tea by private speculators, and at the present time, I think I am within the mark, when I say that there are at least 20 factories in operation in different parts of the province, of those new planted tea gardens, some of which I visited in the early part of 1855, and none of them, at that time, I believe, containing 100 acres in actual tea, and then lately planted. I hear that one of those yielded last year 800 chests of 80 lbs. a chest; that was a tea plantation commenced in 1853–54, and in 1858 it was yielding 800 chests of 80 lbs. a chest.

2749. *Colonel Sykes.*] What is the area of land under cultivation?—At the time that I inspected the garden in January 1855, there was about 100 poorahs of land laid down in tea; the plants were about a foot above the ground, and now of course that has been extended regularly; how much a year I do not know. In the neighbourhood of Debrooghur, a station taken up by myself in 1840, and then surrounded with jungle and forests swarming with wild elephants and other game, I am told there are now ten tea plantations all in operation; nor has the cultivation been confined to Upper Assam, for plantations have been made in both Central and Lower Assam with every prospect of success, and this appears most reasonable as the position of both Upper and Lower Assam, which lie between the parallels of 25, 30, and 28 degrees of north latitude, corresponding with that of the best tea growing districts in China, and it is my belief that, notwithstanding the great complaints of the scarcity of Assam tea seed and labour, that the exports of tea from Assam will in five years reach 2,000,000 lbs. The China tea plant has also been introduced and largely planted, but it is not in such favour as the Assam kind, running much to seed and less abundant in leaf; but I hear that an improved mode of heading down has greatly added to the produce. In looking over an old report drawn up by myself for the Government as far back as 1841, taking a plantation of by no means first rate quality, the yield averaged 400 lbs. weight per poorah, an extent of ground nearly represented by a Scotch acre; and that from selected portions of the same garden the yield attained as high as at the rate of 726 lbs. per poorah.

2750. *Chairman.*] What proportion is that to an English acre?—Four to five, but I believe that upwards of 500 lbs. an acre would not be an over-estimate for a garden in high condition. I find a very carefully drawn up estimate formed on the experience of 10 years later than the above, gives the following estimate of the expense attending the cultivation of 100 Assam poorahs of tea, or 120 English acres; it is unnecessary to go into details, but at the end of 10 years the estimated outlay is put down, including the interest of capital at one lac, 28,574 rupees; and the return of tea is stated at two lacs, 22,000 rupees.

2751. Is that the net return?—No, that is taken at the rate of 12 annas a pound, which is below what it has all along been selling at.

2752. *Mr. Campbell.*] When is the tree in full bearing?—At five years.

2753. *Chairman.*] Can you give us the result?—The result of this would be, that the expenditure was 1,28,588 rupees; allowing interest at five per cent. upon excess profits to give 8,300 rupees, the profit on 10 years would be 101,612 rupees.

2754. What is the net per-centage profit?—I should say at present, with labour at present rates, nearly cent, per cent., but that will not last.

2755. Does the tea plant require much attention in manuring and cultivation?—It requires considerable attention in weeding and hoeing; the more it is attended to the better is the yield.

2756. Does not it involve great expense in manure?—No; it involves hardly any.

2757. Therefore, it is an article easily cultivated?—It is easily cultivated, at the beginning the planter has to contend against the rapid growth of jungle; after it has got to four or five years it then covers the ground, so that the jungle does not readily spring up.

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2758. Are you a proprietor of any tea plantations?—No, I am not. I have taken shares since I left Assam in the Assam Company.

2759. You have paid particular attention apparently to the subject?—I have; in the early part, when the Assam Company was first established, the Government tea nurseries were situated within my own jurisdiction, under my own superintendence, so far that the tea superintendent was placed under me, and had all his accounts audited by me.

2760. Do you contemplate the probability of returning to cultivate tea in Assam?—That depends upon circumstances.

2761. Do you think if you are entirely free from other engagements, that it is a pursuit to which you might profitably devote yourself?—When I was young, I should have done better to have turned tea planter than have remained in the Government service.

2762. Mr. *Campbell*.] Can you give us the result of the profit of a tea plantation after the first five years?—On the sixth year the estimated outlay was 13,839 rupees, and the estimated produce was 500 maund chests, at 12 annas, that is, 1s. 6d. per pound, 30,000 rupees.

2763. *Chairman*.] I believe the Assam Company pays 9 per cent.?—Yes; but it had to undergo all the loss of pioneers.

2764. You think it is reasonable to suppose that an individual settler might make it much more profitable?—Yes, much more than nine per cent., certainly; estimating what might be expected from Assam in the progress of time, suppose there are 100 planters carrying on the cultivation to the extent of 300 acres each, there ought to be in the course of five years 30,000 acres under tea cultivation, and allowing 400 lbs. to the acre, which I think would be a fair estimate, that will be 12,000,000 lbs., which would make a very considerable item, and, I think, when it has obtained that, probably Assam tea would not be in the demand that it is now.

2765. Mr. *A. Mills*.] Do you know what the total import of tea into England is now?—I do not know, except from mere observation; something like 60,000,000 lbs., but a great deal goes out again.

2766. *Chairman*.] The Assam tea is of peculiar quality, is it not?—Yes.

2767. What is the peculiarity of the quality of the Assam tea?—It is stronger and has more body than the China teas, and the leaf is softer and larger; the tea is more easily extracted.

2768. The Assamese cultivators have introduced the Chinese plant, have they not?—The Government introduced the Chinese plant, and extended it considerably; they issued seedlings from their own nurseries; there was at first a great run upon the Chinese plant, and afterwards it was abandoned; nobody who can get Assam seed will plant China seed.

2769. Colonel *Sykes*.] Is Assam tea likely to maintain its ground in the English market, owing to its strength?—I think it is so far, not at the same price.

2770. Is it a higher price than the common congoes?—Very much, I believe.

2771. *Chairman*.] What is the average price of the Assamese tea imported into this country now?—I believe it is upwards of 2s. a pound.

2772. Mr. *Campbell*.] Is it not valuable for mixing with the ordinary weak China teas that come to this market?—Yes.

2773. It generally commands a much higher price than Chinese teas, does not it?—Yes; partly because those people who have got into the habit of drinking it always prefer it alone, unadulterated.

2774. *Chairman*.] Is not the market price more than 2s. a pound?—I mean in bond, before the duty is paid; the selling price is upwards of 4s.

2775. The duty is the same, I believe, as upon the China teas?—Yes; I believe there is no distinction.

2776. Will you give us the result of your observations on the tea cultivation in Assam?—There is the risk to which planters must naturally be exposed in squatting in the midst of jungle and making new clearings; this is invariably attended with sickness. Sickness unquestionably attends an adventurer who goes into waste grounds for tea cultivation, which those who hang outside, and settle upon the banks of rivers, may escape.

2777. Mr. *Campbell*.] The forest and jungle land is the best adapted for the cultivation of tea, is it not?—I think so. I believe the tea to be particularly susceptible of soil; it requires a light, porous soil, and it does not answer nearly

so well on clays as upon those particular soils which it courts itself; indeed, in the indigenous state, I have seen it grow up to a certain point and stop, which shows it has a particular attachment to peculiar soils.

2778. What are those soils?—Yellow; rather poorish land, but free and moist, with water not in the soil, but humid below. In digging down, instead of coming to a dry sand, you come to a dampish sand and soon find water.

2779. *Chairman.*] There must be some moisture underneath?—Yes; the top roots ought not to be impeded in their downward growth; it is not exactly a top root; the roots are very easily injured.

2780. Is it a very fibrous root?—Considerably so. I know of no cultivation so peaceful and pleasing to a person fond of country pursuits as tea planting; and where once the plantations have been made, and the jungle cleared, it is particularly suited to a European settler in India, who can superintend his own plantations, and take an interest in the people about him.

2781. Would a settler have good health there?—There was a great deal of sickness when the Assam Tea Company first took up their cultivation; they lost an immense number of assistants, partly from dissipation and partly from putting them out upon new jungles; latterly, whenever the locality has been well selected, and where they have been cleared, the mortality is not at all great, and, in fact, the reverse, I should say.

2782. Can you give any idea of the number of settlers in Assam now?—I think there are about 20 factories, exclusive of the Assam Company; I should guess that. I am told there are 10 in the neighbourhood of Debrooghur alone.

2783. *Mr. Villiers.*] Have they increased from 1853?—Yes.

2784. We had it stated that there were only three factories in Assam, independently of the Company?—I understood some days ago from a person who has lately arrived from Debrooghur, that there were 10 factories in that neighbourhood.

2785. You do not speak from your own knowledge about that?—I speak from my own knowledge, that when I was there last, they had considerably increased. I can name a good many persons who have gone there; I do not know them all.

2786. They are increasing?—Decidedly increasing, every year. It appears to me that a fair start might be made with a capital of 2,000*l.*, and that a young industrious man might soon become independent.

2787. *Mr. Campbell.*] Starting from this country with 2,000*l.*?—No; I do not think that anybody should commence a plantation with less than 2,000*l.*

2788. What extent of plantation would 2,000*l.* enable him to commence?—By getting seed he would probably start with 50 acres the first year, or he might reach 70 or 80; but I will give the history of a young man, and whom I have my eye upon particularly: he came up as an assistant to the Assam Company, and he did not get treated as he thought he was entitled to; he did not think his services were appreciated, and he set up for himself; he commenced upon borrowed capital, and he took up a grant in the jungles; he went out, a poor but enterprising young fellow, he got one attack upon another of fever, and he was brought to death's door two or three times; but he persevered, and the last time I saw him, in 1855, he had 100 acres planted with tea; at that time it had yielded nothing; that was in January and February 1855. I hear now that his last out return was 500 chests.

2789. What annual profit would that 500 chests give?—That would be 40,000 lbs., and you may calculate that he will clear one shilling per pound by it.

2790. *Mr. Mills.*] What capital did he start with?—I cannot say; he started, I believe, entirely with borrowed capital. I have consulted other people who have been working tea, and I believe their opinion was from 1,600*l.* to 2,000*l.* was the least that a man ought to embark with if he means to start clear.

2791. *Mr. Campbell.*] His income does not reach 2,000*l.* a year till the trees are five years old?—No, I should say not, and he does not even then reach his full income, because at the end of every year he is planting on an additional 50 acres or so; he has got a succession of years; it goes up to ten years before his five years' planting will be in full development.

2792. *Chairman.*] How long does the duration of the tea-bearing property of the plant last?—That is a thing nobody can tell. With regard to Assam, in some of our indigenous plantations there were plants 30 or 50 years old; they were cut to the ground in 1838 or 1839, and are bearing now, and just as prolific as ever, those that have been taken care of.

2793. The bearing power lasts for a great while?—I should say the Assam tea
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plant would last as long and in much the same way as cutting down our thorn hedges in this country; but the China plant does not; I believe it requires renewing at the end of 10 or 12 years.

2794. Does it grow as high as the olive in process of time?—I have seen a tea plant higher than this room.

2795. Mr. *Campbell*.] You do not know for a fact that the tea plants introduced by Lord William Bentinck in 1832 are still in a flourishing condition; I mean those that Mr. Fortune introduced in 1830 or 1832?—I know that there are some of them bearing; I saw one tea plantation, which was the original one, some years ago; and it was very much deteriorated then, whether from bad management or not I cannot say.

2796. Mr. *A. Mills*.] If I understand you correctly, the Chinese plant does deteriorate by age?—Yes, I believe so.

2797. The Assam plant, so far as you know, does not deteriorate?—As far as I know it is not affected by age; it requires to be cut down as you would cut down a hawthorn hedge, and it will spring up again.

2798. Mr. *Villiers*.] What do you mean by cut down?—Cut down at the trunk.

2799. What is the object of cutting it down?—To get the young leaf; if it is not plucked, it has to be headed down every year to get a good crop the next year.

2800. Mr. *W. Vansittart*.] Is it true that the Assam tea has a more bitter taste than the China tea?—I think the Assam tea, if it stands too long, has a sort of medicinal taste.

2801. Is it true that it does not give such a black liquid as the China tea?—I think the liquid is quite as black.

2802. Mr. *A. Mills*.] Does the cutting down begin at the end of five years, or when do you begin the cutting down?—With regard to the cutting down of the old plants, if we found them growing in the forest as small trees and shrubs, like little poplars, they were obliged to be cut down; they were running up in stems, and giving little or no leaf, and when cut down about three feet above the ground, then they threw out leaves the same as a rose-tree, and from that there was a great production of leaves; but in the new plantations the plucking nearly answers the purpose of cutting down; the end shoots of the tea are nipped off with the fingers.

2803. That is tea grown from seeds?—Yes, and the indigenous trees found in a natural state; some were saplings, tall and slender, others were grown almost into trees.

2804. In what year do you first find it necessary for a tree to be cut?—They ought to be cut at once when found indigenous.

2805. In a plantation grown from seed, at what year do you find it necessary to begin the cutting process?—The China plant they do not cut down except by a system of clipping, the same as we clip a privet hedge; that takes place after five or six years; it depends entirely upon the state of the plant; it may be earlier in one plant, and later in another; the object is to make it throw out more leaf, and have a greater number of little branches that will throw out shoots.

2806. What is the average height of a tea plantation of five years' growth, four or five feet?—About four feet.

2807. *Chairman*.] To what height is the plant cut down?—To about three or three and a half or four feet, so as to be in reach of the hand to pluck the leaves.

2808. Do you make different kinds of tea from the different periods of vegetation at which you cut the tea; for instance, Pekoe tea is said to be buds of the tea, is it not?—When the tea throws out a young shoot, the two small opening buds are very fine, and the next two a little longer, and the next a little longer; the whole of that is nipped off, and made into tea; the small is separated from the rest by sifting and picking.

2809. Mr. *A. Mills*.] What constitutes the difference between green tea and black tea?—It is in the manipulation; I am not able to describe the manipulation; I believe it is by retaining a greater quantity of juice in the tea.

2810. Colonel *Sykes*.] There is no difference in the plant, is there?—No.

2811. *Chairman*.] You can make green tea without the admixture of any chemical matter?—Yes, none in the world is required.

2812. Mr. *De Vere*.] When the tea plant has been cut down, how long is it before

before it attains the same height of four or five feet again?—It springs up rapidly again; it is cut so that it may not exceed a convenient height for plucking; it is kept about the height of a good-sized currant or gooseberry bush. I have seen the Assam Tea Company's gardens, for hundreds of acres, look like a bowling-green almost, all clipped flat with the shears; the next year, of course, they throw out young shoots, just as much as a clipped hedge does.

2813. *Chairman.* If you want to produce green tea instead of black, what do you do?—It is merely in the manipulation; I will not take upon myself to describe the process of green tea making; I am not entirely conversant with it, and I might mislead the Committee.

2814. Both are equally the unmixed produce of the plant?—Yes, the same plant will produce them; and you can make the green tea from the black, and the black from the green.

2815. Is there a great deal of waste land applicable to the cultivation of tea?—Yes.

2816. Can you give any idea of the extent of waste land applicable to the cultivation of tea?—The area of Assam is 30,000 square miles, and out of that the cultivated portion does not exceed above 1,600 or 1,700 square miles. Upper Assam contains 15,000 square miles, of which about 420 are under cultivation; Central Assam 16,556 square miles, of which 622 are under cultivation; and Lower Assam contains 3,445 square miles, of which 562 are under cultivation.

2817. *Colonel Sykes.* Under tea, or general cultivation?—General cultivation; the land revenue in 1852 and 1853 was 7 lacs and 40,000 rupees.

2818. *Chairman.* Can you give any idea of the extent of waste land which may probably be adapted to the cultivation of tea?—I cannot give any statement of that kind; I believe there is more waste land suited to the cultivation of tea than would supply the whole of the wants of England.

2819. *Mr. Campbell.* In Assam?—Yes.

2820. *Chairman.* Is not the seed of the tea very valuable?—The seed of the Assam plant is exorbitantly high just now; that of the China plant is procurable at a moderate price, as it is grown at Assam.

2821. Do you think there is likely to be an increase in the market price of it which will supply the seed?—People are very unwilling to part with their seed. If I had Assam seed I would not part with it to anyone to plant, because he would outplant me; those who are engaged in the cultivation are not desirous of other settlers coming, because they only interfere with their profits.

2822. I believe you complained very much of the want of labour in Assam?—Yes, that is the great want.

2823. What means do you think could be adopted to supply that labour?—The first thing is to endeavour to get more work out of people of the country; and one of the great causes of the deficiency of labour is the want of energy of the Assamese people; they are well off, and they have everything within their own; every man has his own garden, his own farm, and his own cloth is made at home; therefore there is very little inducement to labour, except to raise enough money to pay his rent.

2824. Do you think that there is any chance of obtaining a supply of labour from the neighbouring hills?—The Assam Company get a little labour for some of their plantations.

2825. Is there a probability of their getting any more?—Not that can be depended upon particularly; it may be got; it is not to be relied upon.

2826. *Mr. A. Mills.* How far does the steam communication go up the Bramahpootra?—It goes to Debrooghur.

2827. From Calcutta?—Yes.

2828. What is the distance?—It is laid down at about 800 miles.

2829. *Chairman.* Going round by the Sunderbunds?—Yes. The direct distance I should not suppose is more than 600 miles.

2830. You suffer very much from this want of labour; are there any other sources of supply to the Assam district than from the neighbouring hills?—Various attempts have been made to introduce labour from Bengal, but they have not been successful.

2831. Why?—The people did not appear to like the country; but after people got them, they were very sorry to part with them again.

2832. Have you ever tried Chinese labourers?—The Assam Company got Chinese

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Chinese labourers sent round ; they collected them from all quarters, and a more rebellious, unmanageable set of people I never saw.

2833. That did not succeed?—That did not succeed.

2834. Mr. Villiers.] You are speaking of your own experience?—The Assam Company's. A few we got for the purpose of Government, as tea makers and carpenters, were very good, industrious servants indeed, but they were too expensive.

2835. Chairman.] You see no present prospect of getting a good supply of labour?—No, I do not, unless at a very exorbitant rate.

2836. Are not the people very much deteriorated as labourers from their practice of eating opium?—They are listless ; there is great want of energy in the Assamese, perhaps from local causes, and from their indulging to a vicious extent in opium-eating.

2837. They cultivate opium and eat it, do not they?—Yes ; and when they have eaten all they cultivate for themselves, then they fall back upon the Government opium.

2838. Which the Government supply?—Yes. The free growth and sale of opium are permitted to the Assamese ; it is called "kanee," and is collected by wiping the scarified head of the poppy with narrow stripes of coarse cloth ; as these become well saturated with the exuded opium, they are rolled up in balls, dried, and so kept for use. It is collected by a process wholly different from that by which the Bengal and Behar opium is collected. It is, as I have described, rolled into balls, some of which may be as big as my two hands ; it is wound up like a cloth saturated with blood, and in that state it is kept for use ; when they want to use it they cut off a little bit of the rag, rinse it in water, and drink the plain juice of the poppy mixed with the water.

2839. Has it a very deleterious effect?—Taken in that way, in moderation, I do not think that it has a very deleterious effect.

2840. Is it taken in moderation?—Those who cannot afford it are obliged to take it in moderation.

2841. Can you suggest any means of diminishing this tendency amongst the Assamese to consume opium?—I conceive the present system is just as if you were to allow the people in Scotland to take up as much barley land at a nominal rent as they pleased, let each man have his own still in his house and make it into whiskey for himself and his family, to drink *ad libitum* till they had expended their own stock, and then have that of the licensed distilleries to fall back upon. For six months they eat and sell their own opium ; the Government opium is not much sold during the first six months of the season. As the private stock decreases, they come upon this reserve, so that it is a double system altogether.

2842. Can you suggest any means of reducing its consumption?—I did suggest one plan, after thinking it over for many years, with regard to the difficulties of charging a higher rent for opium land. I proposed that as almost every man in Assam has a pottah, that all those who wished to cultivate opium should take out licences, which the mouzahdar would be able to fill up upon stamped paper, and if the smallest licence issued was for eight annas or a shilling, he would be allowed to cultivate to the extent of a cotta of land, and if he wished to cultivate more, he must take out a higher licence.

2843. Mr. Villiers.] Do you want to increase the revenue, or diminish opium-eating?—I want to prevent the women and children getting this article.

2844. In that case the licence would not be of much use to the Government?—No ; but it goes out with one hand and comes in with the other.

2845. Chairman.] Are not the children in Assam engaged in producing opium to a great extent?—They are employed in collecting it in the way I have described, and as long as it is in the house, it is used by them.

2846. What have you seen to have been the state of the children sometimes?—You never see anyone looking the worse for opium ; they do not suffer more than that it gradually leads to debility, like any other dissipation.

2847. Mr. Villiers.] Do you consider that opium-eating is the real cause of the difficulty of getting labour?—I consider it one of the real causes ; when we first took possession of the country, the whole of the population was a labouring population.

2848. That was compulsory labour, was not it?—Yes ; there are two reasons to which I ascribe the difficulty of getting labour ; the people are very comfortably off

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off at home, and have all their wants supplied ; opium is the only thing that you can make them exert themselves for ; they exert themselves more in the cultivation of their opium than any other crop, and if you put restrictions upon it, then of course they will fall back upon the abkaree opium.

2849. You think they would be more ready to work ?—Yes ; when they only procure opium to an extent that does them no harm.

2850. That would not improve their condition much, would it ?—It would diminish the excessive consumption of opium.

2851. *Chairman.*] Do you think it would operate as the restriction which is placed upon the consumption of spirits does in this country ?—I think it would.

2852. *Mr. Villiers.*] Is not what you want an increase of population, because you have not compulsory labour ?—Yes.

2853. *Mr. Kinnaird.*] You want to elevate the people, and not to render them worse off ?—Yes.

2854. *Mr. W. Vansittart.*] Is not opium used medicinally by the Assamese ?—It is used by nine-tenths of the population ; I cannot say that it is used medicinally ; it is used in the same way as whiskey is used as medicine ; everybody takes it for the sake of taking it.

2855. Is not opium considered a powerful medicine in certain cases of sickness ?—I believe it is ; but the Assamese take it so largely that it loses its advantage as a medicine ; when cholera attacks a man who is an opium-eater, he is considered almost incurable.

2856. *Mr. A. Mills.*] After all, does not the question, as between the state of Assam and the supply of labour formerly and now, stand very much like the condition of things in the West India Islands at the present moment, where the want of labour is ascribable to the circumstance, that formerly they had compulsory labour, whereas now they have not ; does not the difficulty arise from the circumstance that those who were compelled to labour formerly cannot be compelled to labour now ?—That is one ostensible cause, but I attribute a great deal to a want of energy in the natives, owing to the excessive use of opium.

2857. *Mr. Nisbet.*] Is the use of opium in Assam greater than the use of beer in this country among the lower orders ?—What I say is this : if you open a still in every cottage in Scotland, and allow the people to make their own whiskey and drink as much as they please, men, women, and children, you would then see exactly what takes place in Assam.

2858. Is the consumption of opium in Assam, comparatively speaking, greater than that of beer in England, where almost every house is a public-house, and where the lower orders are perpetually drinking beer ?—No, I do not think it is.

2859. It is very much in the same kind of way ?—Yes ; but our beer is taxed ; it would be consumed a great deal more in this country if people were placed in the same position as those who grow opium are in Assam.

2860. *Mr. Kinnaird.*] Do you think the immoderate use of beer in this country is as deleterious as the use of opium in Assam ?—I think the opium exceeds the beer.

2861. *Chairman.*] As a mischievous article of consumption, you think opium is worse than beer ?—Yes, where it is unrestricted.

2862. Thinking opium a very deleterious article of consumption for the inhabitants of Assam, you suggested some practical means for diminishing its consumption, which, as I understand, was a licence to allow a certain amount to be grown, was not that so ?—I should merely put it under restriction, so that every man should pay his due proportion of revenue upon what he cultivated, and if he chose to cultivate his own, he ought to pay.

2863. You would put a tax upon it ?—Yes ; I may mention that it has been on the decrease latterly, for I find from the returns that the Abkaree opium was not generally introduced into the provinces of Assam till 1850 ; it was I believe at my own suggestion.

2864. *Mr. Villiers.*] Do you mean that you suggested the introduction of this pernicious drug into Assam ?—I did ; I suggested it with a view to mitigate the evil ; unfortunately my scheme only went half way ; my object was to get the Abkaree opium into Assam, and do away with the home-grown opium, so as to place the opium away from the reach of women and children, and make the people who eat it pay for it.

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2865. Mr. *Campbell*.] You wish to make opium a monopoly in the hands of the Government, instead of its being grown for private use?—Yes, I wish to make it an exciseable article.

2866. Colonel *Sykes*.] Is not opium imported into Assam from the Chinese province of Yunan?—I have known opium come across from the Sing Fo country most terribly adulterated. I once, as an experiment, sent a seer of Abkaree opium over to Hookong by the hands of a Sing Fo chief. I gave him a present of one for himself. I said, "Ascertain what this will bring, so that I may know what is the value of opium in Hookong." It realised upwards of a hundred rupees for the seer. Chinese opium does not reach Assam.

2867. Mr. *Villiers*.] Is not opium exported from Assam?—It is exported across the hills; the Sing Fos take small quantities away to the eastward of Assam, and into Burmah.

2868. Mr. *A. Mills*.] But the great bulk of the opium grown is consumed in Assam?—Yes.

2869. *Chairman*.] Have you derived any advantage from the establishment of steam navigation on the Bramahpootra?—Great advantage.

2870. How long has it been established, and what are the prospects of its extension?—It was established by the Government, I think, about 1850; I am not able to say what year. The first steamer came to Assam at the time of the establishment of the Assam Company, but there was a long interregnum. At last the Government steamer was put upon the line from Calcutta, by Dacca, as far as Gowahatty; and in 1850 the first steamer came up to Debrooghur.

2871. How many steamers are there now?—The steamers are only on when they can be spared by the Government.

2872. Is there no chance of a Steam Navigation Company being established?—It has been talked of; but nothing had been done, so far as I know, when I left India.

2873. Have not the steamers to contend with a rapid stream, and an adverse wind which blows down the Bramahpootra?—The prevailing breeze blows down the stream; it is not a strong one, but it is quite strong enough to impede the progress of boats. Sails are rarely used in going up the Bramahpootra above Gowahatty.

2874. How long does it take to get from Calcutta to Gowahatty by the shortest road?—If the shortest road were taken, you might get there in eleven days if you did not go round by Dacca during the rains.

2875. How far is the Bramahpootra navigable?—The Bramahpootra is fairly navigable to Debrooghur, which is the highest civil station we have in the province.

2876. Is that the extreme point to which tea cultivation is carried on?—Not the extreme point, but the extreme circle of the tea cultivation.

2877. What improvements, if any, are contemplated in the way of roads or railroads with reference to Assam?—Roads and pathways are opened up through the country in all directions from time to time.

2878. Have you good roads in Assam?—They are not very good roads; but the whole of the country is intersected with rivers, and during the rains the people are able to go in boats to almost all parts of the province; roads have been opened through the country, but the people use them very little; there are no wheel carriages in Assam.

2879. Are there any carriageable roads?—There are some carriageable roads.

2880. Are they frequented?—They are, with elephants and cattle.

2881. To what places do they extend?—A road has been opened the whole length from Goalparra to Dibroo Ghur; but it lies waste in parts for six months in the year, and gets overgrown with jungle.

2882. What are your means of communication by road with Calcutta?—There is this road on from Baghwah to Rungpoor, thence to Calcutta; but the Bramahpootra is the great road for everything to and from Assam.

2883. Is there any chance of communication by railway?—No; the country is too poor for that, but many parts are admirably suited for railways.

2884. Are the Cossya hills, or any of the hills adjacent to the great valley of the Bramahpootra, available for habitation by English settlers?—The Cossya hills upon the Assam side, that is when you get an elevation of upwards of 5,000 feet, are exceedingly well suited to the European constitution.

2885. Do

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2885. Do you think that Europeans would have their health, and be able to bring up families there?—Yes.

2886. Colonel Sykes.] Are you aware that the rainfall is 500 inches on those hills?—That is on Cherrupoonjee face of the hills.

2887. Chairman.] Is the rainfall, generally, such as to prevent the habitation of that district by English settlers?—No, certainly not.

2888. Do you think the quantity of rain materially affects the healthiness of the climate?—By no means.

2889. Mr. Nesbitt.] How long do the rains last?—There is very tolerable weather, I think, upon the Assam side, from the middle of October till the beginning of May.

2890. Chairman.] That is nearly seven months?—Yes.

2891. Mr. Villiers.] And then the rains set in?—Yes; very heavy rains set in, no doubt, but they are not such rains, or so unhealthy, that you cannot go out; you may be kept in-doors three, or four, or five days at a time; notwithstanding that, it does not interfere with the people moving about, except when the rivers are swollen, for a short time; but these subside again rapidly.

2892. Chairman.] From your experience, would the rain be injurious to the health of the settlers?—I think not, upon the Assam side of the hills.

2893. Has there been any intermixture of races between the Assamese and any other persons?—Almost all the sepoys who came to Assam took Assamese women, and the race from that is superior; I think the women in Assam are superior to the men.

2894. Do you think that intermixture of races on the hills would be advantageous?—On the hills the people are not at all prolific; I question whether it would answer there.

2895. Is not the production of caoutchouc pursued in Assam?—In one particular district in Central Assam.

2896. How has it succeeded?—Very well indeed.

2897. Is the production being extended?—It is; but it is a production which will diminish as the forests disappear.

2898. Do you think it would be worth while to cultivate plantations of the tree?—The Government have granted a sort of monopoly or lease for a certain number of years, to work the forests, and they have made some stipulation that so many trees should be planted every year, to replace those which died away; but it was a bagatelle altogether with regard to the planting; the caoutchouc trees are the largest trees in the world, almost; you may say that they take 100 years to grow. No doubt the young plants grow very rapidly, but they do not yield much caoutchouc.

2899. Then there is no great extension in the plantation of caoutchouc trees at present?—No.

2900. Mr. Villiers.] What is the botanical name of the tree?—*Ficus elastica*.

2901. Mr. A. Mills.] Does the gum exude naturally, or is the tree tapped?—It is tapped. The trees are to be found in all the Assam forests, and chiefly on moist soils, near the foot of the hills; but they greatly abound in the forests of Chardwar and Nordwar; that is the source from which the supply is taken just now. The late Dr. Griffith, who accompanied me to the Chardwar forest, an eminent botanist, estimated the number of these trees at 42,000; but I think that was greatly overrated; I doubted whether it exceeds half the number. One of the largest that we measured covered a space of 600 feet.

2902. Mr. Villiers.] What do you mean by covering a space of 600 feet?—The space overhung by the branches, the roots, and supports that are thrown down covered a space of 120 feet; the height was estimated at 100 feet: the Chardwar forest is about 30 miles long. The milky juice is obtained by making incisions in the bark of the stem, but oftener in the roots which run along the ground; part of them quite exposed. In the root running along this way there is a cut made across, and the natives take a leaf, and lay on one side and one on the other, and allow the juice to ouse into them; they come round the next morning (the most plentiful supply is at night), and empty those leaves into their ve-sels.

2903. At what season of the year does the tapping take place?—The cold weather during the winter season is the time when the largest quantity is obtained; it does not answer to take it in the rainy season, because it gets mixed with the

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rain drops from the tree. It was estimated that the yield from a single tree was from 20 lbs. to 40 lbs. at a bleeding.

2904. *Chairman.*] Is the trade in caoutchouc considerable?—Yes, it is in the hands of two gentlemen just now, who have a grant or exclusive permission to take it from the forest.

2905. For how long a time?—I think it was a grant for seven years, or something of that kind, on the condition that they planted young trees every year.

2906. But I understand you to say, that they do not plant the young trees?—Yes; but the number planted is a mere drop in the bucket to the number in the forest.

2907. Have you reason to think that it is a very profitable engagement?—Yes.

2908. *Mr. A. Mills.*] Is that the principal source from whence our caoutchouc is derived?—I think all the caoutchouc sent from Bengal comes from there.

2909. *Mr. De Vere.*] Does this process of bleeding exhaust the tree?—It does in course of time. The object of this contract with the persons I have referred to was that they should not exhaust the trees, but should deal lightly with them.

2910. How long does a full-grown tree survive this process of periodical bleeding?—It does not appear to kill the tree, provided it is done in moderation.

2911. *Chairman.*] Is not there a considerable quantity of good coal, and iron in Assam?—Coal is in great abundance in Namroop, and all along the foot of the southern hills in Upper Assam.

2912. What is the quality of the coal?—It is a light, free-burning coal, which leaves very little ash, and cokes well.

2913. Does there seem to be a considerable supply of it?—I fancy there is an inexhaustible supply from all that we know yet; in the forest in my travels one day, I came upon no less than three seams, one of which I measured was 36 feet across, cropping out of the ground.

2914. How far from the Bramahpootra?—About 60 or 70 miles.

2915. Is it accessible?—It is accessible for canoes.

2916. Is there iron near it?—I found nodules of iron all along; the iron appears formerly to have been taken from the hills leading in that direction.

2917. Is it good iron?—It is considered good iron.

2918. Has the coal or the iron been worked out at all?—The coal is used for the steamers frequenting the Bramahpootra, but with difficulty, in consequence of the old story, namely, the want of labour.

2919. How far is the iron used?—It is not used at all just now.

2920. Is the supply very large?—That I cannot tell. There is every reason to believe that there is an abundance of iron ore to be had.

2921. Has the quality of the iron been tested at all in this country. Do you know sufficient of iron to be able to judge of its quality?—It is a good quality of iron, as far as I have been able to judge. My only ground for being able to judge is, that the old cannon found in the deserted forts when they were worked up were considered good iron.

2922. Were those cannon made of that iron?—I conclude that they could have been made of no other.

2923. Have you any communication up and beyond the Bramahpootra with China?—None.

2924. Is there any communication with Tibet across the hills, through Bhotan?—Yes.

2925. Is there a good road through Bhotan to Lassa?—There are mountain pathways over tremendously precipitous hills.

2926. Has any European gone that way?—Not through to Lassa, but they have penetrated into Bhotan, as far as Teassisudon. Captain Turner's mission went as far as Teesalumboo many years ago.

2927. Are the Chinese very jealous of any foreigners communicating with Tibet?—I do not know that that is the case with regard to the Chinese, but it is so with almost all the hill tribes.

2928. Have you very little communication from any of the valleys of the Bramahpootra, or any of the valleys radiating from it over the hills with Central Asia?—We have very little, but the people come down to barter and trade all the way from Lassa.

2929. What

2929. What do they bring?—They bring coarse blankets, gold dust, a little rock salt, and borax.

2930. Is there any gold dust in Assam itself?—There is scarce a stream in Upper Assam that does not yield gold dust.

2931. Did you ever see Russian goods make their appearance from the north?—No, excepting in little bits of pocket-books or tinder-boxes made of leather. Chinese goods find their way to Assam.

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Jovis, 17^o die Martii, 1859.

MEMBERS PRESENT.

Mr. De Vere.
Mr. Ewart.
Mr. Gregson.
Mr. Kinnaird.
Mr. Arthur Mills.

Mr. John Benjamin Smith.
Colonel Sykes.
Mr. William Vansittart.
Mr. Villiers.

WILLIAM EWART, ESQ., IN THE CHAIR.

Lieutenant-Colonel *Hamilton Vetch*, called in ; and further Examined.

2932. *Chairman.*] I THINK you stated that there was a great opening for settlers, for the purpose of the cultivation of tea in Assam?—Yes.

2933. Is it not necessary that those settlers should have acquired some previous information with regard to the cultivation of tea?—I think that that is essentially necessary ; some little time must be spent in preliminary preparation for selecting their own piece of ground, and some time will be taken before the grant can be obtained and the survey made.

2934. What preliminary information is required?—A sort of apprenticeship ; tea, like everything else, requires that.

2935. From your previous examination it would appear that tea required less previous information than the ordinary subjects of cultivation?—A great advantage might be gained by good gardening. I should say that the best class of people to commence tea cultivation would be men who had been trained in nursery gardens in this country ; they have some knowledge of botany, and also have a turn for rural pursuits and gardening.

2936. Is any silk produced in Assam?—There are three different kinds ; there is the ordinary silk, which is grown in small quantities, in the same manner as in Bengal ; then there is the eria silk, from a larger moth and a larger cocoon, and that is reared upon the leaf of the castor-oil plant, and not generally upon the mulberry.

2937. Is the first silk that you named brought up upon the mulberry tree?—Yes, that is cultivated to a small extent, but the eria silk is produced to a very considerable extent. It is the same description of silk that the late Sir William Reid was trying to introduce into Malta and Italy ; it is very difficult to wind off, and we have never succeeded yet in getting this properly effected ; it is a soft, flossy silk, and the cloths made from it are in great demand amongst the border tribes ; it is the chief article of export to Bhotan, and to the hills on the northern side of the valley.

2938. Is it superior or inferior to the common silk?—It is a coarser silk, and it is unquestionably inferior to the common silk ; still it has its own good qualities. It has a great deal of flossiness and softness after it has been dressed, and it is very lasting.

2939. You think it would be preferred by the natives?—It is universally used as a plaid or blanket.

2940. Mr. *Arthur Mills.*] Do you think that European capitalists might employ

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employ native labour profitably in other things than the cultivation of tea in Assam?—By-and-by. I think that they might, in conjunction with their tea cultivation, have other things that would come in; they might do a little both ways at the same time.

2941. *Chairman.*] What is the third description of silk?—The third sort is the moogah, which is indigenous, something like the tusseer of the Bhaugulpore district, and is cultivated entirely in the open air. The insect is put on a tree, and the whole of the process is gone through out of doors. When the worm comes down it is ready for removing; it comes down of itself off the trees, and they are collected in baskets and form their cocoons on leaves placed for the purpose.

2942. Is that an inferior kind of silk?—It is a coarser kind of silk, but cultivated to a large extent; in fact, it was in former days the staple of Assam; I may say, that silk and cotton were the two great exports from the province.

2943. You think that there might be a great development of trade in the production of silk?—Yes; the ryots cultivate as much as they want for their home consumption, and for mercantile purposes it would be only profitable by purchasing it from them; it might be made more profitable for export provided the Assamese took proper care in winding off the thread.

2944. Can you give any idea of the quantity?—It is raised to a considerable extent; there was enough even in the early times to clothe the people with this moogah silk; and there was also a very considerable quantity exported, that is to say, in proportion to the population, and there is now a very considerable export of it, several hundred maunds annually.

2945. Then the population was a silk-clothed population, and not clothed in cotton?—As a general rule it was a silk-clothed population; there are three kinds, the finest, and a coarse sort for plaid or wrappers, and the moogah, which which is in universal wear; cotton is also worn.

2946. *Mr. Gregson.*] Have you any idea of the prices of those three qualities of silk?—Yes; the moogah description so universally cultivated throughout Assam, and applied to domestic purposes of clothing for men and women; the surplus supply, which is so considerable as to be exported when the season has been good, sells at from 3s. 6d. to 4s. a lb.; the average price may be 5s. a lb. That which is exported goes mostly to Dacca and Calcutta, and I believe finds its way to Madras, and also to Arabia.

2947. Is that the average price of the three qualities?—No; of the moogah silk.

2948. *Chairman.*] That is the cheapest?—Yes; the eria and moogah are about the same price, but the one is not exported as a thread; the moogah is exported as a thread, while the eria is made up into cloth, and sold to the border tribes, and I believe the cloths are taken as far as the Punjab.

2949. Are there any fibres produced in Assam?—There is the reah, which, I believe, stands now at the head of all fibres.

2950. Is that the China grass?—It is the same as the stungless nettle of China, of which the famous grass cloth is made.

2951. Is it much used in Assam for the purposes of making fabrics?—It has only been used as yet by fishermen for their nets. It is found to be exceedingly strong, and capable of resisting the action of water. Its cultivation is confined to the fishermen, who have at their own cottage doors a little plot for producing what they require for their nets.

2952. Is it capable of being produced in great abundance?—Yes.

2953. You think that this is an article which might be worth cultivating?—It is an article which would bring 80l. a ton in England if it could be got, but the great obstacle to its extension is on account of the quantity of labour required to remove the fibre from the stalk. It is all stripped off by the nail; we have not been able to find out any machinery that will separate it from the stalk; several attempts have been made, but they have not proved successful.

2954. *Mr. Villiers.*] According to your evidence, the want of labour is a difficulty that extends to all the products of Assam?—Yes, but this is labour of another kind; an immense quantity is required, and it is too expensive even with cheap labour.

2955. *Chairman.*] How do the Chinese separate the stalk from the fibre?—I imagine the Chinese separate it in the same way; women can be employed in it; it is collected in small quantities, and in that way is sold at moderate prices.

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2956. Are there any other fibres in Assam?—There is jute, also a coarse kind of wild reah, very good for cordage, found in the jungle, besides others.

2957. Could jute be grown in great abundance in Assam?—Yes, it grows as well as in Bengal. It is not grown extensively, but it is extending.

2958. You say that there are great difficulties in crossing from Burmah into Assam; do you consider the passage is very impracticable?—There is a very large extent of country that is almost a wilderness of forest, inhabited by the Sing Fo tribes, who are gangs of dacoits and thieves; they are very much given to plundering, and the roads are very difficult, over steep hills covered with forests.

2959. Are the mountains or the woods the most difficult of passage?—Both the mountains and the woods are difficult of passage.

2960. Are the mountains very high?—The mountains rise as high on the Burmah side as from 4,000 to 5,000 feet; I do not think the highest exceeds 5,000 feet.

2961. Yet the Burmese army passed over them?—Yes; at that time there was a great deal more population upon the Sing Fo frontier than there is now.

2962. Can you state how far a passage can be opened from Burmah towards China?—There are two ways which possibly might be opened through Burmah to China: one by crossing the upper part of the Irrawaddy by Bor Kampti, the road to which from Assam is very difficult, interrupted by snow on the mountains. I encouraged a trader to accompany a caravan going over these mountains to Bor Kampti, and one half of the party perished; they were detained by the snow, and the rise of a river, and died of starvation. The trader escaped, and eventually returned to Assam. The other, from Bamo on the Irrawaddy, is much frequented by the Chinese trading with Burmah.

2963. Do the Chinese ever come across to Assam?—They do not come now; in former times a few did. They used to come up to Hoo Kong in Burmah to purchase serpentine and amber, and do so still; the serpentine is in great demand in China.

2964. Do you mean serpentine stone?—Not the common description; it is what is called the noble serpentine, found in small pieces; it is of a semi-transparent green colour, and the Chinese set great value on it.

2965. Mr. A. Mills.] What is it used for?—It is used by the Chinese for ornaments; when in large pieces, they consider it very precious, and make it into small cups, which are very highly prized.

2966. Mr. De Vere.] What proportion of the Assam tea can you state goes north towards Central Asia?—I should think, scarcely a pound of it; we cannot afford to send it. There would be no prices yet to tempt anybody to send it anywhere than to Calcutta, for the English market.

2967. You state that many people come to barter and trade all the way from Lassa?—Caravans annually come down, not very many; but caravans do come, and the Bhoteas come in very considerable numbers from the intervening countries between Lassa and Assam.

2968. Do those traders take any Assam grown tea back with them?—They have not, as yet; they have not had the opportunity, in fact. There may have been some attempt made to encourage it, but I do not think as yet there has been any tendency that way, but eventually, I have no doubt it will; when brick tea is made up in Assam suitable to the taste of the Bhoteas, I have no doubt it will take the place of what they now import, when we can afford to sell at their prices.

2969. We have had it in evidence that the inhabitants of Central Asia have a great desire for Assam tea, and if caravans come from Lassa to Assam, what is the reason that they do not gratify that desire by taking your tea as an article of traffic?—I imagine that the tea planters find it a more profitable mode of disposing of their crops by exporting it to this country.

2970. Then the obstacle is, that those people are not prepared to give as high a price as the Assam tea planters require?—I question whether that is the case. I believe if the tea were made suitable to the Bhotan market, they would be able to give us as great a price; the expense of bringing it across the mountains must be so great, that even a high price could be afforded to be given for the Assam tea, if it suited the Bhotan market.

2971. Do you see any prospect of a future sale, to any extent, of your Assam tea to those Central Asia caravans?—I think so; as soon as our supply for this country fills up the vacancy, then the surplus will find its way there. I think,

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at present, there is no immediate prospect of its being an article much sent there, for some years to come; for at the present moment I think all the tea planters prefer sending their tea in the lump to this country, or Calcutta, where they get a wholesale price for it, than to selling it in small quantities; besides, the tea which is used in Bhotan is differently packed, and differently made up, from our own. All that I have seen is, I believe, what is called brick tea. I think Colonel Jenkins had some made and sent to the frontier, to the caravans that came down, I am not able to say with what result.

2972. You gave us a very interesting account of a young man who had succeeded in making a large tea plantation in Assam, who had been originally one of the servants of the Assam Company, and you stated that he started entirely with borrowed capital?—I believe so.

2973. Can you inform the Committee whether borrowed capital can be procured upon the security of a proposed tea plantation?—I should think not, without friends to recommend, or without being well known to some substantial house, and supported by that house. I question whether he would get a loan as a simple adventurer going out to cultivate tea. If a man had good recommendations I think he would be able to obtain an advance.

2974. The young man you spoke of was a servant of the Assam Company, was not he?—He had been formerly in the service of the Company, but he did not consider that he had been properly regarded.

2975. He started entirely upon borrowed capital?—Yes; that is my belief. I cannot speak positively, but I believe the capital was supplied from Calcutta.

2976. Can you state to the Committee what security he was enabled to offer to the lender of that capital, besides the undertaking that he was about to enter upon?—I suppose none but good character; he was a young, enterprising, promising man, and I fancy he found friends to support him.

2977. Was that capital advanced in a lump or advanced by instalments?—I conclude that it was by instalments; I cannot say positively; my belief is that he had no means independently of what was lent him.

2978. Supposing it to be advanced by instalments, the success of his industry, as it went progressively on, afforded fresh security for the successive advances, did not it?—Of course it would; no doubt his teas were consigned to the house in Calcutta (I speak that under correction) from which he had got the advances, or through their agency.

2979. Can you state whether this capital so lent to him was British or native capital?—British.

2980. Would there be any greater difficulty in procuring native capital than British capital for an adventure of this kind?—Unquestionably the native does not like to lend his money without getting 50 per cent. for it; a native finds it much more convenient to put out a tenth part of his capital and get 50 per cent. upon it, than to put out the whole of it at a moderate rate of interest.

2981. Can you state what rate of interest this young man paid for his capital?—I cannot; I can only guess; in all those cases of advances, and, I imagine, in his case also, there was a life insurance taken out, which adds to the interest; in fact it is a rule almost for everybody who gets advances in India to insure their lives.

2982. You have spoken of the climate upon the Cossya Hills, upon the Assam side, being suited to the European constitution?—I think it is.

2983. Is there an elevation of 5,000 feet?—Yes; Nunglow is the first high tableland in coming up from Gowahatty, the principal station in Assam; that is about 4,400 feet high; it is a beautiful place and delightful climate; but fevers still prevail even at Nunglow; it is not entirely beyond the fever range; the natives there are subject to fever, but by going back nine miles further, to Myrong, the climate improves very rapidly indeed; the ascent is about 1,000 feet; the climate is bracing, and the country is free from jungle.

2984. Is there much available land in this healthy tract that you speak of for settlement?—It is almost, as you may say, common just now, it is grazing ground, it is exceedingly poor, it is not better than our moor land.

2985. Is it extensive?—There is a great extent of grass land like that we have in Cumberland, for instance.

2986. Would there be any difficulty in procuring such a title as would encourage persons to make a residence there?—I believe, since the death of the last rajah, the Government has taken the portion that I talk of into its own hands, and placed

placed it under British management; I imagine that pieces of ground might be had for building purposes there.

2987. What is the distance between this healthy tract and the ground which is suitable for tea cultivation?—Tea has been commenced upon it at the foot of those hills; the distance, in a direct line, is probably about 30 miles; there is one tea garden, commenced some years ago, about that distance from them.

2988. Do you mean a tea garden in the plains?—Yes, upon the skirts of the hills.

2989. The tea gardens which are nearest to this healthful tract are about 30 miles distance?—Yes, it is an experimental tea plantation, because it has not been tested yet beyond two or three years, I think.

2990. What is the distance between this healthful tract and the general mass of the tea plantations?—The general mass of the tea grounds is some 250 and 300 miles from it.

2991. According to the nature of tea cultivation, is a very minute and constant superintendence required?—There are seasons when that is not so particularly required. I think that a superintendent would find at all times enough to do to look after his plantation; there are various things to be done during the cold season, extending the plantations and weeding and cleaning and hoeing the ground, all of which requires superintendence; then, in March, the plucking season commences, and then there is full occupation until October; the plucking manufacturers' season extends from March to October, and after that there is all the preparation of sorting the tea, packing and marking, and sending it away, so that the process lasts from year's end to year's end.

2992. Could a person residing in this healthful tract upon the Cossya Hills efficiently superintend the working of the tea plantations in the plains?—No; as the head of the department, going down occasionally to visit his cultivation, he might act as a director and superintendent; but he could not do that as the active overseer of a particular factory; he could not turn his back upon his works.

2993. Then you are not of opinion that an occasional superintendence, which would be possible, from the healthful district you have described, would be sufficient to enable a tea proprietor to carry on his business efficiently and properly?—It would not be so to a small proprietor; it might answer very well to a man of capital and extensive cultivation. A man with a thousand acres under tea could afford to live in the hills, and come down from the hills, and visit and superintend them; that he could do, and that is the position in which a resident on the hills would be; but beyond that, the tea will grow on the hills also. At this very place, Myrang, I have seen some plants in a garden as fine as anywhere else; whether it will produce leaf to the same extent I cannot say.

2994. If it were necessary for the health of the proprietor that he should live among the hills, how could his assistants and superintendents bear the climate of the plains better than he could?—The one would do it because he was able to afford it, the other would remain down because it was necessary. In most places where tea is cultivated just now, I see nothing to prevent an individual from staying from year's end to year's end at his own factory and superintending it; I think it is the most healthful occupation that a man can engage in as an agriculturist in India.

2995. Might not the system of local superintendence be conducted through native agency?—In some cases that is not uncommon.

2996. Colonel Sykes.] Am I to understand you to say that in Assam, under the British rule, the first occupier or clearer of waste land became the proprietor as long as he paid the Government land tax?—Yes, that is the custom, it is not the law; if a man takes up jungle ground the surveyor comes round, he is assessed and furnished with a lease which becomes his title; that is the custom in taking up waste land; he may take it up by application, but if he takes it up without any, I do not know any case in which he does not get his pottah, but he gets no advantages unless he applies beforehand. If a ryot wishes to cultivate waste land, he makes an application either direct to the collector or the head man of the village, and he is generally allowed to get two or three years' rent free to cover the expense of breaking it up and bringing it under cultivation. At the end of that time he is assessed for that land the same as for any other which he holds; if he does it upon his own responsibility he must pay the assessment as soon as the measuring rod comes over it.

2997. If he does not pay the land-tax, what ensues?—His private property
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might be first disposed of, and then if he could not pay, his land would be sold. For some 15 years I was collector, and out of some probably 30,000 pottahs issued that I issued, I do not think I ever sold out more than one or two the whole time, and I am utterly opposed to the sale of any ryot's lands; from my own experience it was not necessary.

2998. Is there any difference between the sale of the personal property or the land of the ryot in India for arrears of dues to the Government, and the mode that obtains in this country for recovering arrears of assessed taxes, land-taxes, or municipal taxes, church rates, or anything else?—I cannot speak to India generally; I should think the law is similar. As regards Assam, the practice is first to come down upon the personal property and the crops, and failing that, the land is sold.

2999. You are aware that in England, a person assessed for taxes is made personally responsible for their payment?—Yes.

3000. Is there any difference between the practice of the Government, or the municipalities in India, and the practice here, that you are aware of, in that respect?—No, not that I am aware of; the same responsibility attaches, to the best of my knowledge.

3001. Is there any difficulty in Europeans obtaining waste land in Assam?—Every encouragement would be given to any respectable man who went out there.

3002. Without distinction as to nation, religion, colour, or anything else?—Yes, we are much more willing to give them to people who come in, than to people who belong to the territory. The whole of our revenue is derived from the small portion of land under cultivation; if a native or foreigner be allowed to take up any large quantity of land, he must bring it under cultivation within a certain time, and to do that he must withdraw ryots from the rent-paying lands of the Government, therefore it is necessary to give the preference to those who will bring capital to the country.

3003. Is there any distinction made between the European and the native in the assessment or land-tax?—None whatever.

3004. Can any native or European sell or mortgage his land?—Yes.

3005. Are you aware of such transactions?—Yes.

3006. Is there any registration of them?—If the parties desire to have them registered, they can do so.

3007. Where are they registered?—There are register offices in every district for all deeds; anything can be registered.

3008. So that, in fact, there is no difficulty in ascertaining the title?—If the registration is made, then there is no difficulty; it is not compulsory; it is optional.

3009. Mr. Villiers.] Do you mean to say that the title is not good unless it is registered?—It would be good in law; that is to say, if a man disputed it, he would not have his register to refer to; if he had it registered, then he has a better hold on it.

3010. Other evidence than the registration is admitted?—Yes.

3011. Colonel Sykes.] Are the criminal or civil courts in Assam presided over by natives?—Both the civil and criminal. The sudder aameens preside over the petty criminal courts, and they sentence to the extent of six months' imprisonment and fine.

3012. Are there not moonsiff courts?—Yes; some of the moonsiffs are armed with the power of the sudder aameens in criminal cases. It is not universal, but where a moonsiff is fitted and able to take both, in the mofussil, he is often vested with the power of the sudder aameens.

3013. Do all civil suits originate in the native courts?—The original complaints are put before the principal assistant commissioner, and he distributes them to the native courts, or retains them upon his own file. He gives those that are of small value to the moonsiffs, those of higher value to the sudder aameens, and those of still higher amount to the principal sudder aameen, or he retains them upon his own file if he sees any good cause for doing so.

3014. Practically, they are handed over to the native courts?—Yes.

3015. Are there the means of appeal?—An appeal runs through the whole process; it goes from the moonsiff to the principal assistant, who makes over this appeal, generally speaking, to the sudder aameen, who is a civil as well as a criminal judge; then from him the appeal is to the commissioner.

3016. Have

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3016. Have you found this system of native courts, and the system of appeals, work injuriously with regard to the duration of the suits?—I found it defective so long as we did not avail ourselves of a clause in the Assam Regulations, and which has been extended, and which is, that all principal assistants were empowered to call the plaintiff and defendant before them, and examine them upon oath as to the truth of their case; the examination of the plaintiff and the examination of the defendant were taken to be the plaint and rejoinder, and upon that the proceedings were exceedingly short; they were confronted with each other, and we got rid of the vakeels and the mooktars, and we were able to deal with the case much more readily.

3017. Was the evidence taken *vivâ voce*?—The witnesses had to be called, and their evidence recorded, for the sake of the appeal; but upon the introduction of this system of confronting which was enforced, and latterly, the moonsiffs and sudder ameens in the civil courts were empowered to do the same. Any person who was dissatisfied with being summoned to appear before the court could put in an appeal to the commissioner, which appeal stayed the summons; but out of some four or five thousand cases during the time that I held the position of civil commissioner, I do not know above a very few cases, according to my recollection, of any application being made to stay a summons; there may have been two or three, but they were very rare.

3017*. Were the people satisfied with that process?—Yes, very much satisfied, but the attorneys and vakeels opposed it in every way they could.

3018. Can you state what is the average duration of civil suits in the different courts, native and European?—No, I am not able to give an exact statement of the time; I have not had an opportunity of referring to the statistics, but within the last two or three years the time has been reduced much more than half.

3019. What do you consider half of the time?—I should say, three or four months; I can show the working of this system. The sudder court remarks, "We are glad to observe that the principal assistants have reported favourably of their subordinates, and with commendation of their good conduct and the manner in which they have conducted the cases before them by confronting the plaintiff and defendant, as prescribed by clause 6, section 2, of the Assam Rules, which was generally introduced into the Assam courts in 1855;" the cases in which the parties were confronted amounted to 1,489, and the cases in which the parties came to a settlement without any further legal proceedings, amounted to 856, so that more than half the cases were disposed of in that way.

3020. Without coming before the court at all?—They merely came before the court to state their cases, but the cases were then either adjusted, or withdrawn, or settled. I cannot answer the question as to the time occupied in civil cases; taking these cases, of course the time was almost nil; it was merely the appearance of the parties, and the matter was settled in a day or in the course of a week.

3021. In fact, in less than a month?—Certainly less than a month in all those cases.

3022. Can you supply from official sources the average duration of the suits in each court?—I think the returns of the Sudder Dewany Adawlut would show that, but I can give you the duration of the suits in the criminal courts.

3023. Will you mention it?—I find in 1851, before the introduction of the *vivâ voce* system, there were 2,300 cases, and the average time occupied on each case was 17 days; and in 1856, under the *vivâ voce* system, the number of cases was 2,244, and the average time occupied was two days and one-third.

3024. You combined in your own person, did you not, political, revenue, and judicial powers?—I was political agent in charge of the frontiers of Upper Assam, and collector and magistrate, and latterly I was civil sessions judge. On the breaking out of the Burmese war I returned to my appointment as political agent at Lord Dalhousie's desire; I at the same time succeeded to Colonel Matthie as sessions judge, in that capacity my duty was confined to the duties of sessions judge in criminal and civil business, and political agent, Upper Assam.

3025. What is the greatest duration of any civil suit that you recollect at all?—I think out of perhaps 4,000 civil cases, there may probably have been 30 or so that have been standing over more than a year; I am speaking under correction, but I do not think they exceeded 30.

3026. Then the remaining 3,770 cases were all decided within a year?—Yes,
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there may have been more than 4,000 cases; I am speaking without being able to refer to figures.

3027. Has the want of a fee-simple in the land impeded the cultivation of tea in Assam?—No, there has been no impediment in that way whatever; it has not prevented it, but I dare say the present title is not one upon which a man would prefer to invest capital, and it would be much improved by enabling any planter and holder of a grant to purchase the land out and out at the end of five years.

3028. And redeem the land tax?—Yes; say that he should pay 25 years' purchase-money.

3029. You think that the want of that power probably deters individuals from investing that amount of capital upon land that they otherwise would do?—I think it does, for this reason: a man would like to take up 1,000 acres of land for tea cultivation, when he finds, for want of labour, or something or other, that he cannot bring the required quantity into cultivation within the prescribed time, and that puts the whole of his possessions in peril. No doubt the Government would not insist upon dispossessing him, but probably they would make him pay the rent. Yet they retain the power of cancelling the grant if he does not fulfil the agreement, therefore it is desirable that he should have the fee-simple.

3030. How many years' purchase would be obtainable, do you suppose, for the redemption of the land-tax?—Speaking from what I would do as myself, and what I conclude others would do, I think 25 years', taking the district rates of rent.

3031. What are the district rates per acre?—The district rates of Assam are 3s. for the best rice land, that is, standard, the land that stands in the same position as the best wheat land in this country.

3032. Is the rent as much as that for tea land?—Tea is cultivated upon land that bears a lower rate of rent; we do not distinguish the crops; we distinguish the land.

3033. What is the land-tax upon tea land?—The land-tax upon tea land is from 12 annas to a rupee; that is, from 1s. 6d. to 2s.; the people must have the rice land, and there is a necessity for putting the highest tax upon it.

3034. Is there a good deal of opium consumed in Assam?—An immense quantity.

3035. Do the people consider opium necessary in consequence of the dampness of the climate?—I do not know that they actually consider it necessary; taken in small quantities, it is not so bad as bhang; I think it is the least deleterious, when taken in moderation, of all the drugs.

3036. You say that opium is consumed to a large extent in Assam; have you any idea whether it affects the general health of the population?—I think it is productive of idleness, and that the people are less energetic than they would be if they did not use opium.

3037. Do you think it affects the general health of the population?—Yes. I should like to explain, that in the introduction of the abkaree opium the moving motive was to endeavour to discard the home-grown opium, so as to prevent the women and children from getting it on the one hand, and to encourage labour on the other.

3038. What do you suppose is the quantity that is consumed individually by the people daily?—It varies very much indeed. As I have described, it is wrapped up in rag of about three-quarters of an inch to an inch wide, and the ordinary dose is about an inch and a half, but a great opium eater will measure from ear to ear.

3039. Have you any knowledge of deaths from opium eating?—Yes; not directly caused by opium eating. A very unfortunate occurrence took place in my own gaol at the time I came into charge of the district; at that time the rations were served out once a week, and I found that one of the prisoners had died, in consequence of having sold all his food to procure opium.

3040. Am I to understand that you have a general impression that there are numerous instances of death arising from the use of opium?—No.

3041. Chereepungee is about 5,000 feet above the level of the sea, is not it?—Four thousand four hundred feet, I think.

3042. Is there any table land there that could be cultivated?—Not about Chereepungee.

3043. Is there any land generally on the Cossya Hills that can be cultivated?—
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The grain cultivation is very poor ; a little rice is cultivated on the hills, and a little Indian corn ; potatoes are cultivated to a considerable extent.

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3044. Would you consider generally that the Cossya hills are not suited to cereal cultivation?—No, they are not.

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3045. Do you suppose that Europeans could live permanently on the Cossya hills, with the enormous fall of rain that takes place there annually?—Yes.

3046. And could live in health?—Yes.

3047. Are not these hills very much covered with jungle?—No ; they are bare, with the exception of coarse grass and fern.

3048. Mr. *Gregson*.] Does the climate in Assam cause the annual produce of tea to fluctuate materially?—I believe not ; there are slightly better years than others, but I do not think there has been any occasion to lay anything against the climate in the part of Assam where the tea is actually cultivated. I believe there are parts of Assam where the tea would not grow advantageously.

3049. Where the cultivation is general the crop does not fluctuate much?—No.

3050. Alluding to the case of a capitalist of 2,000 *l.*, is the money employed directly in wages or expenses, or indirectly through advances to native agents?—In both ways, one part would be applied to hired labourers working under the superintendent, the other part would be paid for advances in clearing and planting.

3051. Is any interest paid on those advances by the natives ; if so, what is the rate of interest paid?—There is no interest.

3052. I think you mentioned that the native rate was perhaps 50 per cent.?—Yes, the native rate of interest among themselves would be 50 per cent.

3053. What rate does the European settler obtain?—In making advances to labourers, none at all ; he is too happy to give advances to get them to come.

3054. Are there any advances made by shroffs or dealers in money from which the European derives interest?—Not that I know of.

3055. Do you know the annual expense of living in Assam for a settler with a capital of 3,000 *l.*?—I allow 100 rupees a month, that is 10 *l.* a month or 120 *l.* a year.

3056. Is that sufficient for all his expenses?—Yes, that is to say, to feed and clothe, and allow him to have a good house over his head. A house suitable to his income would cost about 30 *l.* in building.

3057. That is the total expense?—Yes, for a European superintendent ; that is, a man going himself, I should allow that as the sum out of the capital.

3058. How many years must he incur this expenditure before he has any return?—In the second year he would get a little tea, and the third year, I believe, as much as would nearly cover all his current expenses.

3059. I think you said the fifth year he would have an ample return?—Yes.

3060. Mr. *Villiers*.] Are the Committee to understand that you have been practically engaged in the production of any of those articles for which Assam is peculiarly favourable?—No ; the only thing that I ever actually experimentalised in was caoutchouc.

3061. Have you not been engaged as a capitalist?—No, I was not permitted.

3062. You do not speak from any practical experience you have had yourself?—No, but I have lived among all parties in Assam.

3063. You have been, in fact, in the civil service there?—Yes.

3064. Therefore you were precluded from engaging in any business whatever?—Yes.

3065. Have you ever known anybody attracted from any other part of India, being a European, to come to Assam for the purpose of employing capital in the productions of the country?—Yes.

3066. Are those instances that have succeeded?—All the tea planters at present who are succeeding so well have been attracted from other parts of India.

3067. They have not come out from Europe to Assam from any representations that have been made, with the exception of the persons employed by the Assam Company?—Yes, I have known one or two cases of persons having gone from this country for the purpose of planting, but first undergoing a training by getting appointed assistant to a factory in Assam ; I know one or two instances of that kind.

3068. As far as I collect from your evidence, what I may call the economical condition of Assam is not favourable at this moment to the employment of capital ;

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but that as a means of increasing those products, and to make them available for export, you require a considerable amount of labour; that at present there is such a disproportion in the amount of labour, either to the capital or to the territory, as to make it extremely difficult to employ it profitably?—Except in this single case of tea, where the skill and enterprise of the planter go hand in hand with the capital, there is but one speculation that I know of there, that is the caoutchouc; but that requires little or no capital. There is the lac dye, which has answered exceedingly well; that has employed the capital of the settler.

3069. I think you say the extent of population is 1,000,000?—Thereabouts.

3070. Do you know whether the population is increasing?—I believe it is.

3071. There has been no census taken, has there?—Yes, a census has been taken.

3072. What was the last census?—The last census was taken about five years ago; it was upwards of a million.

3073. Have you any means of knowing whether the increase, such as you suppose it to be, arises from emigration or from the natural increase of population?—The natural increase of population.

3074. You are not aware of any emigration going on that would increase the number of people?—Nothing actually to affect the population; there may be a few comers in, but not of that number.

3075. You spoke of Chinese having come there who turned out ill; were those imported by private persons?—They were imported by the Assam Tea Company.

3076. Have any Chinese come there voluntarily?—None at present; a few Chinese did cross the hills during the time when Assam was in a prosperous state under the Assam kings; even latterly a few Chinese occasionally did make their appearance upon the frontier; those who came to reside traded in amber and serpentine.

3077. Are there any traces of the country having been more populous than it is now?—Yes, it must have been a magnificent country from the extent of roads and tanks, and from the marks of population it was an exceedingly prosperous country in former times; there are the remains of very fine buildings, and exquisitely carved granite.

3078. Was this before the occupation by the British?—Long before the occupation by the British; 30 years before the British occupation it was torn to pieces by civil dissension and civil wars between rajahs of rival families for the crown. For about 30 years the country was torn to pieces with rivalry, dissensions, and civil discord.

3079. Mr. A. Mills.] Did any feudal aristocracy exist at the time of the British occupation in 1825?—Yes.

3080. Mr. Villiers.] When was Assam a distinct country?—Assam was a distinct country in 1817, before the Burmese arrived.

3081. Was the country then conquered by the Burmese?—The Rajah Chunderkaut, to rid himself of the Bura Gohain, a great officer of State, who had usurped the royal authority, sought and obtained the assistance of a Burmese army, by means of which he expelled the Bura Gohain, who, however, again conspired and procured the murder of his rival, the Bura Phocan, made the rajah his prisoner, whom he deposed, and put Rajah Purunder Sing on the throne. The Burmese, on hearing of this, sent an army (it is said) of 30,000 men to Assam and re-instated Chunderkaut; they left 2,000 Burmese soldiers for his protection. The rajah, however, soon became weary of Burmese interference, tried to shake himself free, and brought on a rupture with them. The Burmese in 1821–22 sent a large army into Assam, and put up a puppet king. Chunderkaut made some stand against the invader, but at length sustained a total defeat, and took refuge in the British province, Bengal. The Burmese, now supreme in Assam, advanced to the borders of Bengal, and demanded that the rajah should be delivered up to them; the demand was rejected; eventually war was declared, followed by the British conquest of Assam from the Burmese, not the Assamese.

3082. It seems to me that the Assam country was subject to Burmah from 1818 to 1825?—In 1818 it was under Burmese influence.

3083. We took it from the Burmese?—Yes.

3084. That was before 1818, and they were then a distinct people, and there are indications of their having been much more populous and more civilised. You say that there are traces of great public works?—Yes, it was a prosperous country.

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3085. It is since that time they have ceased to be so?—Since 1790; then the country fell into anarchy.

3086. You cannot give any proof that the population was greater than beyond an opinion of your own?—There are indications wherever you go; in the forests there are remains of sites of villages, and garden trees are still standing in the many places which have become forests.

3087. Is there any prospect of the people increasing?—Yes, but a great deal depends upon ourselves. The main point upon which the prospect of the population increasing is, in putting a check upon the abuse of opium, which I conceive is detrimental to the increase of population.

3088. I think you state, when we took possession of Assam, labour was all compulsory, and they did not depend upon voluntary labour?—It was so.

3099. It seems that we do not make much progress, owing to the disproportion of labour to the means of employing it; that is to say, though you may send capitalists there, you would not find labour sufficient?—Such is the case.

3090. Is there anything to attract people from other parts, either India or China, in order to meet that defect, and to make that country available?—The Assam Company have sent for Coolies at various times, and so have other people, and the Government have given every encouragement latterly to their importing them, by reducing the deck passage on board the steamers to the minimum rate.

3091. Can you give any account of the result of that experiment?—The result of that experiment has been almost a failure.

3092. Is that because you cannot compel them to work, or work continuously when you have got them, or are they unsuited to the labour?—Generally speaking they dislike the country, and leave it as soon as they can.

3093. Is there any intention of anything being done with a view to importing Chinese, who are generally available in tropical countries where labour is scarce?—Nothing that I know of; with regard to Assam I may observe, that as long as any planter can possibly get labour in the country without going to the expense, he must be at in importing labour, he would rather increase the wages of those people in the country; but again, the more you increase the wages with the opium system, it tells the other way also, because the richer the people are the more opium they eat, and by increasing the wages you get very little more work done.

3094. How do you calculate the wages that a man gets a day in Assam?—Some years ago I think the average rate in the country was from two rupees eight annas a month to three rupees a month; some five or six years ago that was the rate of wages generally paid.

3095. Have you made no advance upon that?—Their wages have risen to four rupees; that is considered high.

3096. That is by the increased demand of the company?—Yes, and competition.

3097. Is there a low standard of living among the labouring people; are they satisfied with a little?—They live better in Assam than they do in Bengal; vegetables, rice, and fish is the food.

3098. Assam seems favourable for the production of all tropical products?—I think wonderfully so.

3099. The drawback is want of labour?—Yes.

3100. How near does the Bramahpootra river come up within sixty miles of the most productive part of Assam?—It runs through the whole valley.

3101. Did you say that it was navigable close up to that part?—Debrooghur is the highest civil station; at Sudiya there is a military station. Steamers come up regularly to Debrooghur from Calcutta, and they could find their way beyond.

3102. Is not it navigable from there to the point you have just named?—For steamers, but there are a great many snags.

3103. It is dangerous?—Yes.

3104. What is the distance?—Forty miles.

3105. Are there any craft that go there with safety?—Country boats of all descriptions.

3106. There is no difficulty in exporting the produce by the river?—No; but there is a difficulty of getting large boats up the river, except steamers.

3107. Up to Debrooghur what tonnage are the vessels, or what draught of water do they require?—Four or five feet, I should think, for steamers.

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3108. What is the burden?—I fancy about 4,000 maunds; probably about 100 tons.

3109. How long are boats coming up to Calcutta from that place?—I have known boats upwards of three months on the passage to Debrooghur; the common country boats down to Calcutta about one month.

3110. And steam-boats from Calcutta; how long do they take?—Twenty days; they stop all night; they do not work at night in coming from Calcutta.

3111. Is there much communication with Calcutta?—Yes, very considerable; there was a Government steamer established, to be dispatched from Calcutta, I think, every twentieth day; this was before the mutiny, and now they have no steamer at all. I believe they have been all taken off for military purposes, and passengers are left entirely to shift for themselves.

3112. Can you put in any account of the exports from Assam to our own territory, or could it be procured?—It would be extremely difficult to procure anything like an accurate return. Formerly there was a tax upon everything; that was done away with. I could give you an idea of the quantity of cotton that is sent out.

3113. You cannot give any idea of the whole value of the exports from Assam?—I could not safely state it.

3114. Is there any account kept of the imports?—No.

3115. Can you give the Committee any idea of the articles that are chiefly imported?—The chief import is salt; I estimate that 60,000 maunds of salt are imported every year into Assam.

3116. Do not they import cotton goods?—They do.

3117. And woollen?—Broad cloths; and they import a little flannel.

3118. Are not iron or hardware imported?—Iron is imported, both from Calcutta and from the Cossya hills, which is an iron-producing country; in fact, the occupation of the people on the Cossya hills is in iron.

3119. Is there any machinery used to economise labour in any of the factories in Assam?—The Assam Tea Company have a steam saw-mill for sawing timber for boxes; I do not know of any other; there is a steam-engine attached to the sugar factory.

3120. You have no idea that trade can be much extended in Assam, unless labour is economised, have you?—The wants of the people, as they accumulate money, are growing rapidly. The import trade is increasing in proportion to the improved state of the country.

3121. Colonel Sykes.] Are the people in Assam accumulating money?—They are getting larger returns for their sirsoo just now, which is largely exported. That is an oil seed.

3122. Mr. Villiers.] I think you say that there is nothing either in the mode of disposing of the land, or in the manner in which justice is administered, or in the state of the law, that should deter any European capitalist from settling in Assam?—No, there is nothing.

3123. Mr. A. Mills.] In which of the three districts of Assam did you state that the land of the Assam Company was situated; in Upper, Lower, or Central Assam?—In Upper Assam. They have taken up land in Central Assam to a small extent, but their property is almost entirely in Upper Assam.

3124. Is not the proportion of land in cultivation in Lower Assam, compared to the total area under cultivation, very much larger than in the other provinces?—Yes.

3125. Do you consider Lower Assam the most productive of the three districts?—It is the most populous, and yields the most revenue.

3126. In answer to a question which has just been put to you, I understood you to say that you dated the decay in the material prosperity of Assam from about the year 1790, or about 35 years before the British occupation?—Yes.

3127. Do you ascribe that decay to the internal dissensions of the country?—Yes, and the debauched kings and nobility, and to the oppression of the Burmese.

3128. I understand you to say that the price of tea seed is now very high, and that very few people would part with their seed even if they have it. Do you think if greater encouragement were given with respect to land tenure, and other encouragements were given by the Government, and more land were taken up by European capitalists, that the inability to procure seed would be a serious impediment to the development of the country?—It was so serious an impediment that I brought the matter to the notice of the Government, and I recommended that

that the collectors in Upper Assam should take charge of all the indigenous tea, and reserve the seed to be sold by auction, or to be divided amongst the parties who come to settle, and thus give every encouragement to planters.

3129. You are speaking of the indigenous seed of Assam?—Yes; the Assam plant is far more productive than the China kind, the yield of tea being more than double. The scarcity of seed formed the chief impediment in the way of extending the cultivation. I recommended that the collector of Seebsegur and Luckinpore should be authorised to establish tea plantations, from which the tea planters might obtain tea seed at reasonable prices; and I believe it has been acted upon.

3130. *Chairman.*] What is a tea barree?—A barree means a garden.

3131. *Mr. A. Mills.*] Can you tell me what the comparative price is at this time of the Assam and Chinese tea in the European market?—I believe the price is in favour of the Assam tea.

3132. *Mr. W. Vansittart.*] What is the present position of the Rajah of Assam?—We have no Rajah of Assam now.

3133. I have recently read an account of some Rajah of Assam being apprehended during the mutiny by the Marine Brigade; who was he?—After we had taken possession of the country a long interval occurred before the Government of India decided what was to be done with it; meanwhile the courts of justice, and affairs were carried on, as far as possible, in conformity to Assam usage; it was at last determined that Lower and Central Assam should be retained under our own direct management, and that Upper Assam should be given to one of the rival rajahs; the most intelligent of the two, who formerly sat upon the throne before the Burmese were driven out. Purrunder Sing was put upon the throne of Upper Assam, and he agreed to pay an annual tribute of 50,000 rupees. We keep up our military posts upon the frontiers to protect him from the incursions of the frontier tribes; he failed to fulfil his engagements, mismanaged the country, committed acts of oppression upon the people, and was deprived of his rule, and the family from that time to the present have been suitors to have it restored to them.

3134. Who was the rajah that was apprehended during the revolt?—The grandson of this man.

3135. Was he conspiring against us?—Yes; he had formerly been trying all he could to get the Government to restore him to his throne; he was a mere lad, and was encouraged by designing men.

3136. What is the present position of that young man; is he now incarcerated in a gaol at Calcutta, or where?—I cannot say; he was, when I left Assam, living upon his own resources. When the rajah was deposed, he was offered 10,000 or 12,000 rupees as a pension, to be continued for his support; he declined to receive it; his son declined to receive it; and this young man also at one time declined to receive a pension.

3137. Do not you suppose that this young man, being at large, living in the territory of Assam, and being rather of a turbulent spirit, may prejudice the settlement of capitalists there?—No; he is the most miserable debauchee.

3138. *Mr. Villiers.*] Did you suffer in your own health during your residence in Assam?—I was compelled to leave it two years ago, from a severe attack of dysentery. I had fevers, and various attacks of the kind; but upon the whole I enjoyed exceedingly good health.

3139. For what time were you in Assam?—Upwards of 30 years.

3140. Are the people in Assam well affected to us?—I do not think the old families are. The whole of their possessions consisted of their slaves and their cattle, with which they cultivated the lands which they were allowed to hold; and consequently when they lost their slaves they lost their possessions altogether. Almost the whole of the noble families were employed in Government situations.

3141. Are the common people well affected towards us?—I think so.

3142. Then there is no insecurity arising from their disposition towards us?—Not the least.

3143. *Mr. A. Mills.*] What has become of the remains of the old feudal families?—The families remain, and still hang on in the country, some have small pensions from Government.

3144. *Chairman.*] I think you said that the nearest point of the hills at which the settler could reside in perfect health, in a kind of European climate, is 300 miles from the tea plantations?—That is the extreme distance.

3145. Are not there districts fit for tea cultivation much nearer to the hills than that?

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that?—There are some districts at Gowahatty, within 30 miles; and I see no reason why tea should not be cultivated advantageously in this European climate, say within 20 miles of the hills.

3146 I understand you to say that the general superintendents of the tea plantations are Europeans, such as gardeners, or persons of that sort?—I believe they are the best class of men. I saw two young gardeners, or farmers' sons, who had been accustomed to that sort of thing.

3147. Can you find the native superintendents adequate to the purpose, or must they be Europeans?—You can find native superintendents.

3148. But not so good as the Europeans?—Not so scientific.

3149 Mr. *De Vere*.] Could you get them at the same rate of pay?—Very much less, but less trustworthy.

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3150. *Chairman*.] YOU are a Surgeon, I believe?—Yes.

3151. What part of India has your experience led you to become acquainted with?—I have been in Calcutta and the Eastern Provinces more or less for the last 15 years.

3152. In what part of India principally have you been?—Chiefly in Cachar, Assam, and that neighbourhood.

3153. How long have you been in Assam?—Over four years.

3154. I believe you have been engaged as a tea planter?—I have not been engaged in the cultivation of tea myself, but I have a large interest in tea cultivation as a proprietor. I may mention that I was eight years in the East India Company's uncovenanted service, and for 4½ years of that time, I was in Assam, during which time I devoted my attention to the development of the resources of that country.

3155. Mr. *W. Vansittart*.] Were you a deputy collector, or in what capacity were you employed?—I was the uncovenanted surgeon of the station in central Assam, called Tezapore.

3156. *Chairman*.] Have you any property in Cachar?—A large property.

3157. Is that employed for tea cultivation?—Entirely so.

3158. What distance is Cachar from Assam?—It is separated by a range of mountains which are accessible by passes at different parts; it is very difficult, simply because there has been no communication between Assam and Cachar, for years past; formerly there was a communication between Cachar and Assam by the Chereepungee hills, across to Gowahatty.

3159. What is the situation of Cachar with reference to Assam?—Due south.

3160. What hills are interposed between Assam and Cachar?—The Naga and other hills; they are called by different names, but it is all one range.

3161. Is the access easy?—Not in a northerly direction, but by Chereepungee.

3162. Is the cultivation of tea much increasing in Cachar?—Immensely.

3163. Are there any European cultivators there?—A large number.

3164. What number?—I suppose there are not less than 12 different companies.

3165. How long is it since tea cultivation has gone on at Cachar?—I was the first to take up lands in Cachar, about three and-a-half years ago.

3166. What is the quality of tea grown in Cachar?—Admirable.

3167. Is it equal to Assam tea?—I think it is superior.

3168. What extent of ground is there in Cachar, that is capable of tea cultivation?—It is impossible to say.

3169. Is it very large?—Certainly; there are thousands and thousands of acres that might be taken up for tea cultivation if there were labour in Cachar.

3170. You agree with the former witness, that there are great facilities for European settlement in Assam, and you would add in Cachar also?—Yes.

3171. Mr. *A. Mills*.] What is the area of Cachar?—I cannot say; I should think it is about 2,500 miles square.

3172. *Chairman*.] What are the products of Cachar and Assam?—The exports from Cachar are almost nothing. From Assam it is almost impossible to say, inasmuch as the trade is entirely in the hands of natives. Cachar is a country of which we scarcely know any thing; it is only since tea was found growing there in an indigenous state that we know anything about it. From Assam the exports are tea, indian rubber, lac, mungeet, a little cotton, beeswax, a little gold, and precious

precious stones, which are brought down by the hill tribes from Bhooton and the neighbouring districts.

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3173. Do you agree with the last witness with regard to the difficulty of procuring labour in Assam?—Yes.

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3174. Is there the same difficulty in procuring labour in Cachar?—Yes.

3175. Is opium cultivated in Cachar as it is in Assam?—No.

3176. Do you agree with Colonel Vetch with regard to the deleterious effect of opium eating upon the inhabitants of Assam?—Yes, and I probably go further; I say that the population has been thinning since we have had possession of Assam: I believe it is the opinion of most of the officials in Assam that the population is declining.

3177. *Mr. A. Mills.*] Do you attribute that decline in the population to the use of opium?—Yes. I may mention that the use of opium in China is different from its use in Assam; it is confined in China to the adult population, but in Assam it is used by every child, even at the breast; it positively emasculates the population; there can be no question upon that in the mind of any one who has studied the subject as I have for the last ten years.

3178. *Chairman.*] You have studied the subject as a medical man?—Yes.

3179. Have you attended the natives when they have been ill?—Yes; I had charge of several hospitals.

3180. Is the race degenerating in consequence of the practice of eating opium?—No one can question it who has mixed with the population.

3181. What remedy would you propose for this state of things?—I would stop the cultivation of opium at once, as they do in other parts of India, it is only in certain parts that they are allowed to cultivate opium in Bengal; why should people in Assam be allowed to cultivate it free; they pay nothing except 3s. an acre, and if they take land that has not been under cultivation before, they pay nothing for three years.

3182. *Mr. Villiers.*] When did that decrease in the population commence?—I cannot tell you.

3183. You have stated that the population is declining, and becoming degenerate from the use of opium?—Yes.

3184. If that has been going on for a very long time one would expect the population to be dwindled away; have you any idea when the degenerating process commenced?—We can only judge since the time Europeans have been in the province; till the last 20 years there were very few Europeans there indeed.

3185. Is it since Europeans have occupied the province that opium has been cultivated?—I have no doubt that it went on before, but it is becoming more general. I have the evidence, I may say, of one of the most experienced officers in the provinces, Mr. James Bedford, a revenue officer in Assam, and he has assured me as a positive fact, that the population has declined, and if there is a man in the province who is well acquainted with its state, not excepting Colonel Vetch, who had great experience, I admit, it is Mr. Bedford, for he has been throughout the country from one part of it to the other.

3186. Still the point is, whether opium is the cause of the decrease in the population?—Mr. Bedford ascribed it to that cause.

3187. What is your opinion as a medical man?—I give that opinion from my own practical experience.

3188. *Chairman.*]—Do you consider that the children are damaged by the use of opium?—No question of it.

3189. Are you satisfied with the tenure on which lands are held in Assam and Cachar?—They are most liberal. At the same time it extends over such a long period, 99 years, that according to the conditions under which we hold land at the present moment, our superintendent, if he is a dishonest man, may rob us of our property, which I believe is sometimes the case. If we do not cultivate a certain portion of land within a certain period, we forfeit all right and title, not only to the lands which are not cultivated, but to those which are actually cultivated.

3190. Do you think that it would be a great advantage to have the lands assessed in fee simple?—Most certainly; otherwise capital will not remain in the country; it will be brought away from it.

3191. What is the character of the climates of Assam and Cachar?—In Assam, in the parts which are cleared and under cultivation, it is excellen. In those parts

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parts which are not under cultivation, what we call *terai* land, that is, the point of junction of the hills on one hand, and the valleys on the other (where the debris from the hills settles) the climate is most injurious to Europeans. In the parts of the country where the land is cleared, the climate is particularly favourable to European life.

3192. You do not think, when the land is properly cleared and cultivated, that Assam is a country not habitable by Europeans?—Certainly not.

3193. Do you think that Europeans could continue their race in Assam, from generation to generation?—I have no doubt that they could, although the contrary has been said.

3194. On the hills rising to the height of 4,000 or 5,000 feet, within a certain distance of Assam and Cachar, you think Europeans could live and continue their race?—Certainly.

3195. Do you give that as your opinion as a medical man?—Yes, after having studied the matter very closely.

3196. Was not the climate supposed to be so detrimental to the health of Europeans that insurance societies demanded a higher rate of premium upon the lives of persons residing in the province?—It was, 20 years ago, or even 15 years ago. I believe 10 per cent. more was charged than in other parts of India.

3197. Is this enhanced premium still enforced?—It is not now.

3198. Do you think the insurance offices were reasonable in making that enhanced demand?—They were at the time, and for this reason: when the Assam Company was first established, they had a large number of Europeans engaged under them; but the class of men sent out were, with a very few exceptions, drunkards, and died, not from the effects of the climate, but from intemperance and excess.

3199. What is the difference between the climate of Assam and Cachar?—I think it is in favour of Cachar.

3200. Is the situation higher?—About the same; probably not so high, but the circumstances are more favourable, I think.

3201. Can you give any idea of the vital statistics of the province of Assam?—Before I left I went carefully into the matter, which I intended to have brought before the medical profession more than others. I have the average mortality for the last 10 years, and it is about the same as it is in England, under three per cent., notwithstanding all that has been said to the contrary. I have in my hands a list of deaths in Assam for the last 10 years. As to Cachar, I can speak nothing with certainty, inasmuch as it is a new province.

3202. Do you think that you can rely upon those statistics as to Assam?—I can.

3203. Are there the means of arriving at complete statistical accuracy?—Unquestionably; the population has been limited to about 240 or 260.

3204. Then you think with ordinary care Europeans may attain, in Assam, to the advanced ages with which we meet in this country?—Yes; we have the instances of Colonel Vetch, Colonel Jenkins, Colonel Brodie, and many others, who are as fine men as any that can be found in any parts of England.

3205. Are the hills in Assam and Cachar accessible to residents on the plains?—They are.

3206. Do you think that capitalists could reside upon the hills and conduct their business in the plains?—Yes, it is done now in some instances. I may mention, just as an illustration, that two of my assistants got ill the other day in opening up new land; they went to a higher station, which was already cleared, not more than 100 feet higher above the level, and they recovered almost immediately. Opening up fresh land for the time being is more or less unhealthy, but by going away for a time health is soon re-established.

3207. Are there good means of access by roads in Assam and Cachar?—There are no roads.

3208. Do you think that roads will be made as the number of planters increases?—They will make roads if they are encouraged to do so; as they proceed with their plantations they make roads as they become necessary, even as much as 14 feet wide; but these roads merely extend through their plantations.

3209. They are not carriageable roads?—They are roads for the use of their own plantation, in every instance.

3210. Whose province is it to see that there are regular roads made; should not

not

not the Government see to that?—The Government cannot be expected to make roads throughout the grants of land occupied by the planters.

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3211. Should not the Government make the common roads?—Certainly they should.

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3212. What common roads have you?—We have no roads; our communication is almost entirely by water.

3213. Do you think that the presence of Europeans in any numbers would tend to strengthen the hands of Government?—Unquestionably. We had decided proof of that during the last rebellion, where Europeans resisted the mutineers, and even the encroachments of the hill tribes, which have been frequent on our frontier. Europeans remaining there will, no doubt, strengthen the hands of the Government. I may mention as a fact, that in Cachar, when a portion of the 34th Regiment, that mutinied at Chittagong, tried to escape to Minnipoor, the manager of our plantation armed his coolies, some 40 or 50 in number, and was the means not only of stopping the march of the mutineers through the country, but captured several.

3214. *Mr. W. Vansittart.*] Was not Mr. Yule the Commissioner?—This was in Silhet; Mr. Yule was in Mymensing. I think you are referring to the 70th Regiment; but this was a portion of the 34th Regiment, which was the first regiment disbanded at Barrackpoor. There were two or three companies at Chittagong, but they were not disbanded, simply because they were not supposed to participate in the mutinous feeling of the regiment. Ultimately they did mutiny, and tried to escape to Munneepoor, and our superintendent had a great deal to do with strengthening the hands of the Government, and was gazetted for it.

3215. *Chairman.*] Has the settlement of Europeans in that part of the country, so far as you are aware, conduced very much to the prosperity of the natives?—Unquestionably. I can mention, as an illustration, that in 1850 we began to work the India-rubber district, in Central Assam. The natives then were in arrear with their revenue. In the second year after we began the manufacture of india-rubber, the collector of that district, in his report to the Government, declared that the natives in that particular district were never in arrears, and in some cases were actually in advance. They were in arrear sometimes before for two or three years; so that there is an instance of our benefiting the population and also benefiting the Government.

3216. Can cotton be produced in Assam to any great extent?—Cotton of tolerably good fibre is produced in the hilly district in the Muttack country; that is to say, the country where tea is grown very good cotton indeed, I believe, to a very limited extent, has been sent down to Calcutta, and was thought rather highly of. In the Garrows Hills and in the plains it is not so good; but the reason why the cotton is so poor is that they are constantly sowing from the same seed. It is supposed by those who are judges (I have devoted a little attention to the matter) if good seed, the South Sea cotton seed, for instance, was supplied from time to time, that they would grow very good cotton indeed in many parts of Assam and also Cachar.

3217. Do you agree with the former witness in thinking that the great impediment to the prosperity of the province of Assam has been the difficulty of obtaining a supply of labour; and you think that the same observation applies to Cachar?—I do.

3218. What causes have tended to bring about the scarcity of labour: opium-eating, I understand you to say?—Unquestionably.

3219. Is there any other cause?—One principal cause is that the Government send all the spare labour to the Mauritius and the West India Islands.

3220. *Mr. Villiers.*] What do you call the Government?—The Indian Government permits the coolies to leave the country for the Mauritius and the West India Islands; there is scarcely a week but that a large ship with 300 or 400 coolies leaves Calcutta.

3221. Do you mean to say that the Government disallows the coolies going to Assam and Cachar?—The difference is this: we get the refuse of the coolies who have been rejected by the migration agents. You must remember that the Mauritius and West Indies have agents for the purpose of procuring coolies; but we have not for our provinces of Assam and Cachar.

3222. Why do not these provinces have agents also?—We are prepared to take them under the same conditions that the colonies do.

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3223. Do you mean to say that you are not allowed to do so?—It is only of late years that we have begun.

3224. *Chairman.*] You do not mean to say that you are not allowed to employ coolies?—I cannot say.

3225. *Mr. Kinnaird.*] Are not you allowed to employ an agent, and use the same machinery as the colonies do for procuring coolies?—I question it.

3226. *Chairman.*] I understand you to say that you object to allowing the exportation of coolies to the colonies?—If our eastern provinces are to be supplied with labour, I think we must stop the exportation of labour to the Mauritius and West Indies.

3227. *Mr. Villiers.*] Is that because there is such a limited number of coolies?—Yes.

3228. *Chairman.*] Have you thought of any other means of meeting the want of labour in Assam?—We have ourselves got labour where it was possible to procure it, but it has cost a very large sum of money, and in beginning a speculation like tea cultivation, where we have no return for four or five years, it invests so much of our capital that really it is a very great drawback upon that investment of capital.

3229. Has the Assam Company been limited in its operations, owing to the want of labour?—To an immense extent; they have only at the present time 3,500 acres of tea land under cultivation. I believe they have tracts of land, (nearly 70,000 acres); they have any amount of capital, but they cannot extend their operations for want of labour.

3230. Have the small planters been equally indifferently supplied with labour?—They have not: they have gone where the labour was, but the Company cannot do so.

3231. *Mr. Villiers.*] Why not?—Simply because a planter may only require labour for 100 acres, as far as his capital will go, but the Company requires labour for many thousands, and probably more.

3232. *Chairman.*] The Company want to bring labour to their land, whereas the private planter can settle where the labour is?—Yes; the private planters go to clusters of villages, but that will not do for the Company.

3233. Have you thought of any means for remedying this difficulty of supplying labour?—I think if the Government would stop the exportation of labour to the Mauritius and the West Indies, and give us the same arrangements for the exportation of this labour, the planters would be too glad to pay the same rate.

3234. *Mr. A. Mills.*] Would it be necessary to stop emigration to the Mauritius and other colonies; would it not be sufficient if you had the same advantages that the colonies had?—That is all we want for the present.

3235. *Colonel Sykes.*] Do you know whether the Government has denied them?—I cannot say; I believe the Assam Company have tried to make arrangements.

3236. *Chairman.*] Has the experiment of importing labour into Assam been tried, and has it failed?—It has failed; labour was procurable, but what they got was the refuse.

3237. Then you have not been successful?—They have not been successful on that account.

3238. Is labour easily procurable in the province of Cachar?—The same difficulty that besets Assam also besets Cachar in that respect.

3239. Have you imported labour into Cachar?—Yes, from the same source.

3240. Then you have not been successful in Cachar?—I may mention that last year we were very fortunate, inasmuch as many more able-bodied coolies than were required for the Mauritius and the West Indies arrived in Calcutta, and we got the surplus. We have not had the refuse as regards Cachar, but we got the surplus good labour they did not require for the Mauritius and the West Indies. We applied to the secretary to Government, and he said if the emigration agent would take the trouble of giving us the coolies we might have them. The secretaries have been very kind in allowing us permission to get these coolies. I am merely talking of the principle of exporting labour when it is required in the country.

3241. *Mr. Villiers.*] Are any contracts made with these coolies before they emigrate?—Yes.

3242. Did you offer a higher sum than other people?—We offered 6 s. a month.

3243. What do they give to coolies who emigrate to the Mauritius?—Still more, I believe.

3244. Have

3244. Have you ever tried the experiment of giving as much as is given at the Mauritius?—I believe the native is induced to go by representations, and in many instances false representations. I cannot tell you what they get, but I know it is more in the Mauritius. J. B. Barry, Esq.
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3245. You say that you have not tried giving the same amount?—No, tea cultivation would not afford it.

3246. Mr. A. Mills.] Is there any emigration of coolies to the Tenasserim provinces?—To a very limited extent from Bengal; labour required in the Tenasserim provinces was at one time taken entirely from the Madras coast. I never saw a Burmese at work upon the roads; all the out-door labour is performed by coolies.

3247. Does that emigration now go to the Tenasserim provinces?—I believe so.

3248. Chairman.] Have you ever claimed any assistance from the Government in the supply of labour?—We have not; it is only of late that we have required labour for Cachar; I am not particularly interested in Assam, but I believe the Assam Company have frequently done so.

3249. What assistance do you think the Government could reasonably give in supplying labour?—By opening up the communication; they ought to have a line of steamers.

3250. Have not the Government had steamers upon the Bramahpootra?—They have not for the last two years, at least for the public.

3251. Have the steamers been suspended in consequence of the mutiny?—Yes.

3252. Then I presume they will be put on again?—I doubt it, because the necessity for steamers is very great, unless they make new steamers.

3253. Have you not heard that a company was to be established for putting steamers on the Bramahpootra?—I have not. It would be a great thing if the Government first developed the trade as they did on the Ganges, and then I have not the least doubt, when the trade was opened, after the steamers have run two or three years there would be sufficient trade to occupy a line of steamers.

3254. Do you consider the terms on which the waste lands are allowed to be held in Assam and Cachar sufficiently liberal?—They are very liberal, but they do not suit the circumstances of the country. At the present moment we get grants of land for 15 years, free of revenue; at the end of that period we pay upon three-fourths, the other fourth is allowed to be rent-free for ever, for the purpose of making roads, bridges, building houses, and so forth.

3255. Mr. Villiers.] What is the whole term of years in the original grant?—Ninety-nine years. At the end of 15 years we pay three annas per acre until 25 years, and from the 25th year to the 99th we have to pay six annas an acre; we would rather pay that amount during the first 15 or 20 years than be subject to the assessment afterwards; the planters generally, I think, would prefer that; and it would encourage a great number to invest their capital in land, because then they would become possessed of the land.

3256. Chairman.] What do you consider would be the most satisfactory mode of disposing of waste lands?—It would be in that way. Grants of land held for ever, paying a certain sum yearly for each acre for 20 years, and afterwards that it should be held as fee-simple.

3257. That the freehold should be acquired by the payment of instalments?—Yes.

3258. Mr. A. Mills.] After the expiration of that 20 years you propose that you should have no ground-rent to pay?—No.

3259. Chairman.] Do you consider that if land is not allowed to be purchased by capitalists in that way it would prove detrimental to the interests of the country?—I have not the slightest doubt of it. Tea cultivation is a different thing from ordinary commercial enterprise; it takes five, six, or eight years before you get the full benefit of a tea plantation. If a man wishes to leave the country, according to the present conditions upon which land is held, if the revenue is not paid every year regularly, your land may be put up to auction, and before you hear anything about it the whole thing is disposed of, that is to say if your superintendent is dishonest.

3260. Mr. Villiers.] Do you want that land to be exempt from any charge for revenue after a certain time?—Yes.

3261. So that for ever that land shall be free from any payment to the Government?

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vernment?—Yes. We are not expected to pay much for 35 years; for instance, in the Cachar Company we have 12,000 acres of land; we pay nothing for 15 years, and then we pay four annas an acre per annum, and we pay an increase in the 20th year; so that we pay in the whole 60,000 rupees, or 6,000*l.*, we would rather pay that during the first 20 years; and the interest of that money would be equivalent to what the Government expects at the end of the 99 years.

3262. Do not you expect the proprietors to be exempted from the payment of revenue?—After we have done that, certainly we expect to be exempt from revenue; it is equivalent to what the Government expect; but instead of its being scattered over 99 years, we want it limited to 20 years, so that we may know that our interests are safe in the country.

3263. And your lands are to be free from all taxes necessary for the Government of the country?—Yes.

3264. *Chairman.*] What you want is to possess the land in fee-simple?—Quite so. We have 12,000 acres in the Cachar Company, and we have to work a certain amount of land, but for want of labour it is quite impossible to do it; and if we do not fulfil the conditions of cultivation laid down in the Government regulations we not only forfeit the waste land which is not under cultivation, but every acre of land that we have brought under cultivation, although the fault is not our own.

3265. *Mr. Villiers.*] People do submit to these conditions, I presume?—Yes, from the expectation that the Government will yield.

3266. *Chairman.*] We have had some remarks made as to the communication from Burmah to China; are you aware whether any road is open between China, Burmah, and Assam?—No communication of late years, inasmuch as the Government of the day did not encourage it; but we have the fact that large armies did come across, to the extent of 30,000. In 1819, 30,000 men actually came from Burmah to Assam; so that a communication must have been comparatively easy.

3267. Do you know that country?—I have not been so high up; I am merely speaking from information that I have collected from others.

3268. From that information do you think it possible that a communication could be opened up with China?—The communication between Burmah and China is comparatively easy.

3269. *Mr. De Vere.*] Did that army bring any artillery across?—I believe not.

3270. *Chairman.*] Would that communication be beneficial to that part of India?—Yes.

3271. Do you think it is possible that you would get a supply of labour from China?—Yes, and benefit the country generally. By electric telegraph it would bring China within a few hours of Calcutta, whereas between China and Calcutta, at the present moment, it is a matter of 10 or 12 days.

3272. *Mr. Villiers.*] By sea?—Yes; that is the only mode of communication.

3273. *Chairman.*] How far does the electric telegraph extend in that direction?—It goes as far as Dacca. I believe it is contemplated to Silhet, which is a very few miles from Gowahatty, in Assam.

3274. Should you be satisfied if it were extended to Upper Assam?—Yes, for the present; it would not cost more than 5,000 *l.* or 6,000 *l.*

3275. *Mr. A. Mills.*] With respect to the importation of labour into Cachar, by what route do the emigrants or coolies come that you get into Cachar?—They are brought at our expense; we get them in Calcutta.

3276. Do they come up the Bramahpootrah?—They do not come up the Bramahpootrah; they come up by the Soormah and Barac (the Gauges and the Bramahpootrah join together to form the Magua).

3277. At what cost per head is that emigration conducted?—I should say from about 30 *s.* to 40 *s.* a head.

3278. Am I to understand you to say, in reference to opium cultivation, that you thought it should be absolutely prohibited?—The cultivation of opium, but not the introduction of opium.

3279. You meant to say that it should be prohibited, but you did not mean to say that such a system should be established with regard to the cultivation of opium as that which now exists in Benares and Ghazipoor?—I do not think it should be allowed at all, because, if it is cultivated on their own lands, the children acquire the habit of using it.

3280. Do you think it would be possible or practicable to carry out such a prohibition

prohibition in Assam?—It would be possible to do anything with the Assamese, *J. B. Barry, Esq.* they are such a low race.

3281. Do not you think that such a prohibition would be practically evaded? —I do not think it would be injurious to the people; a few old opium-eaters would die, I dare say. 17 March 1859.

3282. Do you think that, practically, it would be possible, as a matter of Government regulation, to enforce such a prohibition?—I do, because opium cultivation cannot be concealed; you can see a field of poppies for miles off, owing to the vivid colour of the flowers.

3283. Do not you think that such a prohibition would produce disaffection and discontent in the country?—I have no doubt it would do that for a time.

3284. But you think it would not produce such disaffection as would be fatal to our Government?—It might for a short period; we have a naval brigade of European troops to keep them in order; but it would be only of temporary duration.

3285. *Mr. Villiers.*] As far as I understand you, it is not the consumption of opium that you want to prevent, but its cultivation?—Yes, the cultivation.

3286. Do you think that that would stop the consumption to any extent?—It would in a great measure; it would prevent the women and children from getting it to any extent, because the people are too poor to purchase it.

3287. Why do not you wish to stop the consumption?—It would not be possible to stop the introduction of opium from Bengal; it could be smuggled across, and it is as well that the Government should have the benefit of the revenue; the people are so poor, that if they had to buy it, they could not afford to give it to their families. I cannot speak from experience, but I am told by those who are acquainted with the subject, that in China it is not injurious to the adult males; but in a country where it is used universally by men, women, and children, it must have an effect upon the population. If they had to get the Government opium which is now produced in Hindostan, they would have to pay such a large sum for it that they would not be able to supply the women and children with it.

3288. Is it your expectation, that if you were to stop the cultivation of opium, you would set at liberty a considerable amount of labour?—Yes, that is my impression.

3289. You think that it would be advantageous to the tea planters if you could stop the cultivation of opium with that effect?—Yes.

3290. I think you have stated that the province of Cachar is thriving very much?—It is certainly thriving so far as the cultivation of tea goes, but it is very limited.

3291. Are not the companies increasing very rapidly?—They are scattered about.

3292. And increasing rapidly?—Yes.

3293. As far as I understand you, the development of this province is progressing?—It will progress to a certain extent, and then stop, unless labour is thrown into it.

3294. You think that capital is poured into the district faster than labour?—Yes.

3295. Your great want is labour?—Yes.

3296. Are the inhabitants of Cachar the same class of people as the Assamese? —They are a different class.

3297. Are the Assamese entirely Hindoos?—No, there is a great number of Mahommedans.

3298. Are Assamese a peculiar race?—Some are peculiar. There is a great difference of opinion as to where the Assamese came from; some say that the aborigines are of the same class of people as those in the Tenasserim Provinces, and in Siam.

3299. What is their religion?—They are chiefly Hindoos, but there is a large number of Mahommedans in the country.

3300. Then the Hindoos would not lose caste by going to Assam?—No.

3301. Do not you think that they would have less objection to go there than to the West Indian colonies?—They would have less objection.

3302. With the extreme poverty that prevails in some parts of Bengal, seeing that objection with respect to loss of caste does not exist in going to Assam that does in going to the West Indies, do not you think that there is something defective in the arrangements of those who want labour in that province, that they

J. B. Barry, Esq. do not procure them in greater numbers?—A native will not leave his village except under the protection of the sircar or Government, and he will go anywhere with it. The emigration to the Mauritius and the West Indies is under the protection of the Government, and they are induced to go; and I believe that if the Government gave us the same protection that they afford to the Mauritius and the West Indies, we should have no difficulty in getting labour into Cachar and Assam.

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3303. Yet we have not been able to learn from you that the Government has refused the same protection?—I have stated that we have been so recently connected with the emigration of labour that we have only felt it lately. I have not brought the matter before the Government. The Assam Company have, as far as I remember; they have wanted the same arrangement for the importation of labour into Assam as now exists for the West Indian colonies.

3304. You cannot state that that has been refused?—I am not prepared to say that it has.

3305. Am I to understand you to say that the tea grown in Cachar is superior to that which is grown in Assam?—It has been pronounced so in the market, because we have got higher prices.

3306. Have you any account of the exports of tea from Cachar?—The planting only began about three years and a half ago; the produce begins with the fourth year; there is a little more the fifth year, and more still the sixth, and still more the seventh; it is eight years before the tea is fully developed. The quantity sent from Cachar this year has not exceeded 24,000 lbs.

3307. What market are you speaking of?—In the English; none has been sold in the Indian market.

3308. Are there any natives employed in the production of tea in Cachar?—None whatever, so far as I am aware.

3309. Is there a general indisposition on the part of natives to engage in what we call settlement, with a view to develop the products of the country?—Yes; when they require a little capital, if they have to go to native money-lenders to get an advance, when they once get into the hands of those usurers, they never get out of them again.

3310. You think the natives have the money?—Yes.

3311. But are wanting in enterprise for such a purpose?—They are all afraid of their own countrymen.

3312. Colonel *Sykes*.] You state that you are a medical man?—Yes.

3313. Were you educated as a medical man?—I was.

3314. Have you a diploma?—I have, from the London College of Surgeons.

3315. Have you practised in Europe as well as in India?—I left Europe immediately after my examination.

3316. Have you practised in India?—I have, for eight and a half years in the Company's service; the residue of the period in Calcutta, in private practice.

3317. Have you paid great attention to the diseases of the country?—For 15 years I was engaged in that practice.

3318. You have stated that the population of Assam has wasted away from the large consumption of opium by the people?—Yes.

3319. What was the population of Assam when we took possession of it?—It was stated to be very close upon a million.

3320. Do you know it to be so?—I do not think we have the means of ascertaining exactly.

3321. Do you know what the population of Assam is now?—I am sure it is not near a million.

3322. How do you know that it has diminished?—I know it merely from the information that I have obtained from others.

3323. Who has given you that information?—I have already given my author, Mr. Bedford; he has surveyed parts of the country, and he has had occasion to go back to those parts 10, 12, or 15 years afterwards, and he has found many villages that have been decimated.

3324. Did you ever ask the opinion of Colonel Vetch?—I have not.

3325. Are you not aware that Colonel Vetch was 30 years in Assam?—His experience is confined to Upper Assam. I have very seldom met Colonel Vetch, and I do not know his view upon that matter.

3326. In fact, you have no personal knowledge of the absolute diminution of the population?—I have not; I believe it is the opinion, I will not say of every official

official in the province, but of most of the officials in the province, that such is the case. I know nearly all of them personally. *J. B. Barry, Esq.*

3327. You are not aware of any census having been taken in Assam?—They have attempted to take a census. *17 March 1859.*

3328. You know nothing at all about it personally, do you?—I know nothing about it statistically.

3329. You are not acquainted with the absolute fact?—I am acquainted with this fact, that when any epidemic breaks out among the population, it invariably destroys those people who are given to the use of opium. We find a class of people not given to the use of opium, people that we call the Cucharee population, and when an epidemic breaks out, most of those men and their families escape; but amongst the opium-eaters it is impossible to describe it; it is like a murrain amongst cattle. I have been in some four or five epidemics, and I can assure you that it is disheartening to think of it.

3330. You say that you have known cases of the population of villages being decimated from the use of opium; can you point out any of those villages?—I cannot mention the villages; my professional engagements confined me to the hospitals.

3331. *Mr. Villiers.*] I think you were at the head of three hospitals?—The Civil and Military Hospitals, as well as the Poor Pilgrims.

3332. Are there any statistics as to native mortality kept in any of the parts of India with which you are acquainted?—I do not think there are any accurate statistics; every death that takes place is reported to each thannah, that is, every police station; but it is not to be relied upon.

3333. *Colonel Sykes.*] This universal habit of opium-eating must occasion a large amount of consumption?—It does, a large amount.

3334. What is the price of opium in Assam?—I do not know the price of it.

3335. Then you do not know how much it costs each individual for his daily consumption?—I do not.

3336. *Chairman.*] They grow their own opium, you say?—Yes, every house almost has a patch of opium cultivation.

3337. *Colonel Sykes.*] You do not know, therefore, whether the wages of labour would be sufficient to enable the people to purchase opium, and at the same time procure the necessaries of life?—They could not afford to allow the whole of their household opium; they might purchase a little opium for themselves.

3338. What amount of opium would each individual consume to injure his health in this way, including the women and children?—It is impossible to say the amount; they are always under the effects of it.

3339. *Mr. Villiers.*] They exhibit the effects of opium by their peculiar appearance?—They are peculiarly stupid in their look.

3340. Do not they prepare it themselves?—Yes; instead of preparing it as at Benares in the lump, they collect the juice upon cloth and dry it in the sun, as was very correctly described by Colonel Vetch.

3341. *Colonel Sykes.*] The opium is not cultivated surreptitiously, but with the consent of the authorities openly?—Yes; there is no tax upon it whatever.

3342. Do you suppose that Europeans could personally labour in Assam or Cachar?—They could not compete with native labour; they could labour, I have no doubt.

3343. Do you think it would be compatible with their health to labour in the open fields?—The planters and their assistants are exposed from morning to night.

3344. But they do not labour?—They do not labour; they never could compete with the native labour.

3345. You complain that the want of labour in Cachar is a great detriment and injury to the progress of the province?—I have no doubt that it will be; it does not affect it at present.

3346. Do not you suppose that if you were to make it sufficiently worth the while of Bengalese to go into Cachar, that you could get them for four rupees a month instead of three?—I do not think that four would induce them to come more than three.

3347. If you made it worth their while to come to Cachar, would not they rather go there than to the Mauritius over the sea?—I do think they would if the Government gave protection to them.

3348. What has the Government to do with the exportation of coolies?—

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Everything to do with it; the Government sees that the coolies are provided with a certain amount of clothing, food, water of a certain description, and a doctor to attend upon them. Those who are acquainted with the matter know that European emigrants going to our colonies are not protected as the coolies are from Bengal.

3349. Is it not a voluntary arrangement on the part of the coolie whether he will go or not?—In most instances.

3350. Does the Government take any other part whatever than to ensure the health and safety of the coolies, and the fulfilment of the engagement which private parties enter into with them?—That is all.

3351. Could not you do the same thing?—Would they give us the same protection?

3352. What protection is required; have not you the judicial authorities?—Unless it is known to the native population that the Government will protect them, and that they go out under the auspices of the Government to any particular province, they will not go anywhere out of their native village.

3353. Why should they be more protected by the Government in Cachar or Assam or the North-west Provinces, than in any other part of India?—Because they will not leave their native village unless they have the protection of the sircar.

3354. If you give them increased wages, will not they leave their native villages?—I question that, unless they are under the protection of the Government.

3355. How is it that a third of the population of Oude come across the country to Western India and engage themselves as sepoys, and in other ways?—They leave their villages because they have got relations and are induced by them to come; they are so many collectors, as it were.

3356. Do not they leave their villages because it is worth their while?—I cannot say that they would leave their villages, but you cannot compare them with the coolies that go to the colonies.

3357. If labourers were introduced into Assam from other parts of India with the permission of the Government, would the planters of Assam promote the immigration of families or married couples, or do they desire to procure only male labourers?—They want women and children especially; we would not take them unless we had a certain portion of women and children; we want them to settle.

3358. *Mr. Villiers.*] Do not the coolies go to our colonies without women?—There is a certain proportion of women and children; if the Government gave the planters of Cachar and Assam, and those provinces protection, the same that they do to the Mauritius planters, they would be willing to bear the expenses, and have their agents out collecting them.

3359. *Mr. W. Vansittart.*] You have stated that you would at once stop the cultivation of opium in Assam, as is done in some parts of Bengal; will you mention where that is?—The people are not allowed to grow opium excepting under the auspices of the Government; that is my meaning.

3360. Do not you think that the effects of gin-drinking in this country are as prejudicial as the practice of opium-eating in India?—I have no doubt of it; but you must remember that in this country men, women, and children do not universally partake of gin, whereas in Assam they do partake of opium.

3361. How many gin-shops do you suppose there are open in London?—I admit that there are a great number, but the practice of opium-eating in Assam is actually universal; that is the distinction which is to be drawn.

3362. If we abolish the tax on opium, how would you propose to substitute another?—That is a difficult matter; I do not see how it can be done.

3363. Is it between 4,000,000 *l.* and 5,000,000 *l.*?—Yes.

3364. Are not the Assam Company realising large profits at this moment?—No doubt they are.

3365. Is there also a tea company in Cachar?—Several; I have an interest in four different companies.

3366. Are they doing well?—We hope that they will do well; we have hardly got into work, but hitherto every thing has gone on satisfactorily.

3367. *Chairman.*] I understand you to say, that in some parts of Cachar the people do not consume opium?—I am not aware that they consume it at all, except in isolated cases.

3368. Is the practice of opium eating extending itself in Cachar?—I do not think it is.

3369. *Mr.*

3369. Mr. *De Vere*.] If the people in Cachar do not consume opium, that cannot be the difficulty in the procuring of a supply of labour?—No, I ascribe this to civil dissensions. The population of Cachar is increasing.

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3370. *Chairman*.] Have you been employed in the production of caoutchouc?—Yes.

3371. Is it profitable?—Very.

3372. Are there many people engaged in that occupation?—Yes, a very large number.

3373. Is the supply likely to become deficient?—I think it is.

3374. Then it cannot be carried on to any great extent, you think?—No, the trees are limited, and in the back parts of the forest they are inaccessible.

3375. Is it equal to the South American caoutchouc?—It is not.

3376. Then you do not apprehend any very great advantages ultimately from the production of caoutchouc?—It is very limited, only from 30 to 40 tons.

3377. Would any benefit arise from planting trees?—No; they take 30 or 40 years before they are worth anything.

3378. Mr. *W. Vansittart*.] Is not opium-eating rather advantageous to some very old people, and do not they take it medicinally?—With regard to old people, probably it would be injurious to stop it; but as to the middle-aged, and young children, I consider that it would not be injurious. I can speak professionally upon the point, because in the hospitals I invariably stopped the supply of opium, and watched the results; in some very few cases indeed I was compelled to give opium.

3379. You would not stop the opium at once, would you?—I did with the young and middle-aged, without any bad results whatever.

3380. *Chairman*.] Did you allow it to the old people because they had been accustomed to it, or as an indulgence?—Simply as a matter of habit.

3381. Mr. *A. Mills*.] I understand you to say, that in epidemics, of which you have had experience, you found a far greater mortality among those who had been addicted to the consumption of opium than among those who had not?—There can be no doubt upon that matter.

3382. Does your knowledge of India extend beyond Cachar and Assam?—I have been to other parts of India, but I have not been resident there, and any information I could give would only be from hearsay. I am now paying large sums of money into Cachar to carry on my tea cultivation.

3383. *Chairman*.] Do you find it a profitable cultivation?—I have received nothing yet.

3384. Do you think it will be very profitable?—Yes, ultimately.

3385. Mr. *A. Mills*.] Do you think that any considerable degree of the high rate of mortality existing in those parts of India with which you are acquainted is fairly attributable to the climate or to adventitious causes; such as those to which you have alluded, namely, the use of opium and others?—I can account for it in this way; an opium-eater in Assam is usually very poor, because he does not work, and he has not the necessaries of life, so that his system is impoverished, not only by the effects of opium but by the impoverished nature of his food; his food chiefly consists of rice and what he can procure, so that his system is much below par; therefore, when he is attacked by disease he has no vital strength of resistance.

3386. *Chairman*.] Is the duration of life very much shortened by the use of opium?—I have no doubt it is.

3387. From your acquaintance with Assam and the valley of the Brahmapootra, do you know whether there are any prospects of communication with Central Asia?—Unquestionably, we have positive knowledge that in former times a communication did exist between Tibet and Assam, which now I believe is entirely stopped.

3388. Across Bhotan?—Yes.

3389. Not up the Brahmapootra; beyond Sudiya North, the river takes a turn to the left, does not it?—Yes, many pilgrims have come that way even from China.

3390. The river is not navigable, is it?—No, not beyond a certain point.

3391. Still there is a road leading across?—No doubt. We have no means of ascertaining it at this time, but we know that native pilgrims did come that way. There is scarcely any communication yet, but Chinese do come into Assam across the hills. I never heard the way that they came, but I believe there is an easy communication between China, Burmah, and Assam.

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3392. How do you know that they came formerly?—We have it from old records as an historical fact.

3393. *Mr. A. Mills.*] Can you state from your experience how far the high per-centage of European military mortality in India is fairly attributable to intemperance and bad situations of barracks and other causes, irrespective of climate?—I have seen a good deal of soldiers, and I am sure that the mortality is more owing to intemperance and the want of care in housing them, and looking after them for the first two or three years until they get acclimated, than to any other cause.

3394. *Mr. Vansittart.*] Do you propose to stop only the cultivation of opium in Assam, or do you propose to stop the supply and consumption of opium?—I do not think it would be desirable to stop the consumption of opium, but I would stop its cultivation to prevent the possibility of the women and children getting hold of it. The women in Assam are in great subjection to the men, and if the men had to buy opium, they would take care the women did not get any of it.

Lunæ, 21^o die Martii, 1859.

MEMBERS PRESENT :

Mr. Campbell.
Mr. De Vere.
Mr. Ewart.
Mr. Gregson.
Mr. Kinnaird.
Mr. Knight.

Mr. Arthur Mills.
Mr. Richardson.
Mr. John Benjamin Smith.
Colonel Sykes.
Mr. Wm. Vansittart.
Mr. Villiers.

WILLIAM EWART, ESQ., IN THE CHAIR.

Mr. Paterson Saunders, Sen., called in ; and Examined.

*Mr. P. Saunders,
Sen.*

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3395. *Chairman.*] HOW long have you been in India?—I have been 22 years in India.

3396. In what capacity?—As an indigo planter principally.

3397. In what parts of India have you been?—I have resided in the North West Provinces. I have been to Kumaon, Dherra Doon, and Mussoorie. I have travelled through Bengal, through Assam, across the Cossya Hills to Silhet. I have travelled through Rohilcund also ; and from Bombay to Agra on horseback.

3398. How long have you been in each of those different parts of India?—I was about 12 years in the north-west, a year in Assam and Silhet, three years in Calcutta, and the rest of the time I was absent in England and Australia.

3399. Are you going back to India?—I hope not.

3400. Have you any interest in India?—None whatever at present.

3401. How far have you travelled in Assam?—I have been as high up as Debrooghur, the last place to which steamers go.

3402. Have you visited any of the tea gardens there?—I have, many of them.

3403. What is your opinion of tea-growing in Assam as a speculation, did you go thither with any object of your own?—I went there with the object of seeing the tea plantations, and of taking a grant of land for myself and friends ; I saw the tea plantations at Gowahatty and at Debrooghur.

3404. What opinion did you form of them?—They are generally the finest I have ever seen.

3405. What is there peculiar in the tea plant, and in the manufacture of tea in Assam ; it is different from the Chinese plant, for instance, is it not?—It is different from the China plant, but it is a very fine plant, and produces very excellent tea.

3406. *Mr. Campbell.*] Is it different from the plant which is grown in the other tea plantations of India?—Yes, there are two kinds in Assam ; one they call the Assam plant, and the other the China plant.

3407. *Chairman.*] Are you familiar with the mode of manufacture?—Yes ; the tea

tea is picked and brought into the tea barns, where it is dried and toasted, manipulated, separated, and packed. Mr. P. Saunders,
Sen.

3408. What is the nature of the soil which is suitable for the cultivation of tea? — The soil of Assam is a light and highly siliceous soil; it was analysed by Mr. Piddington, and found to contain almost the same elements as the China tea soils. Mr. Piddington observes, "The two peculiarities in these soils" (that is, the Assam and China) "are, first, that they contain no carbonate of lime, and only traces of phosphate and sulphate; and, in the next place, the iron is almost wholly in the state of carbonate of iron. It is a striking coincidence that we should find our tea soils, and those of China, so exactly alike."

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3409. Mr. *John Benjamin Smith*.] What is the analysis of the Assam soil? — It contains of water, 2.45; vegetable matter, 1; carbonate of iron, 7.40; alumina, 3.50; silex, 85.40.

3410. *Chairman*.] Are the siliceous ingredients to that great extent common to both the Chinese and the Assam soils? — Yes; they are common to both soils.

3411. Is there iron in both soils? — Yes. If you will allow me, I will read the analysis of the Chinese soil: "The tea soil contains of water, 3; vegetable matter, 1; carbonate of iron, 9.90; alumina, 9.10; and silex, 76."

3412. Mr. *Gregson*.] In what part of China was that analysis taken? — Mr. Piddington had some soil sent to him from the Chinese territory, and he analysed the two together.

3413. *Chairman*.] Can land be obtained in Assam to a great extent for the cultivation of tea? — To a very great extent; the whole of the country from Gowahatty to Debrooghur, through Nowgong, contains immense quantities of waste lands, which are admirably adapted for tea cultivation; indeed, as high as the Bramakoond.

3414. Are you acquainted with Cachar? — I have not been to Cachar; I have been to Silhet, which is in the same valley of the Soorina, and tea is grown there very well indeed.

3415. Do you agree with the other witnesses in the statements they have made with respect to the tenure on which lands are held from the Government? — Yes.

3416. Do you find that there exists any difficulty in obtaining title-deeds to the lands? — It is necessary to apply to the Board of Revenue at Calcutta, and the papers are detained for a very long time before the grants are sanctioned. That is the only drawback that I find, the time lost in obtaining the pottahs.

3417. Do you think it would be advantageous if there were some local authorities from whom you could get the title-deeds? — Yes, most clearly. The local authorities give a report to the Board of Revenue, and they ought to have the power of giving grants to the proper parties also.

3418. Do not the Board of Revenue depend a good deal upon the information which they receive from the local authorities? — Yes, entirely, they have no mode of checking it. The grievance is, that the papers lie for such a length of time that months pass away before you can get a pottah of the land.

3419. Mr. *Campbell*.] Will you explain the course which a settler who goes to Assam must take to obtain land, before he gets possession of his land, and subsequently gets his title? — He first goes to the forest waste land, and examines it; he must survey it; he must make a ditch round it; and having done so, and stated the number of acres, and so forth, he sends his application in to the local officer. The local officer approves of it, and then sends it down to the Board of Revenue at Calcutta. There after a long delay the grant is sanctioned, and the pottahs are given by the local authorities.

3420. What time is occupied in that process? — I applied for a grant of land in Assam in the beginning of 1857, and I did not obtain the sanction of the Board of Revenue for a whole year.

3421. Is there anything to prevent that grant being made in a few months? — Nothing; because the Board of Revenue have no further information than that which is furnished to them by the local officers.

3422. *Chairman*.] Do you agree with the former witnesses in preferring that the land should be held in fee simple? — Clearly.

3423. Do you think that some local authorities might be established, who could give a title to the land in that case as well as in the other? — Yes, at once.

3424. Do you know anything of the caoutchouc forests, to which allusion has been made? — I know that they are very extensive in Assam, and that the caoutchouc produced from them is the very finest quality that comes to the London market.

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3425. Then you do not agree with a former witness, who has stated that it was inferior to the South American caoutchouc?—I have not heard it so stated.

3426. Do you know what price Assam caoutchouc fetches in this market compared with the price realised by the caoutchouc from the interior of South America?—I do not know the price of South American caoutchouc.

3427. What are the other vegetable products of Assam?—The trees are principally the cane, rattans, bamboo, mango, an immense variety of gum trees, and the finest fern trees in the world, perhaps from 20 to 30 feet high.

3428. Do you agree with a former witness in considering Assam a healthy country?—I think it is a very healthy country.

3429. You have heard something of the want of labour in Assam, have you not?—Yes; labour at present is not abundant.

3430. What means do you think might be adopted for obtaining a supply of labour?—I think there would be no difficulty in obtaining the labour of the Doongur and Santal tribes, and other coolies that now go from Bengal to the Mauritius and elsewhere, if they were properly paid.

3431. Do you think that the tea planters have the means of sufficiently paying the coolies?—I do think so. The profits on tea-planting are so very large that they can well afford to pay properly for labour.

3432. How does it arise that they have not contrived to get labour already; the Assam Tea Company have made great efforts; are you aware whether those efforts have succeeded?—I have heard complaints made of the want of labour, but it does not appear to affect their operations in the slightest degree. I established a tea plantation in Silhet, and I found that I could obtain 400 or 500 men from the Hills, from the Jynteea and Cossya Hills. They had no objection to come and work at the tea plantations; and I see no reason why the Hill men on the Assam side should not do the same.

3433. Mr. Campbell.] What wages did you pay those men?—They were paid four rupees a month; that was the highest I paid.

3434. Chairman.] Could four rupees a month be at all compared with the wages which the coolies receive for going to the Mauritius?—Certainly not.

3435. Can you expect to get an abundant supply of labour until you pay as high as the Mauritius or the West Indies?—No.

3436. Mr. A. Mills.] Where do the coolies come from principally that emigrate to the Mauritius?—A great many come from the Hill country in the neighbourhood of the Santal Hills, and the Doongurs, as they are called.

3437. Is there any organised machinery employed to bring these coolies down to Calcutta, to be sent to the Mauritius and West India Islands?—No, they come down of themselves to the agent at Calcutta, and he takes care to attend to their interests when they are shipped to the Mauritius and elsewhere.

3438. Chairman.] In what other parts of India is there such a superabundance of labour as would induce the people to emigrate if higher terms were offered to them in the way of wages?—In all parts of India there is a great deal of cheap labour. In the North West Provinces and in all Bengal, labour is very abundant.

3439. Do you think, therefore, that by increasing the communication in the different parts of India, that a great advantage would be given by equalising the price of labour?—Most decidedly, and the only part of India I have heard of where labour is not abundant is Assam.

3440. Do not the Madras labourers go across to Tennasserim?—Yes, and Ceylon.

3441. Do labourers also go from Travancore to Ceylon?—I have heard so.

3442. Have you been on all the hills which divide Assam from Silhet and Cachar?—I travelled across the Cossya Hills from Gowhaty to Cherrapoonjee and Silhet.

3443. Is not Cherrapoonjee the rainiest place in the world?—Yes.

3444. How many inches of rainfall are there?—Sometimes as much as 650 inches of rainfall in the twelve months; it is only on the north side of the hills where the rain is so abundant; the hills on that side rise up from the plains like a wall, and the clouds coming up from Bengal break upon them and pour their waters upon the whole range.

3445. Do these hills intercept the monsoon?—Completely.

3446. In the same way, I suppose, as the Mahabuleswar Hills do on the coast of Bombay?—Exactly; in the interior, I have heard that at Nunglow and Meyrung

Meyrung the rain is not one-third of the amount which you get, away from the front of the hills.

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3447. From your knowledge, does that long continuance of rain render the country very unhealthy?—I have not been there during the rains.

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3448. What are the productions of those hills?—At present they are very little cultivated, but wherever the villagers cultivate potatoes and other things, they grow well and in great abundance; those hills supply the towns of Silhet and Assam with potatoes.

3449. Mr. Campbell.] Does rice grow there?—No, not on the hills.

3450. Chairman.] Is the soil of the hills light and dry?—Yes.

3451. The soil is not very productive, is it, on those hills?—It is thinly peopled.

3452. Is it moor land?—It is a good deal covered with ferns, and there are a great many fir trees.

3453. Mr. Campbell.] I presume no artificial or other manures are used to strengthen the soil?—None whatever; they use no manures.

3454. Does the fern tree grow on the hills?—Not the fern tree, but, some common ferns.

3455. I suppose, where the fern tree grows you have generally a moist soil?—Yes, rather a moist soil.

3456. What is the height and breadth of the Cossya Hills?—Their height is generally from 3,000 to 4,000 feet, and they are about 70 miles broad.

3457. Do you agree with the other witnesses as to the suitability of the climate of the Cossya Hills for Europeans?—I think so; I think it is as fine a climate on the Cossya Hills as I have ever seen.

3458. Do you think that Europeans could attend to their tea gardens at Assam and Silhet, and reside on those hills?—Yes, in the same way as they do at Mussorrie, superintending planting on the Doon.

3459. Do you know anything of the tea gardens at Silhet?—Yes, I established a tea garden there in 1857, and the tea has flourished extremely well: it is now a very valuable property.

3460. Are you aware of the difference in quality between the tea produced in Assam, the tea produced in Silhet, and the tea produced in Cachar; is the Silhet tea as good as Assam tea?—The first tea garden was established by me at Silhet, in 1857, and although the trees are extremely healthy, they have not yet been picked; they will be this year; some small samples have been collected, showing that the tea is of very good quality, but the owners have not had time to collect any great quantity.

3461. Is there not reason to suppose that tea may be planted along the range of the Himalayas generally, since the cultivation of tea, so far as it has gone, seems to thrive very well?—The tea thrives very well from the Brahmakoond up to the highest point of the Punjab, along the whole range of the Himalayas. At Darjeeling it grows very well; then we have a break at Nepal, where we know nothing about it.

3462. May not the culture of tea be the means of producing commercial interchange between the inhabitants of Nepal and Europeans, at some future time?—Yes.

3463. I believe tea grows well at Kumaon?—Yes.

3464. Mr. Gregson.] Can you give the latitude and longitude of the district which you say is suited to the cultivation of tea?—From the 25th to the 30th degree of latitude, and from the 70th to the 95th degree of longitude. If the Committee will permit me, I will read a short extract from a letter addressed by Dr. Jameson, the superintendent of the botanical tea gardens, to the Government of Agra. This letter, which is dated the 17th March 1857, was sent to the Government, and the Lieutenant-governor permitted me to take a copy; it was just before the commencement of the mutinies. "The tea plant is now thriving well from Hazarah in the Sind Saugur Doab of the Punjab, to the Kalee River, the eastern boundary of the British province of Kumaon in the Himalayas, or over five degrees of latitude, and eight degrees of longitude." It is to be observed that Dr. Jameson halts at Kumaon, but we know it again further on; we commence at Darjeeling, and with an interruption at Darjeeling up through Assam as far as the Bramakoond, it has been stated, "That were natives generally to become tea-drinkers, the quantity of tea produced by all the available land in Kumaon, Gurhwal, Deyrah Doon, and the Kohistan of the Punjab, and other mountainous districts joining the northern boundary of the British Empire, would

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not form an infinitesimal part of the demand. I have made a rough calculation, and by it it appears that the Kaugra valley is capable of producing teas to the extent of 3,000,000 lbs.; the Deyrah Doon, 10,000,000 lbs.; Western Ghur Wal, 18,000,000 lbs.; Eastern Ghur Wal, 18,000,000 lbs.; Kumaon, 35,000,000 lbs.; Koolaos, and Jansar Parun, 4,500,000 lbs.; and these results might be brought about without greatly interfering with the cultivation of other crops."

3465. Do you know anything of the Assam Tea Company?—I know it is a highly prosperous company, paying very excellent dividends.

3466. Mr. Campbell.] The evidence you have now given is with respect to the North Western Provinces?—Yes, from the Punjaub to the extreme eastern boundary of Kumaon.

3467. You have been in the Deyrah Doon, I think?—I have; I visited the tea gardens both of the Government and Colonel Elwall. The tea there is very good indeed, but the cultivation is more expensive; for they are required both to manure and irrigate the land there, which is not the case in Assam or Silhet.

3468. You saw the Government tea gardens, I suppose, in the north-west of India?—At Deyrah.

3469. In what state were the Government tea gardens in comparison with those belonging to independent settlers?—The gardens were very much neglected indeed. The officer who accompanied me informed me that it was the best shooting-ground in the country for quails, in consequence of the immense quantity of grass; that almost smothered the tea plant, while those of Colonel Elwall were in excellent condition.

3470. Are the same terms allowed by the Government for all tea gardens as are prescribed for those in Assam?—No; they are not quite the same in the Doon. In the Assam grants they are not restricted to a number of acres; in Kumaon they are restricted to 2,000 acres, and I believe it is the same in the Doon.

3471. The general nature of the grant is the same, is it not?—Yes.

3472. The lands are granted for a certain number of years without paying rent, and a certain extent of land in fee-simple, is it not?—Yes; in the Fourth Report of your Committee, Mr. Schlagintweit has given you the exact terms of the tenure and grants of land in Kumaon and elsewhere.

3473. Did you read the Report of the Committee in India?—Yes.

3474. What was the effect of the evidence reported by the Committee in India?—It created the very greatest interest, and we all looked upon it that the labours of this Committee would contribute to make the country very much known, and lead to a great influx of Europeans and British capital.

3475. That you consider essential to the development of the resources of India, the material prosperity of India and its people?—Yes, completely.

3476. Chairman.] Have you been in Australia?—I have.

3477. What is your opinion of India as a country for English settlers compared with Australia?—I think India much preferable. The climate, in my opinion, is quite as good, labour is cheap and abundant, and I think that the prospects of a settler in India now under the British Government are better than the prospects of a settler in Australia.

3478. Do not you think the Australian settler has the advantage of having his land his own?—No doubt he has the advantage of having the fee-simple of his land; but he has to contend with the want of labour, or very high-priced labour; and the climate is extremely hot in the summer, and very cold and wet in the winter.

3479. Do you think that European settlers were duly encouraged under the government of the late East India Company?—Certainly not. From the same letter I will read upon that subject what Dr. Jameson says. Captain Ramsay, the Commissioner of Kumaon, had expressed his surprise to the Government that more Europeans had not availed themselves of the liberal terms of the grant; in reply Dr. Jameson says, "Captain Ramsay is surprised that more tea planters have not yet come forward to take up the cultivation since the publication of the highly liberal Government notification regarding land. I am not; because, when it is considered that Kumaon and Ghur Wal have been a British province since 1815, and that it is still covered with dense virgin forests, and that wild animals have in many places usurped the place of man; that roads were unknown, barring the central or main road, and that Europeans desirous of settling and cultivating lands were always discouraged, and received no countenance until lately